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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE—Thursday, December 15, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Merciful God, creator of humanity, You are the father of all. Equip our lawmakers for today's tasks. Give them wisdom and understanding so that their priorities will reflect Your purposes. Give them patience and skill so that their words will have persuasive power. Give them respect and civility so that Your presence will be felt in this Chamber.

We thank You for Your presence in our world and for the official cessation of hostilities in one area of our planet. Guided by Your presence, put into the hearts of our lawmakers Your concern for the lost, the lonely, and the least in our Nation and world.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 15, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. TOM UDALL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Following leader remarks, we will be in a period of morning business for 1 hour. The Republicans will control the first half and the majority will control the final half.

Following morning business, the Senate will be in executive session, as the order of last night indicates, to consider the nomination of Morgan Christen of Alaska to be a U.S. circuit judge for the Ninth Circuit. There will be 30 minutes of debate on that nomination. At a time to be determined later today, there will be a vote on confirmation of that nomination.

We are almost certain we are going to consider today the Department of Defense authorization conference report. The issue is how much time people may need, but I think we can work that out very quickly.

### RESOLVING THE ISSUES

Mr. REID. Mr. President, the Republican leader and I have done enough back and forth, staking out our positions, and our positions are fairly clear to the American people. What we are going to try to do during the next few hours is work toward resolving some of the outstanding issues.

I just had a very comfortable conversation with Senator INOUE and his Appropriations chief of staff Charlie Houy, along with my chief of staff David Krone, and I think we have made pretty clear the issues that relate to the omnibus. I think, according to Senator INOUE, those issues should be resolvable. We have a few issues that are still outstanding, but they are small in number.

The House is suggesting moving forward on an individual bill. I think that would be a mistake. I think what we should do is the conference report, and I think that is the direction we are headed. There are a couple of issues we have to still work out with the White House, but I am in touch with them also.

On the payroll tax and unemployment tax extenders and SGR, the Republican leader and I have been in discussion on that issue. We hope we can come up with something that would get us out of here at a reasonable time in the next few days.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### RESOLVING THE ISSUES

Mr. MCCONNELL. Mr. President, I might just echo the remarks of the majority leader. We have been in useful discussions about how to wrap up the session. He has covered the two major issues that remain. We hope to be able to pass a combination of appropriations bills, and we are working hard to figure out a way to resolve the remaining differences on the payroll tax extension and the related issues that are important to both sides. We are confident and optimistic we will be able to resolve both on a bipartisan basis.

Mr. REID. Would the Chair announce the business of the day.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10

minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, are we in a quorum call?

The ACTING PRESIDENT pro tempore. The Senate is currently in session.

#### A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the Senate floor today, as I have just about every week since the health care law was passed, to give a doctor's second opinion about the health care law. I do that because I practice medicine in Casper, WY, as an orthopedic surgeon, taking care of families from all across our State, and I have significant concerns about the health care law as it was passed, the way it was passed, and what was included in the law.

So I come to the floor today because the American people continue to see one news story after another uncovering another error in the health care law, another mistake in the health care law, another glitch in the health care law. Call it what you will, we continue to see more of the health care law's unintended consequences—something that those who voted for it didn't foresee as happening—and we are also seeing another one of the President's broken promises.

I come to share with the American people concerns I have as more and more of these things come forward because hard-working individuals and families all across the Nation realize this health care law was not passed for someone such as them. What people asked for, the reason we went through the discussion and the debate had to do with the fact that people wanted the care they need, from the doctor they want, at a cost they can afford.

When I say people all across the country realize the health care law was not passed for someone such as them, and it was passed for someone else, that is the reason I come to the floor to talk specifically about something called the Early Retiree Reinsurance Program, which is part of the health care law.

On Friday, December 9—1 week ago—the Department of Health and Human Services announced its plan to shut down the Early Retiree Reinsurance Program at the end of this month—shut it down.

Remember, President Obama and Washington Democrats touted their early retiree program. They touted that as one of the health care law's early—they called it an early deliverable, something that would be there immediately. The health care law's supporters said this early retiree pro-

gram would act, they said, as a bridge. They said the program would help employers maintain health insurance coverage for retirees over the age of 55 but not yet eligible for Medicare. They said this program would help people keep their insurance plan until the new health insurance exchanges were up and running in 2014.

It is only 2011 now, and they are trying to talk about a bridge to 2014. It quickly became clear the program was intended to be a bailout—a bailout—for companies with a large number of union employees.

On October 31 of this year—Halloween day—the senior Senator from my home State of Wyoming, the ranking member of the Senate Health, Education, Labor, and Pensions Committee, MIKE ENZI, released a report. That Halloween day report is a report the Senator asked for. It was a report he asked the Government Accountability Office to conduct, specifically looking into the early retiree program's implementation.

This is why the report is so scary: The GAO, the Government Accountability Office, said through the end of September of 2011, the administration had already spent more than half the \$5 billion allocation—more than half already spent by September of 2011.

Let's fast forward to December 14, 2011. We are talking about yesterday. The House Energy and Commerce Committee released updated information about the early retiree program's spending. As of last Friday, December 9, 2011, the Obama administration—the people in charge of this bill, the people who wanted it, passed it, said it would work—said: Oh, we have now spent over \$4.5 billion of the \$5 billion budget—91 percent of the total early retiree program budget. It was supposed to last through 2014, and 91 percent of it is gone. The budget should have lasted 1,300 days. Instead, this administration drained the money—taxpayers' money, hard-earned dollars—in just 579 days.

The early retiree program has run out of money so fast that it is going to be forced to close 2 years early. The administration has said it is no longer going to pay out claims submitted after December 31 of this year.

The health care law's supporters promised the early retiree program would stay in place through January 1st of 2014. What we have is another broken promise. Just a little over a month after the GAO report was released, we are now finding out this administration spent more than \$4.5 billion of the total \$5 billion allocation that was supposed to last until 2014.

How did this administration—one that claims to be fiscally responsible, one that claims to be accountable, one that claims to be open—how did this administration allow this program to run out of money years ahead of schedule? It went broke because certain cor-

porations and union-affiliated organizations rushed to grab a taxpayer bailout.

It is astonishing that the health care law's supporters forced the American taxpayers to foot the bill to keep private companies' and unions' health insurance benefit promises to their workers. Most Americans would be shocked and outraged to learn the administration did not even require companies to disclose their earnings in order to get the early retiree program funding.

Let me repeat that. The Department of Health and Human Services chose to not mandate that employers prove—prove—they needed funding from the early retiree program before approving the applications and then sending them—those corporations and those union plans—taxpayer dollars. The Department of Health and Human Services said: No. Here is your money.

News reports indicate small businesses asked the administration to set up a review process to stop government entities and unions from consuming all this early retiree program money. According to the GAO report, the administration refused. They decided to distribute early retiree subsidies on a first come, first served basis.

The GAO findings and the House Energy and Commerce Committee report suggest the Obama administration used the Early Retiree Reinsurance Program to reward its political allies. These two reports suggest this administration did so by directing most of the program's resources to plans serving unionized auto and government workers.

This is based on the administration's own data: Based on the administration's data, nearly half of the entire \$5 billion program will be spent on just 20 entities. It is fascinating that the most money of all—the most money of all—went to the United Auto Workers Retiree Medical Benefits Trust. So how much did the United Auto Workers need? They took over \$387 million.

Administration officials said the reason they are giving away the taxpayers' money so fast is because the program is so popular. Spending money fast does not mean this government and this administration is spending taxpayer dollars wisely.

Similar to so many parts of the health care law, the early retiree program just throws money at a problem rather than trying to fix it. We could have worked together in Congress. We could have worked together to help our Nation's early retirees have better access to health insurance. We could have done it by enacting meaningful health care reform—health care reform that actually lowers the cost of medical care.

Remember, that is what the President promised. That is what he promised in a joint session of Congress. He stood there, and he said under his plan

the cost of health insurance would actually go down. He used the term "about \$2,500 per family per year." That is what he promised; that the cost of health insurance for American families would go down by \$2,500 a year.

What are families at home seeing? They continue to see the cost of their health insurance go up—and go up a lot. The President and Washington Democrats squandered their chance to enact real health care reform, and they did that the moment they decided to ram a very partisan health care law through Congress and ignore the cries of the American people—people at home who said: Stop. Do not do this.

Now the American people are seeing, once again, the consequences of those actions by this President and the Democratically controlled Congress, seeing that the consequences are ones they, the American people, continue to have to pay for.

It is time to repeal the President's health care law. We need to get back to patient-centered care, the care people need, from the doctor they want, at a cost they can afford.

At this point, I continue to come to the floor because I continue to believe this health care law is bad for patients, it is bad for providers—the nurses and doctors who take care of those patients—and it is terrible for the American taxpayers. That is why, as I go home every weekend and talk to people around my home State, they say: This was not passed for me. This was a law passed for somebody else. It is why seniors on Medicare know \$500 billion under the health care law was taken from Medicare, not to save Medicare but to start a whole new government program for other people. It is why the popularity of this health care law actually continues to go down—and it is less popular today than it was the day it was passed.

It is time to repeal the President's health care law and replace it with health care proposals to help Americans get the care they need, from the doctor they want, at a cost they can afford.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PAYROLL TAX CUT EXTENSION

Mr. CASEY. Mr. President, I rise this morning to talk about an issue that the American people expect us to take action on, and that is to provide another extension of the payroll tax cut we put into place in 2010.

I want to provide a little bit of background by way of recent history. We started this debate a number of weeks ago when I proposed legislation which would do the following—this is a brief summary. But here is what I proposed: that we would not only continue the payroll tax cut for workers, but that we would enlarge it, make it a bigger cut. So instead of having the payroll tax cut for employees across the country that would amount to \$1,000, as we did last year—that was the right thing to do last year as part of the larger bill—I thought we should go further and cut the payroll tax in half for workers across America.

What we are talking about here is 160 million American workers. This is not some small matter. This is a major issue for the American people and for those 160 million families in America. That is what I proposed on the employee side; instead of cutting it to the level we did last year, we cut it even more—cut it in half.

Then I added to that a provision for business so that you would have businesses across the United States, 98 percent of them, also get their payroll taxes cut in half as well. So you have employees and employers getting a cut of their payroll tax obligations in half. I added a third element, which would be a credit, so that if you are a business and you add to your payroll, meaning you hire someone, you increase wages, you somehow increase your payroll, you could get not just a cut in your payroll tax as applies to those new employees or wages, you would have a full cut. In other words, you would pay zero, zero payroll tax if you added to your bottom line.

What you have here is three elements in legislation that would not only help 160 million workers but would help most of the businesses in America. I put into the legislation a provision that says if we are going to do all of this, we need to pay for it. We had a full series of ways to pay for it. One of those was, of course, the provision of the surtax on individuals with incomes above—the key word is "above"—\$1 million. So if you are making \$1 million, that entire million dollars was tax free; not a dime of surtax until you went above it. We had it at 2.2 percent. We had a vote on it. It was rejected by the other side. I said: Well, okay, let's come together. We will work with the other side, our leadership, and take into consideration some of the concerns the other side raised, trying to be reasonable, trying to compromise and come together.

What we did is we reduced the surtax substantially to 1.9 percent, a big cut, a big reduction in the level of the surtax. As I said, I wanted to have a payroll tax cut for businesses across America. The other side did not want that, for whatever reason. The other side did not want to cut payroll taxes for busi-

ness. I do not understand that, but that is what they wanted. They wanted that out of the bill. So that was out of the bill. The surtax was reduced. We are at the point where we are talking mostly about expanding and extending—I should say extending first, extending and hopefully expanding the payroll tax cut that we put in place last year for workers, 160 million workers, and as we cut it in half, \$1,500 in the take-home pay of workers, \$1,500 in your pocket, so you would not have, absent this action, as last year, \$1,000 dollars in your pocket in take-home pay, because of the action we took last year.

Here we are now, all of these days later, several weeks now of debating this issue. For whatever reason, the other side does not want to have a vote on a measure the House passed. I do not understand that. I realize the votes are not there, but I think it is very important that we move forward and come to an agreement on a very fundamental issue for the American people.

They know, as well as everyone here knows, this is not in dispute, it is a fact, that if we pass a payroll tax cut for 160 million Americans, the impact on the economy will be seismic, substantial—you can pick your word—it will have a huge positive impact on our economy.

The corollary to that is if we do not do this, it will have a very adverse, negative impact on gross domestic product and on jobs. So if you want to reduce the number of jobs created in America in 2012—I do not know anyone who wants to do that, but if that is what you want to do, not taking action is a way to do that.

We hear phrases in Washington all of the time: Job killer. Not passing a payroll tax cut extension for 160 million Americans is a job killer, without a doubt.

Anyone who is credible in this town knows that. This is something the American people want us to do. They are tired of the finger-pointing and whining and the politics of Washington. They want us to get this done. We should get it done—if we are doing the right thing—today or tomorrow, but we have some people who are playing games.

I hope our friends on the other side of the aisle, who talk a lot about tax cuts and a lot about helping folks through this recession, will vote with us to cut the payroll tax and end this long debate that doesn't make much sense. We have a lot of other issues to debate, but this should not be one of them because we have been working on this for weeks.

The American people understand what this is about. This is about take-home pay. This isn't a complicated issue. We are either going to put more money in their pockets or we are not. It is very simple. We believe, on this

side of the aisle—and I think the overwhelming majority of Americans believe this—that if workers have more take-home pay in their pockets, the impact on the economy will be very positive.

We had Mark Zandi do some analysis. He is a great economist who has provided data and information for people on both sides of the aisle for a long time. He is a very credible, capable economist. Our staff asked him to look at the impact just on Pennsylvania—just one State but a big State, and I think it is reflective of the country in a lot of ways. The basic analysis was, if we don't pass the payroll tax cut for workers, what happens in Pennsylvania? The impact in 2012 would be a loss of just shy of 20,000 jobs, roughly 19,500 jobs. This is in a State where we need to create a lot more jobs. But we know that in 2011—the year is not over—the most recent number of jobs added in Pennsylvania in the last year was over 50,000. I believe we can come to a number like that in 2012.

If we don't pass the payroll tax cut for those 160 million workers, in a State such as Pennsylvania the effect is that we lose 20,000 jobs. You can do the math and extrapolate from that to indicate what would happen to the country. So in a State where we had a net gain of more than 50,000 jobs last year, we are talking about not putting in place a tax cut policy, and that would cut that job gain a little less than half. So instead of creating 50,000 jobs, you would create 40 percent less. That doesn't make any sense under anyone's analysis about what we should be doing.

It is critically important that we take steps in the next few days—I hope in the next few hours—to finally pass a payroll tax cut and to also make sure we don't harm the economy as well by failing to take action on unemployment insurance. Again, unemployment insurance is not just for that worker and his or her family to get back on their feet after they lost their job through no fault of their own, it also has a positive impact on the economy. You spend a buck on unemployment insurance, and you get back almost two bucks—\$1.90. Whether it is \$1.50 or \$1.90, we know that if you spend a dollar, all of us get in return something much more substantial than that dollar we put in.

We need to do both of these things, take both of these actions for the larger economy. This isn't about one group benefiting and another group not. Both of these actions—reducing the payroll tax for workers and unemployment insurance—will have a substantial impact on everybody. It will help the economy for the American people.

In the payroll tax cut, there is a particular significant group of Americans who would be most positively impacted; that is, those 160 million Amer-

ican workers. I believe most folks out there who are in the holiday shopping season—maybe they are finished shopping or maybe they are still making purchases—would like the peace of mind to know they can spend a little extra for that gift for a loved one, and maybe they can have a little more peace of mind knowing that the economy is still in difficult shape but that their own lives—and so many people are leading lives of struggle and sacrifice and anxiety about the future. But this is one step we can take—passing the payroll tax cut—that would give them some peace of mind that moving into 2012 they will have more dollars in their pockets. I hope it will be \$1,500, but at least we should do what we did last year and make sure those 160 million workers in America have as much as \$1,000, on average, in their pockets. That would be good for that worker and his or her family, the community, and all of us because it would help kick-start, jump-start economic growth and job creation when we badly need that in the midst of a still very difficult recession.

Mr. President, we are going to keep on this, keep pushing, and keep making sure the American people know what is at stake. For those 160 million Americans who are waiting for us to take action, as well as what is at stake for the larger economy, if we do this—pass the payroll tax cut—and if we do the right thing on extending unemployment insurance, we can move into 2012 with some confidence, while being aware it is still difficult, that the economy will grow a little more, jobs will be created at a higher rate, and we can have some confidence that we can end 2012 with a stronger economy than we had at the end of this year.

I hope our friends will come across the aisle, so to speak, and work with us to get this done because the American people are tired of the politics and the fighting. They want us to come together on a new payroll tax cut for 2012. We can do it, they support it, and we should get this done.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### TAX CUTS AND UNEMPLOYMENT

Mr. DURBIN. Mr. President, we are all in the holiday spirit, at least partially, knowing that our families and the people we love are waiting for us back home and around the country to celebrate this once-a-year holiday oc-

currence. But we know we can't leave. We can't leave Washington until we get our job done.

The job we have to do is to be mindful of important measures that need to be enacted into law before any of us can leave this town with a clear conscience. One is the payroll tax. Currently, those working—160 million Americans—get a 2-percent reduction in the payroll tax every pay period. For the average family in Illinois—making about \$53,000 a year—the amount that payroll tax deduction has been calculated to be is somewhere in the range of \$1,000 a year. Now, that means about \$100 a month for families who are working and enjoying this payroll tax cut.

I know what is happening with that money. It is being spent, and spent quickly, by many working families who have a job but are struggling from paycheck to paycheck. If gasoline prices go up, if utility bills are higher than expected, then the amount they thought they had put away as a reserve quickly vanishes. Particularly at the holiday season, when kids need warm clothes, when they need to keep the house warm for the family, and they are trying to put a few things under the Christmas tree, that \$100 is more than just a small amount. It could mean a lot to a family, and it is going to expire. On January 1 it goes away.

As of January 1, these working families will see their paychecks reduced by about \$100 a month, on average. Now, Members of Congress—Members of the Senate—may not feel that, but a lot of working families will. We cannot leave Washington in good conscience without extending the payroll tax cut.

President Obama has been talking about this for 3 months. He has taken his case to the American people—first to Congress then to the American people. He has gone from State to State, community to community, and identified what this payroll tax cut means to individual families. Then he has spoken to America and said it is more than just being compassionate to those who are struggling, it is an important part of restoring economic growth in America. Money that is given in payroll tax cuts to working families is spent and respend in salaries for those who work at the shops and businesses that provide goods and services where working families do their work.

So the payroll tax cut is more than helpful to individual families; it is good for the overall economy to reduce our unemployment. That is why we cannot leave without enacting it. We have come up with what I consider to be a responsible, thoughtful way to pay for it. We impose a surtax on those making over \$1 million a year, but we exempt the first \$1 million in income they receive.

So if a person is being paid \$20,000 a week—that is what a millionaire would



make each year—their taxes don't go up. But for the next \$1 million they make, there is a surtax of a few percentage points. I think that is reasonable. I think people who are comfortable and well off and, frankly, lucky to be living in this country should be willing to sacrifice a little to help working families.

We could only find one Republican Senator who would join us in this effort to put a higher tax on the wealthiest in America to help working families across America—only one. We need more. It takes 60 votes in the Senate. We have a nominal majority in the Senate on the Democratic side with 53, but it takes 60 to do anything of great controversy, and this is one that is controversial. We could only get Senator COLLINS of Maine who would step over and join us in this bipartisan effort. We are searching for other ways to do this, with the understanding that it has to be done. The payroll tax cut has to be done.

But let me say there is another part to this that I think is equally important; that is, maintaining unemployment benefits for the millions across America who are out of work. This recession has gone on for a long period of time. People are unemployed for longer periods than they ever imagined. In fact, there are four unemployed people for every available job.

As I visit the centers where people are struggling to make their resumes more timely and to respond to classified ads and requests from those who would like to hire, I find these people working day in and day out in an effort to try to find a job. They are serious about it.

Those who would dismiss them and say, as long as they are receiving unemployment benefits, they are going to be too lazy to look don't know what that life is like. They do not understand what these people go through.

When I meet with unemployed people who have been out of work for some period of time, the first question I ask is, What has happened to your health insurance? Overwhelmingly, the answer is, Gone; no health insurance protection for my family because I lost my job, and my job brought me my health insurance protection. That is the reality.

When I saw the bill that came over from the Republican side this week, it troubled me. There are two provisions in there that I think are mindless and, frankly, don't reflect the reality of what people face in this recession. One of them would authorize the States to give drug tests to people who are unemployed before they can get unemployment benefits.

Is there a notion somewhere that people are not applying for work because they are addicted to drugs? I haven't seen any evidence of that. This plays into the thought process these

people aren't really trying because they do not want to try. I don't buy that. I think that kind of attitude reflects the fact that those who support it and sponsor it never sit down to talk to these people and to their families and understand what they are going through.

There is an element that I think hasn't been spoken of much but should be. What happens to a family when the major breadwinner is out of work for 3 months, 6 months, a year or more? It turns out that some of the problems may not be anticipated by some Members of Congress or the Senate that should be.

I received a letter from Lanesia Hoskins, wife and mother of three, from the south side of Chicago. She wrote that her husband Theodis Hoskins, who has a college degree, had been out of work for more than 2 years. His unemployment insurance had run out, and Mrs. Hoskins had just started a second job to help support their family. She wrote, "My body is tired and I often feel weak."

This is how Mrs. Hoskins described her husband's job search in an economy where there are still five job seekers for every available job:

My husband has stood in long lines at the job fairs located at Chicago State University, St. Sabina Church, and for the Ford plant in Chicago. He has stood out in these hot lines just to have people inside the building take his resume and say, 'apply online.' What a waste and how humiliating after having news cameras expose your current situation with no results.

She went on to say:

He has applied for state jobs, federal jobs, temp jobs, and gone through city agencies and has not had any results. Interview after interview. This is humiliating for a man who used to take two buses and two trains to get to work from the Southside of Chicago to Rosemont, Illinois.

Mrs. Hoskins said she could never understand politicians who say that people like her husband were "lazy and did not want to get up and find a job because they are getting unemployment checks."

She asked:

How could they make such a statement about a man who had steady employment and good benefits? Who wants to collect an unemployment check and not have benefits for their family?

We have a modest home, one automobile, and we do not live above our means. We are trying to keep things together, but it is difficult.

She closed her letter with a request:

Can you please get this message across to the politicians?

Like so many American families, the Hoskins family lost a lot of ground financially while Theodis Hoskins was out of work.

Fortunately, there is a happy postscript to this family's story.

After more than 2 years of looking, Mr. Hoskins found a job. He is working

about 23 hours a week at a Costco store in Chicago and he is grateful for the work.

The last thing the Hoskins family needs now is to lose \$1,000 in income next year. Yet that is what will happen if Republicans refuse to extend the payroll tax cut for working families.

The Hoskins family and 160 million other working Americans will lose an average of \$1,000 in income next year if Republicans insist on killing the payroll tax cut, which expires at the end of this month.

This past summer, working families in America suffered their biggest loss in wealth in more than 2 years. At the same time, corporations raised their cash stockpiles to record levels.

Our Republican friends say all the time that businesses need certainty. You know what businesses need even more than certainty? Customers.

Continuing the payroll tax cut puts money into the hands of consumers who are likely to spend that money. That is how you jump start an economy that is driven by consumer spending—not by giving bigger tax breaks to individuals and corporations that are already sitting on record amounts of cash.

We also need to maintain unemployment benefits for workers who have lost their jobs through no fault of their own, have exhausted all of their state unemployment benefits and still can't find work.

Mr. President, there are a lot of holiday traditions we look forward to. This new holiday tradition our Republican colleagues have started—threatening to cut off unemployment benefits—isn't one of them.

For the second holiday season in a row, unemployed workers and their families are being threatened with an imminent cutoff of federal unemployment benefits.

If Republicans refuse to maintain unemployment benefits, 2 million Americans will lose their jobless benefits by the end of February.

The Congressional Budget Office analyzed 11 different steps Congress could take to stimulate the economy. The most efficient short-term economic stimulus by far is extending unemployment benefits.

Every dollar we spend on unemployment generates \$1.90 in economic activity. That is a 90 percent return on investment. Nothing else comes close.

According to the U.S. Census, emergency unemployment benefits kept 3.2 million Americans from slipping into poverty last year.

If the extended benefits aren't renewed, economist warn, economic growth next year could slow by up to a half-percentage point.

Some of our Republican colleagues who want to end the payroll tax cut for working families say they are concerned about the budget deficit.

We also have a serious jobs deficit in America.

They may be handing out million-dollar bonuses again on Wall Street and corporations are sitting on record amounts of cash. But there are still five job seekers for every available job in America.

Here is a sobering statistic. In the recoveries from the previous three recessions, the longest average length of unemployment was 21 weeks; that was in July 1983.

The average length of unemployment for this last recession, the Great Recession, is about 41 weeks—nearly twice the previous record.

That is the longest average unemployment since the government started keeping records in 1948.

Federal Reserve Chairman Ben Bernanke calls long-term unemployment a “national crisis.”

He is right. The idea that we would abruptly end unemployment benefits for millions of Americans in the midst of this national crisis is hard to believe.

Not since the Great Depression have so many Americans been out of work for so long.

When I talk to people in my state who are running food pantries and emergency shelters, they all tell me the same thing. They have never seen so many families struggling so hard for so long.

Go to an emergency food pantry and you will see America’s “new poor”: families who were solidly middle class just a few years ago, who are now having to ask for help for the first time in their lives.

It may start with a job loss. As weeks without a paycheck stretches into months, many families find themselves in financial free fall. They may lose their homes.

The inability to support one’s family financially very often leads to feelings of shame and fear, which can lead to isolation, which makes it even harder to find work.

According to the Centers for Disease Control, an estimated 6.6 percent of Americans were “clinically depressed” in 2001 and 2002. By last year, that percentage had increased to 9 percent—an almost 50 percent increase in 8 years.

Last year, the John J. Heldrich Center for Workforce Development at Rutgers University in New Jersey released a comprehensive study of the emotional and mental health consequences of long-term unemployment on individuals.

The title of the study is, “The Anguish of Unemployment.”

Overwhelming majorities of the survey’s respondents said they feel or have experienced anxiety, helplessness, depression, and stress after being without a job.

Many said they have experienced sleeping problems and strained rela-

tionships and have avoided social situations as a result of their job loss.

Carl Van Horn, a professor of public policy and economics at Rutgers and head of the Heldrich Center said that America faces “a silent mental health epidemic” as jobless Americans face the financial, emotional, and social consequences of being unemployed.

One of the respondents in the Rutgers survey said:

The lack of income and loss of health benefits hurts greatly, but losing the ability to provide for my wife and myself is killing me emotionally.

Children are especially sensitive to the effects of unemployment in the family. They pick up on their parents’ stress and are more likely to suffer from poorer school performance and low self-esteem.

One recent study found that children in families with an unemployed parent were 15 percent more likely to repeat a grade in school.

In extreme cases, people who are emotionally fragile and overwhelmed may see suicide as the only way out of their troubles.

A study released last April by the Centers for Disease Control shows that suicide rates rise and fall with the economy.

It is the first study to examine the relationships between age-specific suicide rates and the economy.

It found that suicide rates rose to an all-time high during the Great Depression, fell during the expansionary period following World War II, rose again during the oil crisis of the early 1970s and the double-dip recession of the early eighties, and fell to its lowest level ever during the booming nineties.

It also found the strongest link between business cycles and suicide among people in prime working ages, 25 to 64 years old.

It is too soon to know for certain whether we will see another increase in suicide as the result of the Great Recession that started in 2007, because government figures lag. But a preliminary estimate by the CDC shows that suicide ticked up slightly in 2009, becoming the 10th leading cause of death in the United States.

It is important to stress: It is never just one factor that drives people to suicide, and most people who suffer terrible losses never even think about suicide. But for those who are already emotionally vulnerable, this time of unprecedented longterm unemployment can be very dangerous.

One more measure: Between 2004 and 2010 calls to the National Suicide Prevention Lifeline increased 72 percent. Last year, almost 40 percent of calls to the hotline involved people with financial and unemployment concerns.

The Atlantic magazine recently asked readers to share the one thing people didn’t understand or appreciate about looking for work. The responses poured in.

One reader wrote:

For those of us prone to depression, the job search can amount to a heroic effort.

Another wrote:

Possibly the worst thing about being unemployed is having to suffer through the pundit and the politician classes gassing on interminably about what it’s like to be unemployed, what kind of people are unemployed and how they think and act, when none of them knows or understands one damn thing about it, nor do they even want to. Get down here on the ground, and try to go a year on \$350 a week with no hope in sight, and then tell us why the lazy unemployed just need a good swift kick to get the country moving again.

Still another wrote:

I am over the bruises to my ego . . . The worst thing though is the impact on my kids. We were making \$120K plus two years ago. Now, about \$35K. Lost the house. Thankfully still in the same school. That said, the kids went from being respectably comfortable in their cohort to being comfortable if tattered (used clothes, battered rental, same old car, no summer trips, etc.). Thank God they are still young (just started third grade) but we’re not having any sleepovers here no matter how much they ask. I am afraid for the social impact on them. They are so upbeat, so enthusiastic. They don’t know we’re in a ditch. It would break my heart if they figured that out.

Yet another wrote:

Unemployment dehumanizes the real person. They lose the essence of their identity and value. To become a number, a label, a resume, a failure, a defect, unproductive, desperate, wishful, delusional, depressed, poor and separated from respectful society. Being unemployed is to be silently disrespected. On a par with being homeless, mentally ill or addicted.

The website Unemployed-friends.com is another place you can hear the stories of unemployed Americans who are trying to hang on.

One person wrote:

Living in constant fear and feeling helpless to do anything about it is bound to take its toll. I really feel like I am going to have heart attack. Severe chest pains, shortness of breath, heartburn, but it has been going on for months and I’m still here. By the way, no doctor will see me without money for tests up front. I’ve already had the consult and that almost broke me.

Another wrote:

Another rejection notice from Lowe’s today. Second time they’ve rejected me with the automated rejection notice—this time for “seasonal plumbing department associate.” . . . I am willing to go from a 17-year professional to working doing anything I can. Retail, washing cars, pumping gas, flipping burgers . . . be it whatever. I cannot even land that!!!!

This is what one woman posted at 1 o’clock in the morning:

I’m so tired. I have no more fight left in me. I am a tough NY girl but this recession has sucked the life out of me. . . . I’ve exhausted all resources, borrowed from everyone, lost most of everything including my pride and self esteem. I feel like nothing, a total zero, non-productive person. . . . I fully expect to look in the mirror one day and see no reflection. I am fading away, becoming irrelevant. How will I ever recover?

Peter Kramer is a professor of psychiatry at Brown University and the author of two best-selling books, "Listening to Prozac" and "Against Depression."

In a recent op-ed in *The New York Times*, he wrote:

I began my psychiatry residency at a community mental health center. The director liked to put trainees in their place. He'd trade any of us, he said, for a good employment counselor. Medication and psychotherapy were fine, but they worked better if a patient had a job. . . . There is no substitute for the structure, support and meaning that jobs offer.

He went on to say that if Congress wants to do something about this silent mental health crisis that is hurting so many Americans, the best thing we can do is work with the President to pass programs that will get Americans back to work.

I couldn't agree more and I urge our Republican colleagues to do just that.

In the meantime, at the very least, we need to maintain unemployment benefits for people who have lost jobs and are still looking and continue the payroll tax cut so that families that are working aren't hit next year with a \$1,000 tax increase.

#### ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I ask unanimous consent that upon the use or yielding back of time on the Christen nomination and the resumption of legislative session, Senator MCCAIN be recognized for up to 30 minutes as if in morning business; that following Senator MCCAIN's remarks, the Senate proceed to the consideration of the conference report to accompany H.R. 1540, the Department of Defense authorization bill; that there be up to 3 hours of debate, equally divided between the two leaders or their designees; that the Senate proceed to vote on adoption of the conference report at a time to be determined by the majority leader after consultation with the Republican leader; further, that no motions be in order to the conference report other than budget points of order and the applicable motions to waive; and, finally, that upon disposition of the conference report, the Senate proceed to the consideration of H. Con. Res. 92, a concurrent resolution to correct the enrollment of H.R. 1540; the concurrent resolution be agreed to; and the motion to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The majority leader.

Mr. REID. Mr. President, I appreciate the courtesy of my friend, the assistant leader.

I wish to tell all the Members of the Senate that we will probably have a series of votes around 4 o'clock this afternoon.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

##### NOMINATION OF MORGAN CHRISTEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Morgan Christen, of Alaska, to be United States Circuit Judge for the Ninth Circuit.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see both Senators from Alaska on the Senate floor, and I beg their indulgence. I will continue for about 5 minutes, first on the nomination of Justice Morgan Christen of Alaska to fill one of the four vacancies on the Court of Appeals for the Ninth Circuit, a judicial emergency vacancy.

This nominee is eminently well qualified and should be confirmed. Senator MURKOWSKI and Senator BEGICH have worked very hard to get this nominee through, and I thank both of them. Today, we will take a step toward addressing a serious vacancy crisis in the busiest Federal appeals court in the country. I would hope, before we adjourn, that we could get the other 16 judges who have come out of the Judiciary Committee unanimously—every Democrat and every Republican voting for them—that are on the calendar. I would hope before we adjourn we could get those done.

Mr. President, I thank the majority leader for scheduling today's vote. It should not have taken more than 3 months to obtain Republican consent to consider the nomination of Justice Christen after it was reported unanimously by the Judiciary Committee on September 8. Her nomination has the strong support of both of Alaska's Senators, Republican Senator LISA MURKOWSKI and Democratic Senator MARK BEGICH, who introduced Justice Christen to the Judiciary Committee at her hearing on July 13. Several Republican leaders from Alaska also wrote to the Judiciary Committee to express their support, including former Alaska State Senator Arliss Sturgulewski, and Walt Monegan, the former Alaska commissioner for public safety appointed by then-Governor Sarah Palin. Connecticut State Representative Lile Gibbons, a Republican, has also written to the committee to express her support.

Justice Christen is the kind of qualified, consensus nominee who in past

years would have been considered and confirmed by the Senate within days of being reported unanimously by the Judiciary Committee, not stuck for months unnecessarily on the Senate calendar. She is an experienced jurist who has served on Alaska's highest court for the past 3 years. She was nominated to that position by then-Governor Sarah Palin, and she is the second woman in Alaska's history to serve on its supreme court. Justice Christen previously served for 7 years as a judge on the Superior Court for Alaska's Third Judicial District, 3 of those years as the presiding judge. She worked in private practice for 13 years in Anchorage, clerked for Judge Brian Shortell of the Alaska Superior Court, and has demonstrated a deep commitment to her community throughout her career. Once she is confirmed, Justice Christen will be the first woman from Alaska to serve on the U.S. Court of Appeals for the Ninth Circuit.

The unexplained Republican delay in consenting to consider her nomination has caused unnecessary delays in filling judicial emergency vacancies on the Ninth Circuit, the busiest Federal circuit court in the country. Sixty-one million Americans live in the jurisdiction served by the Ninth Circuit. At a time when judges on that circuit are being called upon to handle double the caseload of the other Federal circuit courts, the Senate should have expedited the consideration of Justice Christen's nomination, not needlessly slowed it down. The chief judge of the Ninth Circuit, Judge Alex Kozinski, a Reagan appointee, along with the members of the Judicial Council of the Ninth Circuit, have written to the Senate emphasizing the Ninth Circuit's "desperate need for judges," urging the Senate to "act on judicial nominees without delay," and concluding that they "fear that the public will suffer unless our vacancies are filled very promptly."

The judicial emergency vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. The Administrative Office of U.S. Courts reports that it takes nearly 5 months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit's backlog of pending cases far exceeds other Federal courts. As of March 2011, the Ninth Circuit had 13,913 cases pending before it. The second closest—the Sixth Circuit—had 5,231 cases pending.

If caseloads were really a concern of Republican Senators, as they contended when they filibustered the nomination last week of Caitlin Halligan to the DC Circuit, they would not have delayed Justice Christen's nomination to fill a judicial emergency vacancy for over 3 months. If caseloads were really a concern, Senate Republicans would consent to move forward to confirm

Judge Jacqueline Nguyen of California, another well-qualified nominee, to fill a judicial emergency vacancy on the Ninth Circuit. Her nomination was also reported unanimously by the Judiciary Committee and needs only a final up-or-down vote by the Senate. Judge Nguyen is nominated to fill the judicial emergency vacancy that remains after the Republican filibuster of Goodwin Liu. I hope the Senate will be allowed to take up and confirm her nomination to finally fill that vacancy before the Senate concludes its work for the year.

I also hope we can continue to make progress early in the New Year by considering two nominations to the Ninth Circuit now pending before the Judiciary Committee. Earlier this week we held a hearing with Paul Watford of California, nominated to fill yet another judicial emergency vacancy on the Ninth Circuit. I would have included another nominee to the Ninth Circuit at that hearing, Justice Andrew Hurwitz of Arizona, who has the support of Senator KYL, but committee Republicans were not ready to proceed on that nomination. I hope both can be considered and confirmed early next year.

The Senate should act to address the continuing crisis in judicial vacancies that affects not only the Ninth Circuit but Federal courts around the country. It is now December 15, with only days left in the Senate's 2011 session. There is no time to further delay votes on the other 20 judicial nominations now pending on the Senate calendar and awaiting a final vote. Sixteen of these nominations, in addition to that of Justice Christen, were reported unanimously by the Judiciary Committee. Many were reported last summer and early in the fall. At a time when nearly 1 in 10 Federal judgeships remains vacant, further delays are damaging. Judicial vacancies have remained at or above 80 for over 2½ years. This hurts the millions of Americans who live in those districts and circuits and rely on our Federal courts.

We should not repeat the mistakes of last year, when the Senate Republican leadership held back its consent at the end of the year to consideration of 19 judicial nominations that had been reported by the Judiciary Committee and were ready for final Senate action. That was an abusive exercise in unnecessary delay that I believe was without precedent with respect to such consensus nominees. It took us until June of this year, halfway into 2011, to consider and confirm 17 of the nominations that could and should have been considered before the end of 2010.

In contrast, Democratic Senators proceeded to up-or-down votes on all 100 of President Bush's judicial nominations reported by the Judiciary Committee during his first 2 years in office, and all 100 were confirmed before the end of the 107th Congress.

Before we adjourn this year, there is no reason the Senate cannot at least consider the other 16 judicial nominees reported unanimously by the Committee this session, who are by any measure consensus nominees. I hope we do not see a repeat of the damaging decision by Senate Republican leadership at the end of last year to refuse to agree to votes on those nominations.

With vacancies continuing at harmfully high levels, we cannot afford to repeat these unnecessary and damaging delays. There is no reason we cannot make significant progress during the days left in this session and consider all of the consensus nominations now pending on the Senate calendar. That is what we did at the end of President Reagan's third year in office and President George H.W. Bush's third year in office, when no judicial nominations were left pending on the Senate Calendar. That is what we did at the end of the 1995 session, President Clinton's third year in office, when only a single nomination was left pending on the Senate calendar. That is, in fact, also what we did at the end of President George W. Bush's third year. Although nine judicial nominations were left on the calendar, they were among the most controversial, extreme, and ideological of President Bush's nominees. They had previously been debated extensively by the Senate. The standard then was that noncontroversial judicial nominees reported by the Judiciary Committee got Senate action before the end of the year. That is the standard we should follow this year. If we do, another 16 judges will be confirmed.

Chief Justice Roberts, the Attorney General, and the White House counsel have all spoken about the serious problems created by persistent judicial vacancies. More than 160 million Americans live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans would just agree to vote on the nominations now pending on the Senate calendar. The Senate should act to bring an end to the harm caused by delays in overburdened courts. The Republican Senate leadership should consent to votes on the qualified, consensus candidates nominated to fill these judicial vacancies before the Senate adjourns for the year. Their consideration should not be unnecessarily delayed until next spring.

#### DEFENSE AUTHORIZATION

Mr. LEAHY. Mr. President, again, with the indulgence of my colleagues, if I might, just for a moment, call to the attention of my colleagues the several provisions of the Defense authorization bill we are going to consider for final passage today. These provisions will have a major impact on our defense structure and performance in the years to come. These reforms were previously included in a bill I introduced with Senator LINDSEY GRAHAM in May,

S. 1025, which Senator GRAHAM and I nicknamed "Guard Empowerment II."

As cochair with Senator GRAHAM of the Senate National Guard Caucus, I am pleased to report that the most important of these Guard empowerment reforms are included in the final version of the Defense authorization bill. They include a provision that will make the Chief of the National Guard Bureau a statutory member of the Joint Chiefs of Staff. The Joint Chiefs—our highest military policy council—has not added a member since 1978—and I remember that because I voted for it—when the Commandant of the Marine Corps was finally added as a full participant.

This is truly a historic day for the National Guard and for all the Guard does for our Nation. One might ask: Why now? Why is this change so important? Our Guard has been bravely serving in near constant rotation with Active-Duty Forces overseas for the last decade. Each of us has gone to Afghanistan or Iraq and seen our Guard serving. At the same time, these Guard troops have been the military's first responders at home. The Pentagon hasn't caught up with the institutional changes that have to accompany this. It is a whole different world for the National Guard today than what it was 20 years ago.

In fact, after all the National Guard has done over the past 10 years, we are hearing rumors the Air Force is already planning serious cuts to its Guard and Reserve components. General Schwartz, Air Force Chief of Staff, announced:

We're going to get smaller. Active duty, Guard, and Reserve—we're going to get smaller together.

I question the logic of an across-the-board cut. I hope most of us would. That is why we have to have a Guard Chief on the Joint Chiefs of Staff to provide a vital voice, perhaps a dissenting voice, when it is needed most.

When I look at the Vermont Guard, it demonstrates why these kinds of cuts don't make sense. The Vermont Guard deployed nearly 1,500 troops to Afghanistan last year. Before that, the Vermont Guard deployed to Iraq during one of its most violent periods and made unspeakable sacrifices for this country. I know because I went to the funerals of Vermont Guard members and because we are such a small State, many times everybody knew the person who had died.

The Vermont Air Guard flew more than 100 consecutive days of air missions over New York City and Washington after the attacks of September 11 around the clock. If we properly man, train, and equip our State Guards, our military leaders will find them the peer of any Active-Duty unit. In fact, the Vermont Air Guard is one of the first three units to be considered to receive the F-35 Joint Strike Fighter. And not only will the service Chiefs

find their reserve components ready to serve when called, they will find them a lot less expensive.

The Defense bill also includes several other provisions of our Guard empowerment bill. It reinstates the three-star Vice Chief of the Guard Bureau, it institutes the recommendations on Federal-State military integration offered by the Council of Governors, it includes a limited authorization of the State Partnership Program, it mandates the consideration of Guard generals for certain vacant positions at U.S. Northern Command, and on and on.

I think it is going to lay the groundwork for further collaboration between the Armed Services Committee, the Appropriations Committee, and the Senate National Guard Caucus. Our National Guard is a superb 21st-century military organization, but it has been trapped in a 20th-century Pentagon bureaucracy.

These reforms will help clear away the cobwebs.

It shows what happens when Democrats and Republicans work together. Sometimes it is not noted in the press, but a lot gets done around here when Democrats and Republicans work together. Senator GRAHAM and I introduced a bill in May that has more than 70 cosponsors from both parties. We have accomplished a lot for our Guard with this bill, again, by having Democrats and Republicans work together. There is more to be done, but what a great start.

As I have said about Democrats and Republicans working together, I have to applaud the two Senators from Alaska. Because of their hard work, we have this nominee before us, and that is something every one of us should take pride in, the way the two have worked together.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Mr. President, first I want to comment on the work the Senator from Vermont has done with regard to the Guard. It affects us in Alaska a great deal, and I want to thank him for all of the hard work he has done.

In regard to the nomination today, again the chairman of the Judiciary Committee, Senator LEAHY, has done an incredible job bringing so many judges to the floor. I come to the floor today in strong support of the nomination of Morgan Christen to fill a vacancy on the Ninth Circuit Court of Appeals.

I have known Morgan for years and am continually impressed with her keen legal mind, her outstanding record of public service, and her ability to carve plenty of time out of her schedule for her extensive volunteer work.

For decades, Morgan has been recognized by her peers as one of the finest

attorneys and judges in Alaska. She is currently one of the five justices on our State supreme court. I am confident she will continue to be a fair and impartial judge as a member of the Ninth Circuit.

Justice Christen was born and raised in Washington State and excelled at the Golden Gate School of Law where she earned her J.D. in 1986. Right after graduating from law school, Morgan came to my State to clerk for the Alaska Superior Court. As many people do, once she got a taste of Alaska, she decided to stay and raise her family.

Morgan worked for one of the finest law firms in Anchorage and quickly became a partner. In 2001, Morgan was appointed to the Anchorage Superior Court by my former boss, Gov. Tony Knowles. The Anchorage Superior Court is an important one in my State, handling criminal cases, family law, and even civil matters. As she always does, Morgan did an excellent job in the court.

Before long, she became the presiding judge at Alaska's Third Judicial District, the busiest court in Alaska. As a presiding judge, she supervised over 40 judicial officers and 13 court locations.

When I was mayor of Anchorage, our city was fighting against youth gangs, who were committing serious offenses and pushing up the crime rates in our community. Anchorage has an unusual judicial system and arrangement with the State. The city police provide basic law enforcement, but the State of Alaska runs the court and the corrections system. I worked closely with Judge Christen across municipal and State lines to crack down on these gangs and make Anchorage streets safer. I found her to be an energetic innovator who is sensitive to the broad cultural diversity of our State. In 2009, she was elevated to the highest court in the State, the Alaska Supreme Court.

In addition to Justice Christen's impressive record of public service on Alaska's State courts, she also finds time to be one of the most prolific volunteers in our State. Her volunteer resume is pages long. If there is a volunteer organization in Alaska, more than likely Morgan has probably worked on it, with it, or served on the board. She is a member of the Rotary Club, the YWCA, the Alaska Community Foundation, the Athena Society. She has been on the board of directors of the United Way of Alaska. She has also been on the board of directors of Big Brothers and Big Sisters of Alaska, and the Rasmussen Foundation. In 2004, Morgan and her husband Jim were jointly recognized as Outstanding Alaska Philanthropists of the Year—truly an impressive honor.

I am proud to support such an outstanding Alaskan to sit on the Ninth Circuit Court of Appeals, and I want to urge all of my Senate colleagues to support her nomination as well.

Justice Christen has bipartisan support. She received the unanimous support of every member of the Senate Judiciary Committee in September. In Alaska, she was elevated once by a Democratic Governor and once by a Republican Governor. The American Bar Association has recognized her legal capability and rated her as "unanimously well qualified" to serve as a judge on the Ninth Circuit.

Morgan is one of the greatest legal minds and one of the most caring individuals Alaska has to offer. I am honored to support her for this position and honored to count her as a friend. I strongly urge every Member of this body to confirm her nomination to the Ninth Circuit.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I too rise in support of Morgan Christen, the nominee who is before us today, and I add my thanks to the chairman of the Judiciary Committee and, in fact, the entire Judiciary Committee, for their work in advancing not only Judge Christen as she has moved forward through the process, but it was several weeks ago that we were pleased to move through this body the nomination of Judge Sharon Gleason.

I think it is worthy of note that Alaska in the past month now has moved forward two extraordinary women jurists who will work to serve us in an incredible way. If there is any regret I have, it is that such exceptional women are being taken from our State judiciary system and moved on to other positions, so there is a loss there. We are going to have to work to fill those back benches. But I am very pleased today to speak in support of Morgan Christen, a justice of the Alaskan Supreme Court who has been nominated to serve on the Ninth Circuit U.S. Court of Appeals.

This is a historic nomination. Only two Alaskans have had an opportunity to serve on the Ninth Circuit, and both of those judges were, somewhat predictably, men. The first Alaskan to serve was Robert Boochever, who was appointed by President Clinton. Judge Boochever accepted senior status in 1986, and we were saddened when he passed away on October 9, 2011, at the age of 94. The second on the Ninth Circuit was Andrew J. Kleinfeld, who accepted senior status on June 12 of last year. Justice Christen has been nominated to fill the vacancy created when Justice Kleinfeld took senior status. That vacancy has existed now for 18 months, which should concern all of us, given the heavy workload that faces the Ninth Circuit. That said, it often takes a little bit of time to get the best, and there is no doubt in my mind that when President Obama selected Morgan Christen for the Ninth Circuit, he selected the best.

I have known Justice Christen for almost 25 years now. We graduated from law school at about the same time. We both clerked for the Alaska court system at the same time and we have kept in touch over the years. I have come to know Morgan, her husband Jim, and her family.

Morgan Christen is an experienced, very well-rounded attorney. She is an exceptionally well-rounded jurist with experience on the trial and the appellate bench. She is an individual with a keen intellect and an impeccable reputation for integrity. She is highly regarded across the ideological spectrum in Alaska as a judge who keeps politics and ideology off the bench.

Given the bruising nomination battles that have taken place here in the Senate over the past few years, a few of our colleagues might be inclined to challenge the notion that there is any such thing as a nonideological, nonpolitical judicial nominee. But in response, I would simply note that Morgan Christen was elected to serve on the Alaska Superior Court by Gov. Tony Knowles, a very well-known Democrat. She was then later selected to serve on the Alaska Supreme Court by Sarah Palin, our very well-known Republican Governor. Under Alaska's nonpolitical judicial selection process, she was vetted by the Alaska Judicial Council before her selection to the superior court in 2001, and once again prior to standing for retention election in 2004. Justice Christen was then vetted for yet a third time before her selection to the Alaska Supreme Court in 2009. In each case, she secured high marks from Alaska's very diverse legal community. In fact, she was ranked the top candidate for the supreme court position in a scientifically conducted study of Alaskan attorneys.

I have appreciated that Justice Christen has been mindful of the separation of powers throughout her judicial career, and mindful of the fact that her personal views have no bearing when it is time to determine the rule of law. I know we can expect her to continue in that vein when she moves on to the Federal bench.

Morgan Christen was educated at the University of Washington and Golden Gate University School of Law. She spent portions of her undergraduate years studying in England, Switzerland, and China. Following law school, she clerked on the Alaska Superior Court and then entered private practice in the Anchorage office of Preston Gates & Ellis. As a private practice attorney, she represented the State of Alaska in the litigation that followed the 1989 Exxon Valdez oil spill.

As a member of the superior court bench, she served as the presiding judge of the Third Judicial District there in Anchorage which, as was noted, is the busiest judicial district in the State of Alaska. She held that posi-

tion for 4 years. As a supreme court justice, she is deeply engaged in community outreach. In fact, she won the Alaska Supreme Court Community Outreach Award back in 2008. She also holds the Light of Hope Award for work on behalf of Alaska's children. I think her voluntarism has been acknowledged and highlighted. Not only does she meet the demands of a busy bench practice, but also takes the time, with her family, to be very engaged in our community.

I inquired with some of my friends, former colleagues on the Alaska bar, about her reputation in anticipation of my comments today. One Alaskan stated:

Morgan is extraordinarily talented and is well respected by her peers. She constantly brings justice and fairness to her professional and personal life. Friends and colleagues across the country have savored her wild raspberry jam.

I have yet to have the opportunity to savor her wild raspberry jam. I do a pretty mean raspberry jam myself, so I think we are going to have to trade and see. But it is yet one more aspect about this pretty amazing woman I wanted to share today.

Another colleague stated, very simply, that she is a calm, thoughtful, and strong woman. Good words.

In closing, let me simply say that Morgan Christen is more than just a good judge; she is a good person. Justice will be well served by her confirmation to the Ninth Circuit U.S. Court of Appeals. I urge my colleagues to support this nomination with enthusiasm, as I do.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, today the Senate is expected to confirm an additional judicial nominee. With this vote, we will have confirmed 62 article III nominees during this Congress. More than half of these have been for vacancies designated as judicial emergencies. That is real progress. Over 72 percent of President Obama's judicial nominees have been confirmed.

Morgan Christen is nominated to be U.S. circuit judge for the Ninth Circuit. Justice Christen received her B.A. from the University of Washington in 1983, and her J.D. from Golden Gate University Law School in 1986. After graduating from law school, she clerked for the Hon. Brian Shortell on the Alaska Superior Court in Anchorage.

In 1987 she was hired at Preston Gates & Ellis LLP, working as an associate until 1992. She was a partner in the firm from 1993 to 2002. At that firm she was a general civil litigator, primarily representing plaintiffs. She began by assisting with large litigation projects. One of her most notable early matters involved serving on the liability team representing the State of Alaska in its claims for compensation arising from the Exxon Valdez oilspill.

After the State settled its liability claim in 1991, she defended claims brought by individuals who argued the State's response to the spill was inadequate.

By the time Justice Christen became a partner in 1993, she had developed a practice in Jones Act personal injury claims and was lead counsel in a case in the U.S. Court of Claims representing the parents of an infant who died after receiving a childhood vaccination. She also served as lead counsel on four aviation fatality cases between 1993 and 1999, representing the estate of an FAA employee who was killed in a mid-air collision, the estate of a pilot killed during a catastrophic engine failure and in-flight failure, among others. She has also served as the lead counsel in the Equal Pay Act and represented a fuel barge line in several commercial disputes. Finally, from 1999 to 2001 over half of her practice was devoted to defending two physician practice groups in a Federal Medicaid fraud investigation and related False Claims Act case, and assisting with the defense of a class action antitrust case brought against purchasers of salmon harvested in Alaska.

In 2001 she was appointed to the Alaska Superior Court, where she served from January 9, 2002, until her elevation to the supreme court in 2009. The superior court is the court of general jurisdiction in Alaska. As a superior court judge, her docket was comprised entirely of civil cases. From 2005 to 2009 she served as presiding judge of the Third Judicial District of the Superior Court. In this position she supervised approximately 40 judicial officers in 13 court locations.

Justice Christen was appointed to the Alaska Supreme Court on March 4, 2009, and has been a member of that court from April 6, 2009, to the present. She was nominated for that seat by the Alaska Judicial Council, composed by three members of the bar, three members of the public appointed by Governors, and the chief justice. She was then selected from a slate of two nominees by Governor Sarah Palin.

The American Bar Association Standing Committee on the Federal Judiciary has rated Justice Christen with a unanimous "well qualified" rating.

Mr. LEAHY. Mr. President, how much time is remaining on the judgeship?

The PRESIDING OFFICER. On the Republican side, there is 7 minutes 16 seconds; on the Democratic side, 3 minutes 52 seconds.

Mr. LEAHY. Mr. President, I want to reiterate what I said before about Senator MURKOWSKI and Senator BEGICH for their support of this woman for the Ninth Circuit. I appreciate the work they have done on this nomination. I also appreciate the personal comments the senior Senator from Alaska made,



going back to her law school days. I think sometimes we forget that these judicial nominees are real people and they have a real life and are a real part of the community. So I appreciate that.

I yield back the remainder of the time on our side.

Ms. MIKULSKI. Mr. President, I yield back all the time on the Republican side.

The ACTING PRESIDENT pro tempore. All time is yielded back.

#### LEGISLATIVE SESSION

THE PRESIDING OFFICER (Mr. BROWN of Ohio). Under the previous order, the Senate will resume legislative session.

The Senator from Arizona, Senator MCCAIN, is recognized for 30 minutes.

#### THE MILITARY-INDUSTRIAL-CONGRESSIONAL COMPLEX

Mr. MCCAIN. Mr. President, shortly we will begin debate on the conference report of the Defense authorization bill, the 50th year the Congress of the United States has authorized the equipment, the programs, and all that is necessary to defend this Nation's security.

I want to talk today about a very important aspect of our national security, and that is the problem we are having with out-of-control spending which has, in its own way, endangered our national security as almost any threat that we face. It is unsustainable, it is unacceptable, and it is a stain on our Nation's honor.

Fifty years ago, on January 17, 1961, Dwight David Eisenhower bid farewell to the Nation as the President of the United States. At the heart of his farewell address was a warning, one keenly insightful in its sense how, in a way new to the American experience, an immense military establishment and large arms industry had developed in the 20th century post-war period. While acknowledging the need for a strong national defense, President Eisenhower called for the American people to understand the grave implications of this new aggregation of political and industrial power. In particular he warned:

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

The 50th anniversary of President Eisenhower's address gives us an opportunity to carefully consider have we considered President Eisenhower's admonition. Regrettably and categorically the answer is no. In fact, the military-industrial complex has become much worse than President Eisenhower originally envisioned. It has evolved to capture Congress. So the

phenomenon should now rightly be called the military-industrial-congressional complex.

On July 16, 2009, in a speech to the Economic Club of Chicago, then-Secretary Gates described the military-industrial-congressional complex in this way:

First, there is the Congress, which is understandably concerned . . . about protecting jobs in certain states and congressional districts. There is the defense and aerospace industry, which has an obvious financial stake in the survival and growth of these programs. And there is the institutional military itself—within the Pentagon, and as expressed through an influential network of retired generals and admirals. . . .

One aspect of the military-industrial-congressional complex I have focused on considerably over the last few years is its role in congressional earmarks, congressional pet projects, unwanted by the administration but amounting to billions of dollars annually that frequently take on a life of their own in a way that continues to waste taxpayer resources for years and sometimes decades. In the military-industrial-congressional complex, earmarks are the currency of corruption.

Another manifestation of the military-industrial-congressional complex I have called attention to is the revolving door that exists between the Pentagon and the defense industry. In 1969, then-Senator William Proxmire said this about the revolving door in the context of defense procurement:

The easy movement of high-ranking military officers into jobs with major defense contractors and the reverse movement of top executives in major defense contractors into high Pentagon jobs is solid evidence of the military-industrial complex in operation. It is a real threat to the public interest because it increases the chances of abuse. . . . How hard a bargain will officers involved in procurement planning or specifications drive when they are one or two years from retirement and have the example to look at over 2,000 fellow officers doing well on the outside after retirement?

Probably the most recently publicized example of the revolving door between the Department of Defense and private industry and the prevalence of the military-industrial-congressional complex in the Department's planning and procurement processes is its mentorship program. In its most recent story in a series exposing this program, USA Today reported that the Air Force allowed a retired general officer who was then serving as an executive in the Boeing Company to participate as a mentor in a war game involving the aerial refueling tanker that Boeing was at the same time competing to build for the Air Force under a multibillion dollar procurement program. Over the last 2 years, I have exercised keen oversight of the mentorship program, which I understand has been essentially shut down under the weight of newly promulgated public disclosure requirements. In

other words, former general and flag officers serving as Department mentors prefer to exit the program rather than publicly disclose their corporate affiliations and compensation.

I ask unanimous consent my most recent investigative letter on the issue be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MCCAIN. The aspect of the military-industrial-congressional complex I would like to focus on relates to how the Pentagon buys its very largest weapons systems. That covers the top 100 or so of the Defense Department's weapons procurement programs into which taxpayers have invested to date about \$1.7 trillion. In particular, I would like to focus on how the military-industrial-congressional complex has kept even some of the most poorly performing programs funded, siphoning off precious resources even while they go over budget, face years of schedule delays, and fail to deliver promised capability to the war fighter.

To be clear, the military-industrial-congressional complex does not cause programs to fail, but it does help create poorly conceived programs, programs that are so fundamentally unsound that they are doomed to be poorly executed. It does help keep them alive long after they should have been ended or restructured.

By "poorly conceived," I mean major programs that are allowed to begin, despite having insufficiently defined requirements, unrealistic cost or schedule estimates, immature technology or too much manufacturing and integration risk or unrealistic performance expectations.

By "poorly executed," I am referring to programs that poorly perform because of, among other things, unanticipated design, engineering, manufacturing or technology problems. These sorts of programs should never have been started to begin with or should have been significantly restructured or terminated at the end of the day. Yet through the influence of the military-industrial-congressional complex, they are allowed to enter the defense procurement process and to persist, often under the guise of a concurrent development acquisition strategy and executed under cost-plus contracts.

Specifically, the military-industrial-congressional complex helps ensure that poorly conceived programs get on rails and stay there with production money when they are supposed to be still in development. For industry and many of their sponsors in the Pentagon and on the Hill, that is desirable because it is far more difficult to restructure or terminate a production program, even one that is performing poorly, than one that is in development. In the military-industrial-congressional complex, if excessive concurrency is a drug, then the cost-plus



contracts used to facilitate it are its delivery vehicles.

Over the last decade or so, what I have described has resulted in a massive windfall for industry. But for the taxpayer and the war fighter, it has been an absolute recipe for disaster.

With the Federal budget deficit having hit \$1.3 trillion for the 2011 budget year and facing the fact that the defense budget will likely not grow to any significant extent in the near term, we in Congress must be mindful of how the military-industrial-congressional complex can negatively affect decisions to buy and keep major weapons systems.

How does the military-industrial-congressional complex help create problem programs and keep them going long after they should have been canceled or restructured? A review of some of the problems with the original Air Force tanker lease deal is instructive. From that first attempt by the Air Force to replace its aging airborne tanker aircraft, which started nearly a decade ago, we now know, very early in the planning of a major defense acquisition program, senior officials from industry and the relevant services work with senior Members of Congress to ensure that the economic and therefore political benefits of the programs would be distributed widely among key congressional States or districts. That ensures long-term political buy-in and support.

How much could the military-industrial-congressional complex's negative influence ultimately cost taxpayers? Once again, consider the original tanker lease deal as just one example.

That deal would have had new aerial refueling aircraft developed under a cost-plus contract, which exposes the taxpayer to and protects the contractor from the negative impacts of cost overruns and schedule delays. Once developed, those new tanker aircraft were supposed to be leased—leased, not bought outright—from a sole-source contractor, as provided under a multibillion dollar earmark stuck in a defense appropriations bill, without having been vetted by the administration or reviewed by the relevant congressional oversight committees.

That unusual acquisition strategy was based on a case that the Air Force presented at that time, which the deal's congressional sponsor roundly endorsed, that the legacy fleet of tankers needed to be replaced urgently. Needless to say, that case was proven false. There can be no doubt that the original tanker lease deal was a classic creation of the military-industrial-congressional complex.

When we compare the likely costs of the sole-source tanker lease with the costs of the recently concluded tanker competition, which calls for fixed-price development and a purchase under full

and open competition, the difference is dramatic. According to recent analysis by the Department of Defense, the original tanker lease deal would have, over the lifecycle of the aircraft, cost taxpayers billions of dollars more for a less-capable airplane. Those billions that could have been lost under the original tanker lease deal are effectively the cost associated with the military-industrial-congressional complex when it is allowed to run unchecked and unchallenged, and they are, particularly in the current fiscal environment, utterly unsustainable.

The lesson of the original tanker lease deal is that the powerful combination of interests that comprise the military-industrial-congressional complex can be strong enough to both give birth to procurement programs that should never have been started in the first place and nurture programs that should have been killed or fundamentally restructured early on to the grave detriment of the taxpayer and our service men and women.

While over the last couple years former Secretary Gates ended some of the most poorly performing major programs in the defense enterprise, the situation remains serious. The new national military strategy calls the growing national debt a “significant security risk,” and as the Government Accountability Office noted in its March 2011 report, since 2008, the total acquisition costs of the Pentagon's major defense acquisitions programs in its current portfolio has increased by \$135 billion, about half of which is attributed to pure cost growth and the other half due to cuts in the intended number of weapons we plan to buy.

It should not come as a surprise that as a result, about half the Pentagon's very largest weapons procurement programs exceed cost-performance goals agreed to by the Pentagon, the Office of Management and Budget, and the Government Accountability Office. In fact, the Government Accountability Office's March report found that about one-third of all major weapons systems since 1997 have had cost overruns of as much as 50 percent over their original projections.

Noting that “the costs of developing and buying weapons have historically been, on average, 20 to 30 percent higher” than Pentagon estimates, the Congressional Budget Office recently projected that in addition to health care, higher costs for weapons systems will increase the Pentagon budget by about \$40 billion over the next 5 years.

Congress and current leadership at the Department of Defense have tried to attack these problems, but they have not been successful in changing the prevailing culture yet.

For example: After several attempts to change the Pentagon's buying approach—which, as CBO noted rarely, if ever, correctly predicts how much a

program will likely cost—the Weapons Systems Acquisition Reform Act of 2009 created the Office of Cost Assessment and Program Evaluation to analyze the cost of new programs and why they fail. It also required the Pentagon to keep closer tabs on technology maturity and emphasized testing new weapons before they entered production.

As a result of that act, some newer major programs are not making the mistake of relying on overly optimistic cost estimates provided by the contractor or staking too much production money too early—before critical technologies, design drawings, and manufacturing processes have stabilized and matured. But even this new law will be judged well only if the Pentagon can demonstrate some success with its largest acquisition programs, even those that went into development before the law's enactment.

The F-35 Lightning II Joint Strike Fighter Program is a good example of one such program. Last week I spoke at length about this program, so today I will keep my remarks about it brief. Currently, the F-35 is the Pentagon's largest weapons procurement program. It was originally intended as a revolutionary, affordable solution to the Navy, Marine Corps, and Air Force's tactical aviation needs for the future. With three different versions of the aircraft for each service and commonality in design among those versions, the Pentagon sold this program as a fifth generation strike fighter that would—more so than any other major defense procurement program—be cost effectively developed, procured, operated, and supported.

According to the Pentagon, the program “was structured from the beginning to be a model of acquisition reform.” This has not been the case.

When the program was first launched, the Pentagon planned to buy over 3,000 Joint Strike Fighters, but the development effort was performed so poorly that we can now only afford to buy 2,457. Given recent delays in restructuring rules, that number could go down further. To date, the total cost to buy all of the aircraft as intended has grown by about \$150 billion to \$385 billion. The cost of each Joint Strike Fighter is now 80 percent over the original baseline estimate, and that is expected to increase. It would be hard to buy a car at 80 percent over the original sticker price without looking for major tradeoffs.

Currently, the Joint Strike Fighter costs an average of about \$133 million each, and that is without an engine. We have invested about \$56 billion in R&D costs in this project through fiscal year 2010.

Over the nearly 10-year life of the F-35 program, Congress has authorized and appropriated funds for 135 of these aircraft. But as of today, the program

has delivered just 20 flying aircraft with most of them being used for testing. Early production aircraft just started to be delivered a few months ago—3 years late.

The main problem with the program has been this: Before the Pentagon went all in on the F-35 program, it never understood the risk associated with developing and integrating the F-35's critical technologies and manufacturing each version of the plane, much less how much money and time would be needed to overcome these risks. So ever since the Pentagon awarded Lockheed Martin a contract to develop the Joint Strike Fighter contract in 2001, and despite having signed several follow-on contracts for blocks of production aircraft, the program has effectively been stuck in development. Experts call what the Pentagon has been trying to do "concurrent development." I call it a mess.

Using a concurrent development strategy to procure high-risk weapon systems that promise generational leaps in capability when, one, their underlying design is unstable; two, the risks associated with developing their critical technologies and integration are not fully known; and, three, their manufacturing processes are immature is a very bad idea. Trying to do this under cost-plus contracts is a recipe for disaster.

In July 2011, the Department revealed that the cost for the first three lots of early production aircraft amounting to 28 aircraft bought under cost-plus contracts exceeded by about \$1 billion the original estimate of about \$7 billion. The Department also indicated that the taxpayers' share of this overrun amounted to \$771 million. The program's prime contractor would absorb approximately \$283 million. By the way, that program's prime contractor, Lockheed Martin, declared record profits of \$3 billion last year.

Moreover, just a few days ago, the Department indicated the cost of the fourth lot of the early production aircraft bought for the first time in the program's history under a fixed-price-type contract may be as high as 10 percent over that contract's \$3.46 billion target cost. This is a \$350 million overrun with only about 40 percent of that work completed to date. This suggests the costs of the program have still not been contained despite 2 years of concentrated effort by the Pentagon to bring costs under control.

Just last week the executive officer of the Joint Strike Fighter Program indicated in a media interview that the Joint Strike Fighter Program needs to slow down production and deliveries of the aircraft. He attributed this to the need to open the aircraft and install fixes to numerous structural cracks in "hot spots" that the program has discovered in the plane over the last year or so. He estimated the work needed to

remedy these cracks could add an additional \$3 million to \$5 million per aircraft.

From these comments, I understand the overlap between development and production, called "concurrency," that persists in the program is still too great to assure taxpayers they will not have to continue paying for costly redesigns or retrofits due to discoveries late in production.

My frustration—and, more importantly, the taxpayers' frustration—with the chronic failure of this program to deliver required combat capability on time and on schedule cannot be overstated. This frustration is conveyed well in a provision in the conference report accompanying the Fiscal Year 2012 National Defense Authorization Act that would require that the sixth lot of early production aircraft be procured on a firm fixed-price basis. Apparently, the fixed-price contract used for the fourth lot, which provides the overruns between a "target cost" and "ceiling price" be shared between the government and prime contractor is failing to incentivize the contractor to control its costs, so tougher measures are warranted. We should all hope they work.

Another example is the Marine Corps' Expeditionary Fighting Vehicle, the EFV. The Marine Corps and General Dynamics originally promised that the EFV was going to be the most advanced and operationally effective amphibious assault vehicle ever produced. It was originally designed to be an over-the-horizon platform to protect the Navy ships from mines and shore-based missiles and maximize our flexibility and the enemy's difficulty in planning a defense.

The EFV was intended to be capable of being launched from a ship up to 25 miles away from shore and speed to a landing zone at 25 knots. Once ashore, the EFV would then be able to travel at speeds equal to those of the Abrams tank. The Marines were originally supposed to buy over 1,000 of these vehicles, which were to be initially operable by 2010, at a total cost of \$7.3 billion. Needless to say, things did not turn out that way.

Prototypes of the EFV were tested and were about 1,900 pounds too heavy and blew past original cost estimates for research and development. Testing also revealed significant problems in terms of limited visibility, excessive noise, breakdowns in the loading system of the 30-millimeter gun, and concerns about the hull's vulnerability to IED attacks.

From its start in 1996 to about 2007, the Marine Corps and General Dynamics said, "Don't worry." But at the end of the day, the program's cost rose by 55 percent to over \$14 billion, and initial capability was pushed back to 2016. At the start of this year, the cost of each EFV was expected to be as much

as \$23 million, and the estimated cost to operate and maintain the vehicle went up with the increase in that price.

The Commandant of the Marine Corps estimated that the EFV would consume over 90 percent of the Marine Corps' total ground combat vehicle budget. Against that backdrop, former Secretary Gates and the Commandant called for this program to be terminated. Unfortunately, the taxpayers had invested about \$3 billion and the Marine Corps had waited 15 years for an improved amphibious vehicle that simply became too costly to buy.

Another example of a legacy acquisition program in trouble is the V-22 Osprey. Inspired by the failure to rescue hostages from Iran in 1980, the V-22 was originally designed to be a revolution in vertical takeoff aircraft. It was intended to improve, beyond anything currently in the arsenal, the ability of the Marine Corps' and our Special Forces' capability to get in, get out, and resupply from long range at high speeds in hostile landing zones.

What we ended up with has been great expectations and enormous costs. Since it was first deployed, the Marine Corps' version of the V-22 has had a mission-capable rate in the middle to high 60-percent range as compared to the latest version of the Army's heavy-lift helicopters, the CH-47s, which had readiness rates in the high eighties to low nineties. During its recent deployment in Afghanistan, in fact, the V-22's engine saw a service life of just above 200 hours, well short of the 500 to 600 hours that the program's managers originally estimated. That has caused the cost-per-flying hour to more than double to over \$10,000 an hour as compared to about \$4,600 per hour for the much older CH-46 it was intended to replace or about \$2,600 per hour for a new, modern MH-60 Blackhawk helicopter.

When it is not being repaired, the V-22 performs its missions impressively, but the sustainment cost of keeping the V-22 flying is eating up the Marine Corps' budget and causing aircraft maintainers to work much harder than should be required for a brandnew aircraft. While the V-22 program was supposed to cost just over \$39 billion, independent estimates are that it will come in at \$56 billion, a 43-percent increase.

Mr. President, I ask unanimous consent for 10 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, so ordered.

Mr. McCain. The price per aircraft has risen by 186 percent from \$42.8 million to \$122.5 million. You will notice this hybrid helicopter airplane's unit cost is approaching that of the troubled F-35 priced at about \$133 million a copy, as I mentioned earlier. But the budget-strapped Marine Corps may have to afford both of them.

Recently, the Marine Corps conceded that over the last 3 years, the lifetime

cost of operating its V-22 aircraft had increased 64 percent to \$121.5 billion.

I want to talk about military space procurement for a minute. They are among the most notorious for chronically performing poorly.

The Space-Based Infrared System program is a particularly good example. It has been a problem since its inception in 1996. In fact, 5 years into the program—in 2001—an independent review cited the program as “too immature to enter the system design and development phase” and observed that the program was based on faulty and overly optimistic assumptions with respect to, among other things, “management stability and the level of understanding requirements.”

That was 2001, when it was determined that total program costs could exceed \$2 billion—a 70-percent increase in cost. And, here we are today, 10 years later, and the system has still not achieved its objectives. In fact, it was just launched, for the first time, recently, on May 7, 2011.

Originally estimated to cost \$2.4 billion, it is now expected to cost nearly \$16 billion, roughly 7 times the initial estimate.

The Defense Department reported to Congress recently that the next pair of these satellites built by Lockheed Martin could cost \$438 million more than previously estimated and could be delivered a year late. Many of the space programs are facing these same kinds of overruns.

In the area of military space procurement, the Air Force's Advanced Extremely High Frequency satellite is worth mentioning. This system of satellites is supposed to replenish the existing Milstar system with more robust and secure communication capabilities for strategic and tactical warfighters. While the first of six of these was launched in August 2010, glitches with its thruster delayed the satellite from reaching its planned orbit by more than a year and significantly affected when the other two satellites will launch. In connection with how the prime contractor, Lockheed Martin Space Systems, has performed on this program, the Air Force penalized Lockheed Martin by reducing its award fee under the contract by \$15 million.

One space acquisition program I have focused on is the Evolved Expendable Launch Vehicle Program. Largely because of lack of competition and the Department's reliance on a sole incumbent provider, by some estimates EELV's costs may increase by more than 50 percent over the next 5 years.

I don't want to overlook the Army. Among all services the Army has had the poorest record of pumping billions of dollars into weapons systems that were never deployed. A recent Army study indicated that since 1995, almost 40 percent of research dollars the Army spent did not result in the procurement

of any product. The Army spent at least \$32 billion on development, testing, and evaluation of 22 weapons programs that were later canceled—almost a third of its budget for creating new weapons. Every year since 1995, the Army has spent \$1 billion on doomed programs. Since 2004, canceled Army programs have consumed between \$3.3 billion and \$3.8 billion. This represents an average of 35 to 45 percent of the Army's annual budget for development, testing, and engineering when factoring in the cancellation of the hugely expensive Future Combat Systems Program.

This brings us right to the FCS Program. To say that this program was a spectacular, shameful failure would not do it justice. First envisioned in 1999 by then-Army Chief of Staff GEN Eric Shinseki, FCS was intended to be a revolution in capability—the centerpiece in the Army's effort to transform itself into a lighter, more modular, and more deployable fighting force. Originally and erroneously executed under a type of contract more fitting for smaller programs, the FCS was supposed to develop 18 manned and unmanned ground systems, including sensors, robots, UAVs, and vehicles, all connected by a complicated mobile electronic network. When work began on this program in 2000, the Army estimated that the first combat units would be equipped by 2011 and that all the Army's ground combat formations would be equipped by 2032. The Army initially estimated the entire effort would cost about \$160 billion.

By 2006, independent cost estimators at the Pentagon pegged total procurement costs at upwards of \$300 billion. And, from there, with the assistance of a fundamentally flawed fee structure that was not focused on objective results, FCS total costs kept growing. To make a long story short, in April 2009, then-Secretary Gates terminated most of the program and the problem.

While the Army has had its problems, the Navy's Littoral Combat Ship is another example of a fundamentally flawed acquisition process. Originally conceived by former Chief of Naval Operations Vern Clark as a revolutionary, new, affordable class of surface combatant—about the size of a light frigate or Coast Guard cutter—the LCS was to be able to conduct shallow-water and near-shore operations.

The first two LCS contracts set the cost of the sea frame at \$188 million each. After spiking to over \$730 million, the cost is now about \$400 million per hull. In December of 2010, the Pentagon's chief tester gave LCS poor performance ratings, saying that “LCS is not expected to be survivable in terms of maintaining a mission capability in a hostile combat environment.”

I continue to be very troubled by the Navy's decision late last year to set aside then-pending competition and

award contracts to each of the bidders on this program.

The F-22 raptor program. The F-22 was supposed to maintain air superiority in the face of the Soviet threat during the Cold War. The F-22 obtained full operational capability 20 years later, well after the Soviet Union dissolved. When it finally emerged from its extended testing and development phase, the F-22 was recognized as a very capable tactical fighter, probably the best in the world for some time to come. But plagued with development and technical issues that caused the costs of buying to go through the roof, not only was the F-22 20 years in the making, but the process has proved so costly that the Pentagon could ultimately afford only 187 of the planes rather than the 750 it originally planned to buy. To make a long story short, the F-22 has not flown in combat since its inception.

The DDG-1000 Zumwalt Class Destroyer was supposed to cost \$1.1 billion each. It is now expected to cost \$3.5 billion each.

The Airborne Laser effort is to be canceled. The fantastic story of the VH-71 new Presidential Helicopter Replacement Program was canceled only after it became more expensive than a full-size 747.

What can we do?

I know it is time for us to get on with the Defense authorization bill.

We need to have transparency. We need to have accountability. We have to use competition to encourage industry to produce desired outcomes and better incentivize the acquisition workforce to do more with less. We have to do a lot of things. We have clearly failed to abide by the warning President Eisenhower issued in his speech 50 years ago, but I do find some comfort that times of fiscal restraint and austerity can drive desired change, even in the face of daunting systemic obstacles such as the military-industrial-congressional complex. We must do better.

Mr. President, I yield the floor. I thank my friend from Michigan for his indulgence.

EXHIBIT 1

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, December 1, 2011.

Hon. LEON PANETTA,  
Secretary of Defense,  
Pentagon, Washington, DC.

DEAR SECRETARY PANETTA: I was very troubled to read recently in USA Today that the Air Force allowed a retired general officer who was then-serving as an executive in The Boeing Company to participate as a “mentor” in a war game involving the aerial refueling tanker that Boeing was at the same time competing to build for the Air Force under a multibillion dollar procurement program. This, in my view, warrants serious inquiry.

According to the article, the retired general officer previously served as the chief of U.S. Transportation Command and Air Force

Mobility Command, which would have given him keen insight into the Air Force's plans to replace its aerial refueling tanker fleet. It appears that what this mentor did for the Air Force in this case directly related to one of Boeing's largest potential contracts with the Air Force. This makes the story particularly alarming. No less disturbing is that the Air Force apparently withheld publicly disclosing this information from a Freedom of Information Act (FOIA) request for approximately two years.

This latest revelation plainly validates my concerns that I conveyed last year about the potential for conflicts-of-interests associated with military mentor programs. It is also another example of the revolving door between the Department and private industry and the prevalence of the military-industrial complex in the Department's planning and procurement processes, which has plagued the Air Force's attempts to replace its aerial refueling tanker fleet from day-one.

Although there appears to be general comfort that the contract for the KC-46A was awarded properly and that the contracting strategy for the development of these tankers is viable, whether any misconduct somehow biased the program at its inception towards a particular outcome must be taken very seriously.

With this in mind, please answer the following questions.

1. After the individual cited in the article, retired Lieutenant General Charles Robertson, retired from the Air Force, during what period of time did he serve as an advisor, consultant or mentor, or in any other similar capacity, to the Air Force?

2. Describe, with specificity, General Robertson's duties, responsibilities and activities while serving in the foregoing capacity during this period.

3. Identify, with specificity, what project(s) General Robertson served on in the foregoing capacity, including but not limited to, as a mentor.

4. Describe, with specificity, what relationship these projects had with any program or process in which Boeing had a direct or indirect interest.

5. Describe, with specificity, the activity cited in the article described above (i.e., a "war game") and what relationship, if any, that this activity had with the pending Air Force program to replace its aerial refueling tanker fleet.

6. Describe what was happening with the Air Force's program to replace its aerial refueling tanker fleet while the foregoing activity was conducted.

7. What direct or indirect input or influence did General Robertson have in the outcome of the activity for which he was serving as a mentor (or in any similar capacity) or the overall program or process that this activity was intended to support?

8. How much per year and in total compensation was General Robertson paid for his service as an advisor, consultant or mentor, or in any other similar capacity, to the Air Force?

9. Please provide a copy of his employment contract(s) with the Air Force for his service in the foregoing capacity.

10. Explain why it reportedly took two years to provide the information described above where this information was responsive to a properly presented FOIA request.

11. What is the current status of the Department of Defense's mentor program?

12. If the program is still extant at all, what controls are in place today that will ensure against conflicts-of-interests and the

appearance of impropriety by its participants?

Thank you for your cooperation and your attention to this serious matter.

Sincerely,

JOHN MCCAIN,  
*Ranking Member.*

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 1540, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1540), to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, after full and free conference, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of December 12, 2011.)

The PRESIDING OFFICER. There will be up to 3 hours of debate equally divided between the leaders or their designees.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, on behalf of the Senate Armed Services Committee, I am pleased to bring to the Senate the conference report on H.R. 1540, the National Defense Authorization Act for fiscal year 2012. This conference report, which was signed by all 26 Senate conferees, contains many provisions that are of critical importance to our troops. This will be the 50th consecutive year in which a National Defense Authorization Act has been enacted into law.

I thank all of the members and staff of the Senate Armed Services Committee—and especially our subcommittee chairs and our ranking members—for the hard work they have done to get us to this stage. Every year we take on tough issues and we work through them on a bipartisan basis, consistent with the traditions of our committee. This year was a particularly difficult one because of the severely condensed timeline for floor consideration and conference on the bill.

I particularly thank my friend Senator McCain, our ranking minority member, for his strong support

throughout the process. I know both of us thank the chairman and ranking member of the House Armed Services Committee, BUCK McKEON and ADAM SMITH, for their commitment to this bill and to the men and women of our Armed Forces.

The conference report we bring to the floor today authorizes \$662 billion for national defense programs. While it authorizes \$27 billion less than the President's budget request and \$43 billion less than the amount appropriated for fiscal year 2011, I am confident this conference report, nonetheless, provides adequate support for the men and women of the Armed Forces and their families and provides them with the means they need to accomplish their missions.

This conference report contains many important provisions that will improve the quality of life of our men and women in uniform. It will provide needed support and assistance to our troops on the battlefield. It will make the investments we need to meet the challenges of the 21st century, and it will provide for needed reforms in the management of the Department of Defense.

I ask unanimous consent that a list of some of the more significant provisions be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Probably the most discussed provision in the conference report is the provision relative to military detention for foreign al-Qaida terrorists. This provision was written to be doubly sure there is no interference with civilian interrogations and other law enforcement activities and to ensure that the President has the flexibility he needs to use the most appropriate tools in each case. The bill as passed in the Senate addressed this issue by including language that: No. 1, left it to the President to adopt procedures to determine who is a foreign al-Qaida terrorist and therefore subject to presumed military detention; No. 2, required that those procedures not interfere with ongoing intelligence, surveillance, or interrogations by civilian law enforcement; No. 3, left it to the executive branch to determine whether a military detainee who will be tried is tried by a civilian court or a military court; and No. 4, gave the executive branch broad waiver authority.

The conference report retains that language and adds additional assurances that there will be no interference with civilian interrogations or other law enforcement activities. In particular, the conferees added language that says the following:

Nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency with respect

to a covered person, regardless of whether such covered person is held in military custody.

It also modifies the waiver language to give the President, rather than the Secretary of Defense, the authority to waive the requirements of the provision.

Under the provision in the conference report, law enforcement agencies are not restrained in apprehending suspects or conducting any investigations or interrogations. If a suspect is apprehended and is in law enforcement custody, the suspect can be investigated and interrogated in accordance with existing procedures. If and when a determination is made that a suspect is a foreign al-Qaida terrorist, that person would be slated for transfer to military custody under rules written by the executive branch. Again, however, any ongoing interrogations are not to be interrupted, and the President also has a waiver authority. If the suspect is transferred to military custody, all existing law enforcement and national security tools remain available to the FBI and other law enforcement agencies, and even if the suspect is held in military custody, it would be up to the Attorney General, after consulting with the Secretary of Defense and the Director of National Intelligence, to determine whether the suspect will be tried in Federal court or before a military commission. The bill provides the Attorney General with broad discretion to ensure that whatever consultation is conducted does not impede operational judgments that may need to be made to pursue investigative leads, effect arrests or file charges.

The language in the Senate bill and in the conference report is intended to preserve the operational flexibility of law enforcement and national security professionals in the executive branch. Nothing in the language limits the President as to when he can waive the provision or for whom he can waive it.

For example, he is not required to wait for a coverage determination to be made before deciding to waive the requirements of the provision. Similarly, he is not precluded from waiving the provision with regard to more than one individual at a time—for example, with regard to a group of conspirators or potential codefendants.

In short, the waiver language in the conference report is broad enough to reflect circumstances in which it is in the national security interests of the United States for a President to waive the requirements of the provision with respect to a category of covered persons, if he so determines, in order to preserve the flexibility of counterterrorism professionals and operators to take expeditious action.

With the exception of those assurances, the detainee provisions in the conference report are largely unchanged from the provisions in the bill

that was approved by the Senate on a 93-to-7 vote just 2 weeks ago. Those who say we have written into law a new authority to detain American citizens until the end of hostilities are wrong. Neither the Senate bill nor the conference report establishes new authority to detain American citizens—or anybody else.

The issue of indefinite detention arises from the capture of an enemy combatant at war. According to the law of war, an enemy combatant may be held until the end of hostilities. Can an American citizen be held as an enemy combatant? According to the law of war, an enemy combatant may be held until the end of hostilities. But, again, can an American citizen be held as an enemy combatant? I believe that if an American citizen joins a foreign army or a hostile force such as al-Qaida that has declared war and organized a war against us and attacks us, that person can be captured and detained as an enemy combatant under the law of war.

In 2004, the Supreme Court held in the Hamdi case that “there is no bar to this Nation’s holding one of its own citizens as an enemy combatant.”

The Court cited with approval its holding in the Quirin case, in which an earlier court held that “citizens who associate themselves with the military arm of the enemy government, and with its aid, guidance and direction enter this country bent on hostile acts, are enemy belligerents within the meaning of . . . the law of war.”

But despite that view of mine, which I clearly expressed on the Senate floor a couple weeks ago, neither the Senate bill nor the conference report takes a position on this issue. Both the Senate bill and the conference report include the language of the Feinstein amendment, which we drafted together and passed 99 to 1. That amendment leaves this issue to the executive branch and the courts by providing the following:

Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

The more difficult issue for me—and I believe it goes to the heart of the concern of the detention policy—is the kind of war we are in with al-Qaida, and that issue is when does the detention end? In other words, when are the hostilities over? In this kind of non-traditional war, we are not likely to sign a peace treaty or receive a formal surrender or even reach an agreement on a cease-fire.

Under these circumstances, it is appropriate for us to provide greater procedural rights to enemy detainees than we might in a more traditional war. We have done so in this conference report. The conference report, for instance, requires periodic reviews of detainee

cases in accordance with an executive order issued earlier this year to determine whether detainees pose a continuing threat or safely can be released. Under the conference report, enemy combatants who will be held in long-term military detention are told, for the first time, they will get a military judge and a military lawyer for their status determination.

The conference report includes many other important provisions.

It includes new sanctions against the financial sector of Iran, including the Central Bank of Iran. These sanctions would, among other actions, require foreign financial institutions to choose between maintaining ties with the U.S. financial system or doing business with the Central Bank of Iran.

It includes provisions addressing the problem of counterfeit parts that can undermine the performance of military weapons systems and endanger our men and women in uniform. This is one of the most important additional provisions we have in our bill; that is, the provisions relative to these counterfeit parts that are flooding our defense system with electronic parts that are counterfeited and come mainly from China. We were able to identify approximately 1,800 cases of suspect counterfeit electronic parts, covering more than 1 million individual parts, with most of them, again, coming from China. This conference report includes comprehensive reforms to keep counterfeit electronic parts out of the defense supply chain and provides proper accountability when suspect parts make it through that chain.

In particular, the conference report relative to this subject does the following:

It clarifies acquisition rules to ensure that the cost of replacement and rework that is required by the use of suspect counterfeit parts is paid by the contractor, not by the taxpayer.

It requires the Department of Defense and Department of Defense suppliers to purchase electronic parts from manufacturers and their authorized dealers or from trusted, certified suppliers.

It requires Department of Defense officials and Department of Defense contractors that become aware of counterfeit parts in the supply chain to provide written notification to the government.

It requires the Department of Defense and its largest contractors to establish systems and procedures to detect and avoid counterfeit parts.

It requires the Secretary of Homeland Security to consult with the Secretary of Defense on the sources of counterfeit electronic parts in the military supply chain and establish a risk-based program of enhanced inspection of imported electronic parts.

It authorizes Customs to share information from electronic parts inspected

at the border with manufacturers to help determine whether the parts are counterfeit.

It strengthens criminal penalties for counterfeiting military goods or services.

We are very grateful for the support of Members of this body for that provision.

Relative to the strengthening of criminal penalties, I wish to add our thanks to Senator WHITEHOUSE for his work on this subject, for his provisions relative to additional criminal penalties for counterfeiting military goods that are a part of this bill, and they are a very important part.

The conference report requires sound planning—this is another provision of this bill—and justification before we spend more money on troop realignment from Okinawa to Guam and on tour normalization in Korea. Those provisions follow detailed oversight that Senators WEBB, MCCAIN, and I have conducted.

On some other provisions: The conference report requires that the next lot of F-35 aircraft—lot 6—and all subsequent aircraft, be purchased under fixed-price contracts, with the contractor assuming full responsibility for any costs above the target cost specified in the contract.

Our conference report fences 75 percent of the money available for the Medium Extended Air Defense System—MEADS—until the Secretary of Defense submits a detailed plan to use those funds to close out the program or pay contract termination costs.

The conference report includes Senator LANDRIEU's bill to extend the Small Business Innovative Research—SBIR—Program for an additional 6 years. It has been about 6 years since we reauthorized this vitally important program, which provides a huge benefit to our small businesses so they can effectively participate in research programs that are funded by the Federal Government. In the defense arena, SBIR has successfully invested in innovative research and technologies that have contributed significantly to the expansion of the defense industrial base and the development of new military capabilities.

As to Pakistan, the conference report limits to 40 percent the amount of the Pakistan Counterinsurgency Capability Fund that can be obligated until the Secretary of Defense provides Congress with a strategy on the use of the fund and on enhancing Pakistan's efforts to counter the threat of improvised explosive devices, those IEDs which kill so many of our troops and so many civilians.

Finally, the Department of Defense has informed us it does not need an exemption from section 526 of the Energy Independence and Security Act of 2007 because that section does not apply to purchases at market prices from gen-

erally available fuel supplies and does not preclude the Department from purchasing any fuel it needs or expects to purchase in the foreseeable future.

We are in the final stages of withdrawing our combat troops from Iraq, but we continue to have almost 100,000 U.S. soldiers, sailors, airmen, and marines on the ground in Afghanistan. While there are issues on which we may disagree, we all know we must provide our troops the support they need as long as they remain in harm's way. The enactment of this conference report will improve the quality of life for our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we as a nation stand behind our troops and we deeply appreciate their service.

In conclusion, I would, once again, thank Senator MCCAIN, all our Members, and our majority and minority staff, led by Rick DeBobs and Dave Morriss, for their hard work on this bill. We could not have done this without them.

I ask unanimous consent that a full list of our majority and minority staff, who gave so much of themselves and their families, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SENATE ARMED SERVICES COMMITTEE STAFF

Richard D. DeBobs, Staff Director; David M. Morriss, Minority Staff Director; Adam J. Barker, Professional Staff Member; June M. Borowski, Printing and Documents Clerk; Leah C. Brewer, Nominations and Hearings Clerk; Christian D. Brose, Professional Staff Member; Joseph M. Bryan, Professional Staff Member; Pablo E. Carrillo, Minority Investigative Counsel; Jonathan D. Clark, Counsel; Ilona R. Cohen, Counsel; Christine E. Cowart, Chief Clerk; Jonathan S. Epstein, Counsel; Gabriella E. Fahrer, Counsel; Richard W. Fieldhouse, Professional Staff Member; Creighton Greene, Professional Staff Member; Ozge Guzelsu, Counsel; John Heath, Jr., Minority Investigative Counsel.

Gary J. Howard, Systems Administrator; Paul C. Hutton IV, Professional Staff Member; Jessica L. Kingston, Research Assistant; Jennifer R. Knowles, Staff Assistant; Michael J. Kuiken, Professional Staff Member; Kathleen A. Kulenkampff, Staff Assistant; Mary J. Kyle, Legislative Clerk; Gerald J. Leeling, Counsel; Daniel A. Lerner, Professional Staff Member; Peter K. Levine, General Counsel; Gregory R. Lilly, Executive Assistant for the Minority; Hannah I. Lloyd, Staff Assistant; Mariah K. McNamara, Staff Assistant; Jason W. Maroney, Counsel; Thomas K. McConnell, Professional Staff Member; William G. P. Monahan, Counsel; Lucian L. Niemeyer, Professional Staff Member.

Michael J. Noblet, Professional Staff Member; Bryan D. Parker, Minority Investigative Counsel; Christopher J. Paul, Professional Staff Member; Cindy Pearson, Assistant Chief Clerk and Security Manager; Roy F. Phillips, Professional Staff Member; John H. Quirk V, Professional Staff Member; Robie I.

Samanta Roy, Professional Staff Member; Brian F. Sebold, Staff Assistant; Russell L. Shaffer, Counsel; Michael J. Sistik, Research Assistant; Travis E. Smith, Special Assistant; William K. Sutey, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Mary Louise Wagner, Professional Staff Member; Barry C. Walker, Security Officer; Richard F. Walsh, Minority Counsel; Bradley S. Watson, Staff Assistant; Breon N. Wells, Staff Assistant.

Mr. LEVIN. I yield the floor.

#### EXHIBIT 1

#### SELECTED HIGHLIGHTS OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

—Authorizes a 1.6 percent across-the-board pay raise for all uniformed military personnel and extend over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel;

—Extends authorities needed to fairly compensate civilian employees and highly qualified experts who are assigned to work overseas in support of contingency operations;

—Clarifies provisions of the Uniform Code of Military Justice relating to the offenses of rape, sexual assault, and other sexual misconduct to address constitutional deficiencies in the existing law;

—Extends the authority of U.S. Special Operations Forces to provide support to regular forces, irregular forces, and individuals aiding U.S. special operations to combat terrorism;

—Freezes the Department's spending on contract services at fiscal year 2010 levels, to ensure that cost reductions and savings are spread across all components of the DOD workforce;

—Authorizes the Department to void a contract in Afghanistan, if the contractor or its employees are determined to be actively working with the enemy to oppose U.S. forces in that country;

—Implements cost-saving programs to address rapidly escalating costs for the operation and support of weapon systems, including costs incurred as a result of corrosion; and

—Enhances the role of the National Guard by including the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I fully support the conference report and the national defense authorization bill for fiscal year 2012. This is the 50th year the Congress will pass this, and I am now confident this bill will be signed into law by the President of the United States.

It is an important piece of legislation. I appreciate the participation of all Members, as we went through this bill in a relatively short period of time.



There certainly was a lot of participation by almost every Member.

I am most appreciative, of course, of Senator LEVIN, whom I have had the honor of serving with for many years. Quite often we have spirited discussions on various issues, but my admiration and appreciation for his leadership is very large. He is a man of incredible patience—a quality some accuse me of lacking, I think correctly.

Senator LEVIN and his staff and our staff work very closely together throughout the year as we bring forth this Defense authorization bill. Obviously this bill provides for defense policy guidance and funding that is vital to our national security, provides the clearest indication to our men and women in uniform that the Congress cares about them and their families.

In testament to the importance of this legislation, as I mentioned, we have passed a defense authorization bill every year since 1961.

Let me remind my colleagues of the hard work that went into this bill. The bill is a product of 11 months of legislative effort in the Senate, 71 hearings and meetings on the full range of national security priorities. We reported our bill out of the committee with a 26-to-0 vote. We debated nearly 40 hours, disposed of 139 amendments, and the bill was overwhelmingly passed 93 to 7. After Senate passage on December 1, our staffs have worked around the clock for 9 days to put this together.

As Senator LEVIN mentioned, it authorizes \$662.4 billion for national defense, which is \$26.6 billion less than the President's request. It authorizes \$530 billion for the base budget for the Department of Defense, and it goes on. We authorize a 6-percent increase in funding over last year's request for our special operations forces, who play a lead role in counterterrorism operations. We authorize over \$2.4 billion to counter improvised explosive device activities. The IEDs still plague the men and women who are serving in Afghanistan.

Let me also mention some noteworthy provisions in this legislation.

The conference report includes strong, unambiguous language that recognizes that the war on terror extends to us at home and that we must address it as such. The language the Senate adopted regarding detainees recognizes both that we must treat enemy combatants who seek to do us harm as such and that we must be able to gain as much information from such individuals as possible regarding their plans to wage war against our citizens—I want to emphasize—without violating the rules of war, without violating the Geneva Conventions, without engaging in torture or waterboarding or any of the kinds of techniques that have stained America's honor in the 21st century.

I strongly believe the detainee provisions in the bill are constitutional and

in no way infringe upon the rights of law-abiding Americans. Unfortunately, rarely in my time have I seen legislation so consistently misunderstood and misrepresented as these detainee provisions. The hyperbole used by both the left and the right regarding this language is false and misleading.

Let me be clear. The language in this bill will not affect any Americans engaging in the pursuits of their constitutional rights. The language does recognize that those people who seek to wage war against the United States will be stopped, and we will use all ethical, moral, and legal methods to do so.

I am very pleased that the administration has finally recognized that the language we have adopted merits the President's signature and will soon be signed into law. While we have made some technical changes to the detainee provisions, they remain substantially the same as passed by the Senate Armed Services Committee.

The Congress, in strong bipartisan majorities, especially in the Committee on Armed Services, is deeply concerned by the administration's flawed handling of detainees in the fight against terrorism.

It was Congress that took up this vital national security issue and drafted all the versions of these provisions and led the negotiations on all of the major compromises. Yes, we listened to the administration's concerns, as we should, and we took many of them into account. Unfortunately, the administration has fought these provisions every step of the way. They tried to have these provisions stripped from the Senate bill as a condition for bringing it to the floor for debate. When that did not work, they tried to have these provisions dropped from the bill through amendments on the floor. When that did not work, they urged the conferees to drop these provisions in conference or at least water them down into nothingness. Again and again, the administration failed. So for them now to try to claim credit for these provisions flies in the face of the historical record. Facts are stubborn, and when it comes to these detainee provisions, the fact is this: Congress has led and defined the debate, and the administration has finally conceded to that reality.

Let's establish once again what these detainee provisions do and do not do.

They would, among other things, reaffirm the military's existing authority to detain individuals captured in the course of hostilities conducted pursuant to the authorization of the use of military force.

The "authority to detain provision" in the conference report confirms that nothing in this section of the bill should be "construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States,

or any other persons who are captured or arrested in the United States." There could be nothing clearer than that statement.

This confirmation of the intent of the bill was inserted as a result of floor debate and negotiations with the Senator from California, Mrs. FEINSTEIN, to make absolutely clear what Chairman LEVIN and I and members of the committee who have supported this legislation have said throughout—that this provision does not and is not intended to change the existing state of the law with regard to detention of U.S. citizens. This section simply restates the authority to detain what has already been upheld by the Federal courts. We are not expanding or limiting the authority to detain as established by the 2001 authorization for the use of military force.

The conference report also includes a provision requiring military detention for foreign al-Qaida terrorists who attack the United States—something this administration has been not only hesitant but completely unwilling to even consider until this legislation highlighted the inconsistency between claiming the authority to kill an al-Qaida member with drones overseas but not being willing to hold a captured al-Qaida member in military custody in the United States, even in a situation where the al-Qaida terrorist had penetrated our defenses and had carried out or attempted an attack inside the United States.

The authority to hold al-Qaida members in military custody, while completely consistent with the law of war that applies to enemy combatants, is not a straitjacket but is as flexible as the President desires to make it.

While we in Congress have given the President a statutory authority to use military custody for al-Qaida members as a tool to ensure that we are able to obtain timely, actionable intelligence, the President can exercise a broad national security waiver to this requirement—a broad national security waiver. Most important, this provision requiring military detention explicitly excludes U.S. citizens and lawful resident aliens.

The military custody provision in the final compromise authorizes the transfer of any detainee to civilian custody for trial in civilian court and leaves it up to the President to establish procedures for determining how and when persons determined to be subject to military custody would be transferred. The provision adopted in the conference report requires that such determination must not interfere with ongoing intelligence, surveillance, or interrogation operations.

All of this flexibility was added to the bill even before we began negotiations with the White House to make it clear that the intent of the Senate's



provisions was not to tie the administration's hands but to give them additional means to defeat the most serious type of threat from al-Qaida to our country. The result of these Senate modifications to the original form of the provisions ensures that the executive branch has complete flexibility in how it first determines and then how it applies military custody for al-Qaida members who are captured after having attacked the United States or while planning or attempting such an attack.

Moreover, after meeting with FBI Director Robert Mueller, the Senate conferees added language in conference in response to his concerns about the impact on FBI operations confirming that nothing in this provision may be "construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation, or any other domestic law enforcement agency, with regard to a covered person, regardless whether such covered person is held in military custody."

It is the intent of the Senate conferees, in agreement with House colleagues on a bipartisan basis, that the FBI continue to execute the full range of its investigative and counterterrorism responsibilities and that any shift to military custody will be an administrative measure that does not limit in any way the FBI's authority.

I acknowledge that these issues were very controversial with some Members. These provisions were debated extensively—as thoroughly as any matter I have seen in recent memory—but I believe we have addressed in a positive way and have been responsive to concerns raised by the administration. Indeed, the Senate made changes both on the floor and during conference to ensure that the intent of the provisions was fully understood by the administration and others even before negotiations over the final form of the text began.

In many ways, as Chairman LEVIN has pointed out in many of his public statements and speeches on these detainee provisions, rarely has such misinformation, speculation, and outright misrepresentation been greater over what a bill actually does compared to what some from the left and right claim it does than has been the case with these detainee provisions. Whether 2012 campaign politics played a role in the characterization of these provisions or whether this was simply a case of not fully understanding the intent of the authors of these provisions I will leave to others to decide.

I point out again that I think my friend from Michigan Senator LEVIN displayed a great deal of courage in formulating what he thought was best for our Nation's security.

Regardless of the motivation that may have colored the debate until now, I believe that, by any responsible read-

ing, these provisions will not impair the flexibility of the President or national security officials in protecting the United States and its citizens. The military custody provision, which has been the focus of much of this debate, provides flexibility to use either a civilian track or a military track for custody and eventual trial and leaves the details of implementation in the hands of the executive branch, as it is appropriate to do so. It preserves the current state of the law as it applies to the rights of U.S. citizens and lawful resident aliens.

In terms of FBI authority to conduct investigations and interrogations, as well as use other instruments of the investigative and criminal process, these provisions preserve all of the FBI's role and authority under existing law.

The conference report also includes, virtually unchanged, the Senate provision requiring a plan to normalize U.S. defense cooperation with Georgia and the sale of defensive weapons. U.S. defense cooperation with the Republic of Georgia has been stalled ever since Russia invaded that country 3 years ago. While there has been slow and minor progress to enable Georgia's armed forces to deploy to Afghanistan—which they have done in greater numbers than most of our NATO allies—precious little has been done to strengthen Georgia's ability to defend its government, people, and territory.

This provision would require the Secretary of Defense, in consultation with the Secretary of State, to develop a plan for the normalization of our defense cooperation with Georgia, especially the reestablishment of U.S. sales of defensive weapons. It puts the Congress on record as demanding a more normal U.S. defense relationship with Georgia, particularly on defensive arms sales.

The conference report includes a strong and important provision to sanction the Central Bank of Iran, to curtail Iran's ability to buy and sell petroleum through its Central Bank, and to prevent foreign financial institutions that deal with the Central Bank of Iran from continuing their access to the U.S. financial system. This provision, which was adopted on the Senate floor by a vote of 100 to 0, and the attempted assassination of the Saudi Ambassador here in Washington, DC, had a very positive and forceful effect on this bill being enacted by the Senate. This provision would force foreign financial institutions to make an important choice: Do they want to deal with the U.S. economy or with Iran's Central Bank?

The Treasury Department urged the conferees to make a series of changes to this provision, some of which would have narrowed its scope and weakened it. We rejected that course of action. We made some minor technical changes but kept the provision as the

authors, Senators MENENDEZ and KIRK, intended. The conferees did, however, provide the Treasury Department the ability to more effectively implement this legislation by imposing strict conditions on foreign financial institutions that maintain ties to the Central Bank of Iran.

The conference report directs the Secretary of Defense to pause further spending on Guam in support of the relocation of 8,500 U.S. marines from Okinawa until Congress and the administration have had an opportunity to review and assess the impact of an estimated \$20 billion spending initiative on Guam in the context of the full range of our national interests in the Pacific region. This pause will allow Congress to ensure that the taxpayer funds invested in overseas military force posture and basing will afford us the best opportunity to continue our strong alliances in the region, while pursuing new arrangements with emerging partners that support security and economic development.

The final agreed-upon provision includes a requirement for an independent study to offer views and suggestions from a range of regional experts on current and emerging U.S. national security interests in the Pacific and options for the realignment of U.S. military forces in the region. The conference report would restrict the use of \$33 million in operation and maintenance funds for items on Guam that do not directly support military requirements, such as civilian schoolbuses, the construction of museums, and mental health facilities.

This provision should not be interpreted as a lack of U.S. commitment to realignment. The President has stated that we are shifting a lot of our attention to the Pacific region, and we understand the importance of the Pacific region in the 21st century.

Finally, the conference report includes a provision to require that the contract for the sixth slot of "low-rate initial production" for the Joint Strike Fighter be executed on a firm fixed-price basis. The Pentagon has thus far failed to incentivize the prime contractor to control costs. So a tougher measure, as embodied in the report, is warranted.

While I would have preferred the original Senate position that would have made the fixed-price requirement apply to the fifth lot currently being negotiated, I strongly support this provision. The chairman and I are committed to a close monitoring of this weapons system. We understand its importance. We also understand that the kinds of cost overruns that have characterized this system cannot be continued.

I am gratified that there are no earmarks in this bill. Unfortunately, it still contains over \$1.4 billion in spending that was never requested by the

President or by our military and civilian leaders in the Pentagon. Examples of funding authorized by this conference report include \$255 million for additional M-1 tank upgrades the Army didn't want in order to keep the M-1 production line hot despite no compelling need to upgrade more tanks at this time; \$325 million for Army National Guard and Reserve equipment not requested by the Army; \$8.5 million for an Air Force R&D program called the Metals Affordability Initiative that the Air Force didn't consider a high enough priority to fund; \$30 million for an industrial base innovation fund that the Pentagon didn't ask for; \$200 million for the Rapid Innovation Program—created by Congress in last year's Defense authorization bill—that the Pentagon never asked for and which has about \$439 million in funds left over from last year it hasn't figured out how to spend.

The bottom line is this: Congress will pump over \$1.4 billion into things the Pentagon never requested and didn't think were a priority. The American taxpayers are not fooled by this exercise, and they have long ago lost patience with it. For all the many good things this conference report did, we still fell short of providing only the most essential needs and priorities of the Department of Defense as identified by our civilian and military leaders. A total of \$1.4 billion is real money and could make an enormous difference to many Americans if properly applied to real priorities.

Those criticisms aside, as we look forward to the holidays ahead, I want all Senators to think about whom this report is really for—the men and women of our Armed Forces, who have served our Nation so bravely and so selflessly during the past 10 years of war. We owe it to them to pass this bill to demonstrate our support for them and the burden they carry for all of us and to show in a concrete way that the American people and the Congress stand with them and appreciate what they do for us. Passing this bill is really the very least we can do for so many who are willing to give all they have to defend us and our great country.

Finally, I thank Chairman LEVIN and Chairman McKEON and Ranking Member SMITH for their dedication and cooperation in getting through the conference in a rapid but comprehensive and collegial manner. It is an honor to work with Senator LEVIN on such an important cause for the American people and for our men and women serving around the world in the Department of Defense, who risk their lives for us every day. They deserve positive action and your vote on this conference report.

I urge my colleagues to vote for the conference report of the fiscal year 2012 national defense authorization bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I spoke at some length before, but I want to repeat one sentiment in the statement that has to do with Senator MCCAIN and his staff. The way in which he and our staff work together is in the finest tradition of this body. Our committee has had that reputation. It is a well-earned, well-deserved reputation that we are able to work on a bipartisan basis.

Senator MCCAIN continues in a great tradition on the Republican side, and I would hope I strive at least to do the same on our side. We have had some great leaders of our committee over the decades, and Senator MCCAIN is one of those leaders in that tradition, and I want to say what a great pleasure it is to work with him.

I know our staffs work beautifully together, and we are grateful for that. The Senator was right in pointing out who we are doing this for—it is the men and women in uniform—but we couldn't do that without our great staffs, and I know he joins me, and has already in his statement, in a tribute to our staffs.

Mr. MCCAIN. Madam President, I say to my friend from Michigan, I guess in our many years together we have seen the ups and downs and back and forth, but during our more than a quarter of a century of service we have always seen the bill coming to fruition and we have carried on in that tradition.

I wish also to point out to my colleagues, in a rather drab and dreary landscape of gridlock and acrimony, it is kind of nice to show that every once in a while there is a little ray of sunshine. So I hope we have been able to provide it for our colleagues, and I look forward to a unanimous, if not near unanimous, vote on the part of this body.

I hope if there are other colleagues who wish to come and speak on the bill—I know we have planned a colloquy on a provision of the bill concerning depots—so, hopefully, our colleagues who are very concerned about that issue might want to arrange to come to the floor so we can dispose of that.

I don't know of any other except, I think, Senator UDALL, who wishes to come.

Mr. LEVIN. I think one on our side.

While we are talking about rays of lightness, we thank Senator HAGAN, our Presiding Officer, who is a member of our committee. She provides a ray of light—one of the many rays of light on our committee. I see her presiding and smiling over this effort, and I wanted to acknowledge that she is an important part of it and to recognize her contribution as well.

Mr. MCCAIN. I happen to know for a fact that Senator HAGAN is a strong defender of the men and women who serve her State, which has a very large military presence. I know they are

very appreciative of her advocacy and service.

Before we get too hokey around here, maybe we should suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SECTION 1022

Mr. LEVIN. Mr. President, section 1022(d) of the conference report states that “nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency with regard to a covered person, regardless whether such covered person is held in military custody.” Would the Senator agree with me that this language is intended to ensure that the provision does not interfere with ongoing civilian interrogations and other law enforcement activities and that the President has the flexibility he needs to decide on the most appropriate law enforcement and intelligence tools for each individual case?

Mr. MCCAIN. Yes. That was the intention of the provision we wrote in committee, and it has been clarified by the addition of subsection (d). The statement of managers specifically states that the law enforcement and national security tools that are not affected by the provision include, but are not limited to, grand jury subpoenas, national security letters, and actions pursuant to the Foreign Intelligence Surveillance Act.

Mr. LEVIN. Section 1022 applies only to a person who is “a member of, or part of, al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda.” The statement of managers states that this language intentionally excluded the Taliban. Would the Senator agree with me that the requirements of section 1022—including the transfer restrictions applicable under that provision—do not apply to individuals detained by our forces in Afghanistan?

Mr. MCCAIN. Yes. Our forces in Afghanistan can continue to transfer detainees to the host nation in accordance with existing agreements. This provision does not apply to battlefield transfers in—Afghanistan.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, for the benefit of my colleagues, there is a bit of interesting news today. When the demonstrations began in Moscow, I tweeted—I am a big believer in tweets—and said, “Dear Vlad, the Arab Spring is coming to a neighborhood near you.”

Apparently, Mr. Putin was not amused, because an Associated Press headline read: "Putin rejects any redo of fraud-tainted vote." The article also mentioned he was apparently on a program where he answered some questions. To quote the article:

The harsh comments and his insistence that the December 4 election was valid will likely fuel anger and may draw even bigger crowds of protest later this month.

Putin also lashed out at U.S. Senator John McCain, who had goaded him with a Twitter post saying "the Arab Spring is coming to a neighborhood near you."

Quoting Putin now, the article continues:

"He has the blood of peaceful civilians on his hands, and he can't live without the kind of disgusting, repulsive scenes like the killing of Gadhafi," Putin said, referring to McCain's role as a combat pilot and prisoner of war in Vietnam.

He went on to say:

"Mr. McCain was captured and they kept him not just in prison, but in a pit for several years," he said. "Anyone (in his place) would go nuts."

I know my friend from Michigan may think there is some veracity to the last sentence from Putin's comments, but I would mention that, in the context of the National Defense bill, in my view, the reset with Russia has not gone as we had hoped and it is an argument for some missile defense provisions in this bill in particular.

I think the reason why Mr. Putin reacted in the way he did is that I believe he has been shaken, as he should have been, by the massive demonstrations that have taken place in Moscow and other cities in Russia. It will be very interesting on December 24 to see how large or whether there will be demonstrations concerning a government that in many ways has turned into a cryptocracy, and the abuse of human rights, including the case of Mr. Magnitsky, who died in prison; and Mr. Khodorkovsky, who was again sentenced to more time in prison, and what Mr. Khodorkovsky and others have described as a death sentence.

These are very interesting times in which we live, and the world is a very interesting place. I think it argues for the United States of America to maintain its defenses, as we have in the consideration of this bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I had not seen those remarks of Mr. Putin, but referring to his last comment, read by Senator MCCAIN, I guess people would go nuts in the setting Senator MCCAIN found himself in the Vietnam war. He probably is perhaps, only in that line, accurate that most people, indeed, could not have survived that experience. I know Senator MCCAIN does not raise this matter, but those of us who work with him appreciate all he has done for this country and for this body. I wish we had a chance to

straighten out Mr. Putin about Senator MCCAIN. I don't think we will have that opportunity, but maybe his own people will do so in a free election someday.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mrs. HAGAN. Mr. President, I ask unanimous consent that all time in the quorum call be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEPOT PROVISIONS

Mr. LEVIN. Mr. President, I now ask unanimous consent that the following Senators be recognized for up to 4 minutes each to address the depot provisions in the bill, and at the end of their remarks Senator MCCAIN and I be recognized to address the same issue. This was the order we were given. They may want to change it: Senator SESSIONS, Senator CHAMBLISS, Senator INHOFE, Senator SHAHEEN, Senator AYOTTE, and Senator HAGAN.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me thank the chairman of the committee. I appreciate the opportunity to have this colloquy because something has happened that shouldn't have happened. It happened over on the House side, and we had no control over it.

While I support and will vote for the fiscal year 2012 Defense authorization bill, this is the third year in a row we have bypassed the formal conference process. I am pleased we finished the bill, but this broken process allows for abuse, and we have certainly had some abuse that I will allude to here. If the proper procedure had been followed, some of these problems would not have happened.

On December 3, the House Armed Services Committee staff inserted new language into the conference that would impact how DOD maintains its ships, maintains its aircraft, maintains its ground vehicles—private and public—impacting thousands of jobs in a number of States. That was December

3. It wasn't until the morning of December 7 that I, along with several other Senators, were shown the new language. That was just 6½ hours before we were to have our first conference. We were going to be asked to support the new language without a full vetting from the concerned Members' offices or from the depots and shipyards, arsenals, the Shipbuilders Council of America, the Virginia Ship Repair Association, and all of the rest of these stakeholders and those who were concerned. That was November 7.

Then on November 9, 2 days later, I, along with Senators CHAMBLISS, SESSIONS, AYOTTE, COLLINS, HAGAN, and SHAHEEN sent a letter to Chairman LEVIN and Chairman MCKEON from the House and ranking members MCCAIN and SMITH opposing the new House Armed Services Committee language and asked that it not be included in the conference.

That was on December 9. We assumed they dropped the language, but they didn't. The new language was put in the bill at the insistence of staff, apparently, from all we can determine. Several Members of the Senate complained that the new language was not in either the House or the Senate bill, so it should not have been able to be dropped in.

They took the position that this was just a clarification of language that was already in, when in fact that wasn't the case because the new language was a complete and comprehensive rewrite of depot language contained in the original House bill. Stakeholders were not included in drafting the language. Senators were not included. Nobody knew.

The problem we had at that point—that was done on December 9. We were all committed to passing out the bill at that time, and many of the House Members had already signed the conference report. Then there was a roll-call vote, so they all disappeared. So our choice was to go back and open up everything again and nobody wanted to do that.

So we had language contained in the Senate bill, but it was dropped out in conference. That language specifically called for DOD to provide their inputs by March 1, 2012, on a recent study on the capability and efficiency of the depots before—and I emphasize this—before any change in legislation because the study alone does not provide Congress with a comprehensive view. This is what we requested.

I thank Senators LEVIN and MCCAIN for their support of this colloquy. I wish we had time to take care of this in conference, but I hope that by doing this we can slow down the implementation of the new language contained in the bill until the Senate has had time to fully vet these changes.

I certainly don't blame Chairman MCKEON. His staff told him—because he

stated this in the meeting—his staff told him the new language was fully vetted, but it was not, and we were not contacted. So the process is wrong. I have to say this is the first time in my 8 years in the House on the House Armed Services Committee and my 17 years in the Senate that I have seen anything such as this happen. I hope we can delay implementing these changes until we in the Senate can be heard. That is what this colloquy is all about.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I wish to thank the chairman for his willingness to enter into this colloquy. We had a discussion, as Senator INHOFE said, during the conference meeting last week in which it now is apparent that the process through which the depot language was inserted was not proper. Senator LEVIN has been very up front and straight forward with us, and I appreciate his willingness to do this today. I know the chairman has already acknowledged there are problems, and I appreciate his commitment to not only discuss it today but to revisit these issues as soon as the next Senate session convenes and address this issue through a truly inclusive process during which all Members and stakeholders can express their views.

Clearly, there was a process problem related to how these provisions wound up in the bill, and I think we can all agree that for issues that are as central to so many Members as the definitions of “depot maintenance” and “core,” the process needs to be inclusive and extensive and both Houses of Congress need to be equally involved. That simply did not happen in this case.

Specifically, related to the substance of the provisions, I am extremely concerned the rewrite of the 10 USC 2464 “core” statute replaces all references to “core logistics” functions in the original statute with “depot maintenance and repair” functions. This basically redefines “core” to be depot maintenance only, to exclude other logistics functions such as supply chain management and product support. This does constitute a very significant change, and I would argue that it is exactly in these areas of logistics functions beyond simple depot maintenance where the government has the greatest interest in protecting their own capabilities. Yet the bill defines these activities out of the core definition. This could very easily result in the government’s ability to employ and therefore maintain expertise in areas such as program management, supply chain management, and product support management atrophying.

I have no doubt that private industry applauds this change because they would be the ones to presumably pick up this work. However, we should not kid ourselves into thinking industry

would be cheaper. If the government loses this or any other depot-related capability, they will have an extremely hard time rebuilding that expertise, and this will only incentivize industry to charge more for their efforts. This is clearly a problem and one of the issues we need to address next year.

Secondly, the waiver in the 2464 rewrite is much broader than previously and allows for a waiver for military equipment that is not an enduring element of the national defense strategy. Perhaps this could make sense at some level if we knew what this meant, but we don’t. What an “enduring element of the national defense strategy” is has never been defined; hence, we will be at the mercy of the subjective interpretation of the Department of Defense. That is not the way it should be, and we need to fix that.

The current “core” waiver in 2464 is much narrower and more defined. The presumption and philosophy in the current waiver is that work, other than work on commercial items, will be considered core, and only considered not core when it is clear it no longer needs to be. The committee’s rewrite changes that presumption based on new standards which are unclear.

In addition to the two specific issues I have raised, there may be other unintended consequences to these changes of which we are unaware since we have had limited time, as Senator INHOFE said, to vet them and are just now receiving feedback from some of the stakeholders.

During the chairman’s remarks and in response, I would appreciate his commitment to revisit these issues as soon as we can next year. I encourage DOD to go slowly in implementing any changes since there is a good chance we will make additional changes next year. I appreciate as well his commitment to include a legislative package in next year’s national defense authorization bill that gets it right.

Again, I thank both Senator LEVIN and Senator MCCAIN for allowing us to address this issue and for their willingness to cooperate as we move forward next year to clear this matter up.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I wish to thank the chairman and the ranking member for allowing this colloquy to take place. I also wish to state that I believe the Senator from Oklahoma laid out a little bit of the groundwork of what we are discussing now.

I rise to discuss the depot maintenance issues associated with the House-adopted language in the conference. We must avoid doing anything that may upset the existing balance between DOD’s internal depots, logistic centers, arsenals and specialty facilities, and the industrial base. The House-adopted provision can disrupt that delicate balance and have unin-

tended consequences. We just don’t know who may be impacted. We need time to get this right, and we need to ensure a transparent process in which all stakeholders can make their position known to Members of Congress.

The sensitivity associated with maintenance workload is at an all-time high. Disrupting the balance of depot-level maintenance comes at a time when our economy is struggling and when DOD is consolidating depot source-of-repair work for current and emerging weapons systems. Additionally, prematurely disrupting the readiness of our weapons systems fleet is not an option, especially with the operational tempo of our military.

It is critically important to preserve the capability and competencies of DOD’s internal depot-level maintenance facilities while also sustaining the defense industrial base in order to preserve our technological advantages and readiness on the battlefield. Both face considerable challenges within a fiscally constrained environment. Both the depots and the defense industrial base are reshaping and restructuring their operations in anticipation of this.

As our military said, “It’s one team, one fight.” The research, development, and manufacturing communities within DOD, as well as in our universities, small businesses, and large corporations, are essential partners in our national security. That being said, we need to acknowledge the fragile nature of DOD’s depot-level maintenance facilities and the defense supply chain within a heavily consolidated defense industrial sector. Our country simply cannot lose skilled manufacturing research and development expertise to global competitors.

Congress needs to do our due diligence to address the concerns of DOD’s internal base involving maintenance, repair, and overhaul of the military equipment. At the same time, we need to facilitate public-private partnerships and healthy competition that will be mutually beneficial to the Department and the industrial base.

I know my colleagues are concerned about the impact this language may have in their States. I wish to highlight Fleet Readiness Center-East in North Carolina. Reducing FRC-East’s workload is not an option. It would negatively impact the quality and cost-effective maintenance and logistics support for Navy and Marine Corps aviation. The operational readiness and availability of deployable Navy and Marine Corps aircraft would be undermined without preserving FRC-East’s capabilities.

I certainly understand the incredible pressure the chairman and the ranking member were under trying to resolve hundreds of issues in conference over a very short period of time, and I certainly do appreciate their willingness to engage members of the committee

and other interested stakeholders in a more comprehensive process next year so we can be sure we get this right.

Thank you, Mr. President. I yield the floor to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate and share the comments made by the distinguished Senator from North Carolina. I believe it is important. Having come here 15 years ago and having confronted the question of depots and how they operate, I was surprised to learn the intensity of the feelings and the difficulty of the issue.

We worked on it for some time, and for the most part, it has been quiet under Senator LEVIN and Senator WARNER. We kind of worked out how this thing should be handled. I thought things were rocking along well and have been very disappointed that the House Members have taken an initiative at a point where we were told it was too late to make any changes in the process. That alters that understanding, and I am not comfortable with it.

I feel I have engaged in these issues. We have a depot in my State, and we should have given it better consideration. I do not believe it is correct, the language as it is. I do believe we need to make changes. So it is a concern that the delicate balance created by the current definition of "core depot-level maintenance" between government facilities and industry could be altered and at risk.

We have all worked on this issue for a number of years. We have a more efficient and productive model today than we had when I first came here because of a lot of hard work and intense effort. So that is a problem for me.

Another troubling element of this new definition is the potential treatment of commercial items. The notion that perhaps an engine or other major assembly of a major end item such as a tank or aircraft could be considered a commercial item and not part of our depot core mission is very problematic and would be contrary to the way we have been operating for many years.

I would like to point out that because of the hasty way this language came into the bill, we do not know the second- and third-level effects of this language. That in itself is another reason to make sure we get the policy right in a very deliberative and collaborative process.

I hope we have a solution that will work. I say to Chairman LEVIN and Senator MCCAIN, the ranking member, I appreciate your willingness to work to correct the error in the process—and I believe there was a process error—and to ensure that due diligence is done as we work to codify the definition of "core depot-level maintenance."

So I look forward to your leadership in conducting subcommittee hearings,

full committee hearings, working sessions, and whatever it takes to make sure we get the language right before we get to the markup and consideration of the fiscal year 2013 National Defense Authorization Act.

I will conclude by saying we had some very important issues to deal with in the Defense bill. A lot of them were very difficult. Under Chairman LEVIN's leadership and Senator MCCAIN, we either reached an agreement or reached an agreement not to agree, and moved the bill forward. I think it is over 50 years now that this bill has moved forward every year. I think it is something to be proud of.

The only real controversy that came out of it is this depot matter. So it sort of went against the way we felt we should operate, the way that has resulted in settlements of disputed issues and moving the bill forward. For that reason, I think it is appropriate we ask that this issue be redealt with next year.

I yield the floor.

Ms. COLLINS. Mr. President, I would like to voice my concerns regarding two provisions included in the conference report, sections 321 and 327. These provisions constitute a major rewrite of depot policies and laws.

These sections have not been sufficiently vetted. They could potentially hurt competition in acquisition programs, harm our public depots, and cause unintended consequences that could significantly affect not only depots, but also the private sector industrial base and the thousands of employees in both sectors.

In February, the Logistics Management Institute, LMI, delivered a report to Congress making recommendations to modify the depot statutes. Both Armed Services Committees asked DOD to offer input on the LMI study, but the Department did not do so.

The Senate held DOD to account in the committee report accompanying this very bill, which states:

The committee is concerned that a lack of Department of Defense input regarding the findings and recommendations of the LMI study does not provide Congress with a comprehensive view prior to enacting legislation that could have unintended consequences.

But even without DOD input, the House went ahead and included changes to depot provisions when it passed its bill in May.

The Senate-passed bill also included a provision to prohibit any change to the definition of depot maintenance until after the Defense Business Board conducted its own study as well.

Given the concern identified by the Senate Armed Services Committee and the requests for additional fact-based analysis, you can imagine my alarm when I learned that such a rewrite was being considered for inclusion in the conference report.

What surprised me even more was that the proposed rewrite differed sig-

nificantly even from the provision in the original House-passed bill.

The Senator from Oklahoma, Senator INHOFE, and I voiced our concerns about this in a meeting of the conferees. After that, six Senators and I sent a letter to the leadership of both committees warning of the unintended consequences of including these provisions in the conference report. I ask unanimous consent to have our letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, December 9, 2011.

Hon. CARL LEVIN,  
Chairman, Senate Armed Services Committee,  
Washington, DC.

Hon. JOHN MCCAIN,  
Ranking Member, Senate Armed Services Committee,  
Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER MCCAIN: As conferees to the Fiscal Year 2012 National Defense Authorization Act Conference, we write to voice our concerns with the HASC proposal regarding Sections 321 and 322 of the House bill. While we appreciate the attempt to improve the depot and shipyard related statutes, none of our offices were advised or consulted regarding these last minute changes being proposed by the HASC or consulted during the last several months as these provisions were apparently being crafted.

Only a few conferees received the new proposed language on December 7th, but we are all now being asked to support new language that will have far reaching implications on aviation depots, shipyards, arsenals, and ammunition plants across the United States. It is inappropriate to attempt legislative changes that could affect more than 100,000 jobs, public and private, across the United States without careful vetting and ensuring there will be no unintended consequences.

While we support improvements to operations at our depots, shipyards, arsenals, and ammunition plants, the HASC proposed changes to the definitions of depot level maintenance could have profound and enduring negative consequences to the industrial base and ultimately the readiness of our force. Given the lack of transparency and abbreviated conference timeline, we request that you not include Sections 321 and 322 of the House bill in the FY12 NDAA Conference Report. We further recommend that we begin to work together as soon as possible regarding the possibility of incorporating a more thoroughly considered version of this language in the Fiscal Year 2013 NDAA.

Thank you for your consideration in this matter. A similar letter has been sent to Chairman McKeon and Ranking Member Smith.

Respectfully,

JAMES M. INHOFE.  
JEFF SESSIONS.  
SUSAN COLLINS.  
JEANNE SHAHEEN.  
KAY HAGAN.  
SAXBY CHAMBLISS.  
KELLY AYOTTE.

Ms. COLLINS. The two provisions raise a number of unanswered questions, questions that remain unanswered by the advocates of these provisions, and which could lead to significant consequences for public and private sector components of the industrial base. Let me share two examples.

First, the provision expands the definition of depot maintenance to include the installation of modifications and upgrades to end-items—a measure potentially harmful to competition.

There is a concern that the Army may be required by this provision to direct work related to the Modernized Expanded Capacity Vehicle, MECV, program to the public sector without a full and open competition allowing experienced private entities to bid.

It is my view that the MECV is much more than a modification to a weapon system because it is an acquisition program. I understand this view is shared by the Army, which has consistently said the source selection for the MECV will be full, open, and fair.

Those who have invested in this program deserve to know that this language does not restrict competition or introduce, in any way, an incentive to favor the public or the private sector as it relates to acquisition programs, and the MECV program in particular.

While depot maintenance work is an important component of both the public and private sector industrial base, Congress has consistently supported a strong core requirement at the depots for national security reasons. For example, vital submarine overhauls, refueling, and maintenance work are performed at the Portsmouth Naval Shipyard in Kittery, ME.

It is unclear if the ramifications of the conference report will lead to work flowing away from our public depots, thus jeopardizing the government's core repair capability.

I would ask the chairman to closely reevaluate these provisions to ensure that the two concerns I described, as well as the concerns of other interested Senators, are fully addressed.

This process should allow Members adequate time to reach out to interested parties and a committee hearing to understand the ramifications of these legislative changes to the defense industrial base.

I would also ask the chairman to commit to modifying or repealing these provisions, if necessary, in next year's NDAA.

I would also ask the chairman to ensure that any future proposals pertaining to these sensitive issues be addressed in a more inclusive and deliberate manner.

Finally, given the uncertainty and confusion surrounding these critical depot issues, I would hope that the Department of Defense would exercise much care and refrain from making dramatic changes in its policies.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor to echo the comments and concerns we have heard in the last few minutes from my colleagues on the Armed Services Committee regarding this House-inserted language on our Nation's military depots, arsenals, and shipyards.

I wish to begin by saying to Chairman LEVIN how much I appreciate his assurances, as well as those of Ranking Member MCCAIN, and Chairman MCKEON and Ranking Member SMITH in the House, that there are no intended changes to the current law under this language. I think that is very important for us to say to our constituents so they are reassured.

I also appreciate Chairman LEVIN's commitment to examine this issue closely in the coming year to prevent any unintended consequences that this language might have on our Nation's industrial repair facilities, including the Portsmouth Naval Shipyard, which my home State of New Hampshire shares with Maine and which is very important to us in the Northeast and I think to our military capabilities.

With that said, I have to say I share the concern that has been expressed about the manner in which this language was inserted. While I understand that the House has been working on this issue for some time, including holding roundtable discussions at the National Defense University, I believe there is much more that should have been done.

On Friday, December 9, my staff was made aware that this language from the House could be included in the final NDAA report—a measure we have all been working on for the past 11 months. So along with six other members of the committee, I signed a letter that very day—so 1 week ago tomorrow—indicating our concerns and frustration over including such language without adequate Senate review or input. Despite the concerns expressed in our letter, the language was included.

On such an important issue as this, usually we have had a very collaborative, transparent process in our committee, on the Senate side anyway, and I appreciate that. I think that has been one of the reasons for the great success of Senator LEVIN and Ranking Member MCCAIN in being able to get a bill out year after year on which there has been consensus agreement.

Unfortunately, that did not happen with respect to this language. As such, we now face a situation where the committee will need to spend a significant amount of time examining the language and its implementation over the next year to ensure no changes result.

The reason we as a nation maintain the 50-50 rule—where all maintenance work is split between the public and

private sectors—is to ensure that in times of conflict, the Federal Government will have the critical capabilities necessary to repair our Nation's combat equipment.

Advanced technical repair work, such as the work done on nuclear submarines at the Portsmouth Naval Shipyard, requires highly skilled and specialized technicians. Any changes to the way we structure workload for these facilities has to be closely examined and should include input from the individual stakeholders who understand this issue best.

Generations of Americans have invested significant resources in our Nation's military to ensure our men and women in uniform have the most advanced equipment in the world to keep us safe.

I say to the chairman of the committee, I very much appreciate your assurance that we will continue to take a close look at this issue, including holding a hearing next year, if necessary. So I thank the Senator very much for his cooperation to work with us.

With that, I yield the floor.

The PRESIDING OFFICER. The junior Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I would like to join in the comments of my colleague from New Hampshire and the concerns she has expressed, along with my other colleagues who serve on the Armed Services Committee.

But, first of all, I thank Chairman LEVIN and Ranking Member MCCAIN again for their tremendous leadership on the Defense authorization bill. We have conducted a tremendous amount of work in a short period of time, continuing the long-running, proud tradition of the Senate Armed Services Committee of professionalism and bipartisanship in support of our troops and our national security.

This is a bill of which we can be proud. In a time of war, this bill supports the men and women of our Armed Forces and their families and authorizes the equipment, training, and resources our servicemembers need to complete their missions.

While I am very proud of this bill and pleased that many of my provisions to reduce wasteful spending and maintain military readiness have been included in the final conference report, I also share the concerns of my colleague from New Hampshire, Senator SHAHEEN, and other colleagues who serve on the Senate Armed Services Committee—both substantive and procedural concerns—regarding the depot provisions, sections 321 and 327, that were included by the House in the conference report.

When we were informed of this significant language—only last week—I joined a bipartisan group of Senators, including my colleague JEANNE SHAHEEN, to express our concern and our



opposition to including the depot provisions in the final Defense bill.

As ranking member of the Senate Armed Services Readiness Subcommittee—which has oversight over depots, shipyards, arsenals, and ammunition plants—I am troubled that such a significant rewrite of depot statutes was hastily included in the final bill without consulting with key stakeholders and without conducting more complete analysis involving the Senate.

In the coming years, as we ask the Department of Defense to do more with less, the role of our depots and shipyards will become even more important. This is certainly true for our four public shipyards, including the Portsmouth Naval Shipyard, where many of my constituents work on a daily basis to sustain the world's best submarine force.

I share the pride my colleague from New Hampshire Senator SHAHEEN and my colleague from Maine Senator COLLINS feel about the Portsmouth Naval Shipyard. Portsmouth conducts maintenance on the Los Angeles- and Virginia-class submarines. In fact, Portsmouth has led the way for the entire Navy with the first-in-class maintenance availability on the USS Virginia.

While I am troubled by the process through which the depot provisions were included in the conference report, I am encouraged that both Chairman LEVIN and Ranking Member MCCAIN have expressed similar concerns and have committed to addressing these concerns in the coming months.

This process should include an inclusive and thorough vetting of the provisions to ensure we understand all the ramifications of what was included by the House.

As ranking member of the Readiness Subcommittee, I plan to propose to Chairman MCCASKILL that we hold a hearing on these depot provisions at the earliest opportunity next year.

The capabilities of our depots and shipyards and their role in sustaining military readiness are too important to hastily adopt such potentially far-reaching provisions.

Let me conclude by again thanking my colleagues on the Senate Armed Services Committee. Despite the partisanship that often characterizes Washington, it is encouraging to see that bipartisanship continues to prevail in the Senate Armed Services Committee. That is largely due to the leadership of Chairman LEVIN and Ranking Member MCCAIN.

I am proud of this bill, and I look forward to it becoming law in the coming days.

I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I join the chairman in the acknowledgment

that many Members of the Senate have concerns with both the process and substance of the changes adopted in the Defense authorization conference report regarding statutes for depot activities in the Department of Defense. The protection of a core logistics capability within the Department has been a very controversial issue for many years, as the Department's depot enterprise employs over 77,000 personnel with an annual operating budget exceeding \$30 billion. As we draw down from two wars which have consumed so much in resources and equipment, there will be much concern and debate about the continued workload and jobs at depots, shipyards, and arsenals, particularly in light of declining defense budgets.

I agree this debate and deliberation should have included all interested parties. While I support legislation that would have the clear intent of improving the effectiveness and efficiency of the Department's industrial activities, I was not and am not in support of moving forward on changes that have not been addressed with all members of the committee. The concerns expressed to us by Senator INHOFE, Senator CHAMBLISS, Senator COLLINS, Senator AYOTTE, Senator SHAHEEN, and others need to be reviewed in an open and transparent process.

As to the substance of the concerns, from what I can tell, there are opinions on the impact of these two provisions on both sides of the issue—from private industry and from the depots and their government civilian workers and unions.

I am aware some are very concerned that the changes in the conference report will upset the balance currently maintained between public and private performance of these activities, which could affect readiness. Changes to the definition of depot-level maintenance and repair have the potential to result in the shift of workload at shipyards. Changes to this provision should not be construed to restrict competition or to create any incentive to favor the public or the private sector as it relates to acquisition programs.

The narrowing of the statutes from core logistics to corps depot-level maintenance could be interpreted as congressional intent to eliminate the identification of core activities in the defense supply chain affecting arsenals and ammunition plants.

On the other hand, the inclusion of an expansive waiver provided to the Secretary of Defense to waive core requirements is very unsettling for every depot activity. Such a waiver could move significant amounts of depot work to the private sector.

Revisions to the definitions of "commercial items" to be exempted from core determinations could have an immediate detrimental impact to those depots that work on commercially

available items of equipment, such as engines and transmissions of ground combat vehicles.

So many depots that do this sort of work are concerned about the impact. I agree we need to fully understand the impacts, real and unintended, from the implementation of these provisions. We will need to work closely with the Department of Defense to ensure that whatever changes or repeals we make are in the best interests of our military with the priority placed on readiness as well as efficiency of operations and fiscal responsibility.

I support the chairman and commit to giving this issue focused attention in the year ahead to ensure the measures taken in this year's bill are the right outcome for the Department of Defense and the taxpayers.

I yield the floor.

The PRESIDING OFFICER. (Mr. SANDERS). The Senator from Michigan.

Mr. LEVIN. Mr. President, I appreciate and I understand the Senators' concerns about this issue as they have been expressed here this afternoon. I also very much appreciate their understanding relative to the extremely short period for conference this year where we worked through hundreds of provisions with our House colleagues in about a week, a process that usually takes a month or more.

While I am proud of what we were able to accomplish in this bill as a whole, it was probably likely that some language would need more consideration because of the time constraints we were operating under. Before I continue, I want to state my appreciation to the Members who spoke here this afternoon and members of the Armed Services Committee. They make major contributions to this committee.

I listened carefully to what our colleagues have had to say about the depot maintenance issue. I believe their concerns are substantive and merit careful consideration from the Armed Services Committee. This is an issue that was brought to our conference in the House bill.

The depot maintenance provisions that were approved by the House last May arose out of a congressionally mandated independent review of the statutes, regulations, and policies guiding depot maintenance performance and reporting. The House conferees then proposed modifications to their own provisions based on the results of a series of discussions with stakeholders held throughout the summer at the National Defense University. We were told this process was comprehensive, that all stakeholders were invited, and that the resulting recommendations were widely accepted by all interested parties.

In particular, we understood the Department of Defense, private industry, and the House Depot Caucus had reached consensus on the revised House



language. While those statements were made in good faith, it turns out they were not accurate. A number of key players, including stakeholders in government, private industry, and labor, did not participate in the process at National Defense University and were apparently unaware of the results.

Senators with a strong interest in the issue were not aware of the modified House language that was presented in our conference until it was too late to consider changes. I am aware that the depot maintenance issue has long been a sensitive one to our Nation and to many of our Members, and that the precise words in these provisions matter. The existing statutes, regulations, and practices have served to sustain both core logistics capabilities and the defense industrial base over the last decade, so any changes need to be fully understood.

I understand there are a number of unanswered questions about the provisions in the conference report that could have significant effects. For example, first, the new language substitutes the term "core depot level maintenance" for the existing term "core logistics." Does this change impact National Guard readiness, sustainment maintenance sites, and other DOD facilities that are not depots? Does the change impact requirements for supply chain management and other logistics functions that are not performed by depots?

Second, the new language changes the wording regarding modifications in the definition of core depot level maintenance. Does this change impact planned public-private competitions for modifications and upgrades programs? Does the change preserve the distinction between modifications and upgrades on the one hand and acquisition programs on the other? Is this an expansion of core functions that will be required to be performed in the public sector with an adverse impact on the defense industrial base?

Third, the new language changes the wording of the exclusion for commercial items. Is this a change to the existing exclusion or merely a recodification? Will it impact maintenance requirements for commercial derivative aircraft and other major defense systems that are based on commercial technology?

Fourth, the new language includes a waiver rather than an exemption from core requirements for nuclear aircraft carriers. Will the new language result in any change in requirements for the maintenance and modifications of nuclear aircraft carriers?

Fifth, the new language includes the authority to waive core requirements for any weapons system that is "not an enduring element of the national defense strategy," rather than an exclusion for a workload that is "no longer required for national defense reasons."

Does this new language mean something different from the existing language? If so, will it change the balance of work between the depots and the private sector?

I am committed to have the Armed Services Committee revisit the modifications to the depot maintenance laws included in this conference report and to give full consideration to the concerns our Members have raised. Over the coming months we will engage with interested Members and their staffs to review the language in detail. Together we will reach out to interested parties through a process that will include a full committee hearing if we determine one is needed. We will then take action to repeal or modify anything that needs to be repealed or modified in these provisions during our consideration of next year's National Defense Authorization Act. Many of my colleagues heard Chairman BUCK McKEON make a similar commitment at our final conference meeting.

During the next year, while this review process is underway, I join my colleagues in urging the Department of Defense to proceed with caution in implementing this legislation. In particular, I urge the Department to make as little change as possible in the status quo with regard to these functions during the next year. It would be unfortunate if the Department were to change significant functions from one form of performance to another this year only to be required to change the decision again the year later.

Our objective has always been and always will be to ensure the Nation's depot maintenance system is structured and supported in a manner that efficiently and effectively provides for the readiness of our Armed Forces and our national security. I know this is a critically important issue. I look forward to working with Senators over the next year to take the steps we have discussed here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me speak to some of the provisions of the National Defense Authorization Act especially concerning nuclear modernization and the implementation of the New START treaty. This is in the context of the omnibus appropriations bills that we will consider later this week, which appear to include funding reductions from the President's request for nuclear weapons modernization activities for the year 2012.

Earlier this year I introduced the New START Implementation Act because other Senators and I believed it is necessary that the Congress codify the agreement made between the President and Congress regarding the commitment to the modernization of our nuclear deterrent. Indeed, it is fair to say the Senate's support for the ratifi-

cation of New START was contingent on modernization of the remaining nuclear arsenal.

One of the critical features of that legislation was the link between funding of the administration's 10-year nuclear modernization program to any U.S. nuclear force reductions in a given year. The language that appeared in the House-passed version of the Defense bill was good policy because it limited the reductions in warheads the United States otherwise would make pursuant to the New START treaty if Congress failed to provide the funding prescribed each year under the so-called 1251 modernization plan. In other words, warhead reductions were based on adequate funding.

The House language would also prohibit reduction of the nuclear stockpile hedge of nondeployed warheads until after we completed construction of the key nuclear facilities necessary to regain our production capacity. The reason for that, of course, is we have a hedge or a stockpile of these weapons that exists in the event we would need them since we do not have a production capacity right now to replace them. Until that capacity is created, probably in about a decade, we will need to continue to maintain that hedge capability.

The language that appears in the conference report now before us removes this explicit linkage, which I think is very unfortunate. The NDAA conference report addresses these concerns in some ways, though not as strongly as we originally intended. Here is what the compromise in the bill provides: First, in any year in which modernization is not fully funded, the President must report to Congress how he intends to address the shortfall and whether as a result of the shortfall it is still in the national interest to remain a party to the New START treaty. For the first time, the President will be compelled to detail his plans for U.S. nuclear force reductions over the next 5 years, which will provide Congress an opportunity to evaluate whether these reductions are in the national interest. This second provision is an important addition. Third, in any year in which the President seeks reductions in the nuclear stockpile, he must first seek from the Commander of U.S. Strategic Command a net assessment on the reductions, which, of course, puts the Commander of STRATCOM in a crucial position, and to provide that assessment to Congress unchanged. And, finally, the President must provide to Congress any changes to the Nation's nuclear war plan and provide access to certain Members of Congress to these plans.

These are all important provisions, but without the House language, the possibility remains that we will draw

down our warheads under START without adequate funding to ensure our remaining stockpile meets our requirements. As I said, this is quite unfortunate.

Let's recall why this modernization of our nuclear weapon program was necessary. The modernization program was painstakingly worked out, first within the Department of Defense, and the Department of Energy, our national laboratories, and then between the administration and Senators at the time of the New START treaty. It resulted in a 10-year \$200 billion work plan to renovate our national laboratories, to extend the life of our nuclear weapons, to maintain their safety, the security and effectiveness of those warheads, and to sustain the modernization of the triad of our nuclear delivery systems, the ICBMs, bombers, and nuclear submarine force.

The plan was updated last November after a very thorough review by the Department of Defense and the Department of Energy, bringing the total 10-year funding figure to about \$213 billion. There was little disagreement at the time about the need to modernize our nuclear facilities or about this amount which represented the cost over the 10-year period.

Indeed, between fiscal year 2005 and fiscal year 2010, the National Nuclear Security Administration, or NNSA, had lost about 20 percent of its purchasing power due to funding cuts. This, without the changes recommended in the 1251 report, would have been devastating to its modernization plan. Incredibly, funding for stockpile surveillance activities—these are activities which are necessary for the President to annually certify the safety and effectiveness of our nuclear warheads and bombs—had declined by 27 percent during this period of time. In other words, our ability to actually even understand what was going on in these weapons and determine whether changes had to be made was being degraded substantially. The situation was so dire that in February 2010, Vice President BIDEN gave a major address on the subject at the National Defense University and penned an op-ed in the Wall Street Journal that stressed:

The slow but steady decline in support for our nuclear stockpile and infrastructure—

And then noting that again—

For almost a decade, our laboratories and facilities have been underfunded and undervalued.

He concluded by observing that “Even in a time of tough budget decisions, these are investments we must make for our security.”

Secretary of Defense Gates had earlier drawn attention to the neglect of our nuclear weapon complex. In 2008 he said, “To be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the numbers of weapons in our stockpile without ei-

ther resorting to testing our stockpile or pursuing a modernization program.”

Of course, we have not resumed testing, which meant our only alternative was this modernization program which we then all agreed to. What is the linkage between modernization and the reductions in warheads called for under the START treaty? Well, it is pretty clear. As the President's National Security Advisor wrote to me in April of 2010, “Support for the nuclear complex is fully consistent with and, indeed, an enabler of the nuclear reductions we seek to implement—a direct connection, in other words.

So critical was the need to reverse the decline in our nuclear weapon enterprise that the Senate included in its resolution of ratification for the New START treaty a condition No. 9, which stated:

The United States is committed to proceeding with a robust stockpile stewardship program, and to maintaining and modernizing the nuclear weapon production capabilities and capacities that will ensure the safety, reliability, and performance of the United States nuclear arsenal at the New START Treaty levels and meet requirements for hedging against possible international developments or technical problems.

The condition also stipulated that if appropriations are enacted that fail to meet the requirements set forth in the President's 10-year plan, then the President must tell Congress how he proposes to remedy the resource shortfall and whether the United States should remain a party to the treaty in light of such funding shortfalls.

That commitment to modernization was made explicit by the chairman and ranking members of the Senate Appropriations Committee and its Energy and Water Development Subcommittee, who wrote to the President on December 6, 2010, to express support for “ratification of the New START treaty and full funding for the modernization of our nuclear weapons arsenal, as outlined by your updated report that was mandated by section 1251 of the Defense Authorization Act for Fiscal Year 2010.”

Despite this commitment, we are now faced with a reduction of some \$400 million below the President's \$7.6 billion request for nuclear weapon activity. It depends on the outcome of the appropriations process, but based upon the bill that was filed in the House last night, this appears to be the amount of reduction.

Senior officials from our national labs, the Department of Defense, and NNSA have all warned that cuts of this magnitude will delay construction activities for critical nuclear processing facilities, postpone critical life extension programs for our nuclear warheads, and could jeopardize our ability to certify the nuclear stockpile without testing.

In the words of Defense Secretary Panetta:

I think it's tremendously shortsighted if they reduce the funds that are absolutely essential for modernization. . . . If we aren't staying ahead of it, we jeopardize the security of this country. So for that reason, I certainly would oppose any reductions with regards to the funding for [modernization].

Likewise, General Kehler, the commander of U.S. Strategic Command, told Congress that, due to the impending NNSA budget cuts, “we've got some near-term issues that will impact us in terms of life-extension programs for aging weapons.”

What are life extension programs? These are the ways in which we can take the nuclear warheads that need working and extend their life by refurbishing them or replacing some of the components and doing other things that generally the scientists understand are critical to maintain the safety, the surety, and the reliability of those weapons over the period of time in which they are needed.

We all understand that the appropriations committees were under immense budget pressures, especially after the Budget Control Act of 2011. Full funding for nuclear modernization, though, was a priority brought about by this Nation's pledge, made in the New START treaty, to reduce the levels of U.S.-deployed nuclear weapons. As such, it should have superseded other budgetary considerations. It should have been fully funded.

Few things are more important than ensuring that our Nation's nuclear deterrent is effective and reliable, especially as those forces are reduced to lower levels by the START treaty arms control agreement. Indeed, this was the view of the House and Senate Armed Services Committees, which fully authorized the President's request for nuclear modernization.

Senior DOD officials worked to secure adequate funding for the President's 10-year commitment to nuclear modernization. Among other things, the President submitted the budget that requested the full amount of funding called for in the 1251 report, and the Department initially transferred \$8.3 billion in budget authority to NNSA for weapons activities over a 5-year period, which, unfortunately, is not fully reflected in the fiscal year 2012 Energy and Water appropriations bills.

In this case, the customer, the Department of Defense, was so concerned that the Energy Department could do this work that it transferred its own budget authority to accomplish it. Yet some of that money was drained away for other purposes.

Some of the \$400 million shortfall could possibly be mitigated, however, if the Secretary of Defense exercises the transfer authority that is going to be granted in this fiscal year 2012 Defense authorization bill to transfer up to \$125 million to NNSA for weapons activities. This is a very small amount

of money for four critical top priorities identified by the Department of Defense; therefore, if it can find the funds, it can utilize the transfer authority that has been granted in this legislation and get that money to the NNSA to do the work that is absolutely critical next year. I will be working with the Department of Defense and my colleagues in Congress to ensure that this happens.

I express my appreciation to the chairman and ranking members of the committees and the conference committee who saw to it that this language to allow the Defense Department to transfer these funds was included.

Finally, let me mention what the consequences of the \$400 million reduction could mean in the future. First, it could send a message to OMB that Congress no longer considers itself bound to the 10-year modernization funding plan. This would be a huge mistake; it would be wrong. OMB then might direct less funding in the future for nuclear weapons in fiscal 2013 and following years than originally prescribed in the 1251 plan, which would be very wrong. But the problem is that any divergence between what was deemed necessary over the next 10 years and what is actually appropriated by Congress will continue to grow—maybe to the point where it becomes difficult to certify on an annual basis that the nuclear stockpile is safe, reliable, and effective.

Referring to such reductions, NNSA Administrator Tom D'Agostino reported this to Congress on November 2:

This is the work to make sure these technologies are the ones that allow us to certify the stockpile on an annual basis without underground testing. Reductions in these areas will have a direct impact on the President today in the ability to certify the stockpile without underground testing.

For those who remain so opposed to underground testing, you cannot have it both ways. You cannot both oppose underground testing and prevent the Department from getting the money it needs to modernize the stockpile. We have to do one or the other. We are now \$400 million below where we need to be.

A second impact: Life extension programs for nuclear warheads, already facing very tight schedules because of the delays over the years, would be further delayed and exacerbated. Warheads that are not refurbished in time are not going to be available for deployment. This would have serious consequences for the readiness of our nuclear deterrent at a future date, which, of course, could have serious implications for the credibility of our nuclear guarantees to our allies and partners.

Third, the revitalization of nuclear labs—including expensive but very necessary construction projects—will be further delayed, and, of course, costs will go up even more. Funding for

science will be curtailed to support higher priority programs, thus starving the labs of important innovation and perhaps hampering recruitment of the scientists and engineers necessary to maintain the long-term viability of the nuclear weapons complex.

Fourth, this funding reduction will trigger the reporting requirement contained in Condition 9 of the New START resolution of ratification, requiring the President to explain the impact of the resource shortfall on the safety, reliability, and performance of our nuclear forces. We know what that report is going to say. It is serious. The President must also propose how he plans to resource the shortfall and, in light of the shortfall, whether and why it remains in the national interest of the United States to remain a party to New START. As a result, Members of Congress may seek to ensure, through annual defense authorization legislation, that any future New START-mandated reductions in the nuclear stockpile are tied to successful execution of the planned modernization program.

Finally, this funding reduction, which could well be a precursor to further cuts in the future, will dampen the enthusiasm of Senators to agree to any future arms control agreement. Senators who voted for New START on the basis of the 10-year modernization program will not be so easily swayed by such promises in the future.

I look forward to taking up and voting on the Defense authorization conference report. It has a lot of good things in it and some things that aren't as good. This report, as I said, is not as strong as was the House language, but it will contain some important provisions the Congress will try to enforce to ensure that the modernization of our nuclear weapons continues on schedule for the next 10 years, which is something that is critical to our future national security.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise to speak on the National Defense Authorization Act conference report we will be voting on later today.

First, I wish to acknowledge that Chairman LEVIN and Ranking Member MCCAIN have worked tirelessly to craft the Defense authorization bill to provide our Armed Forces with the equipment and services they need to keep us safe. I thank them, their staffs, and all my colleagues for their diligence and dedication to this important work.

I also come to the floor because I want to share, as I have over the last few weeks, the concerns that many Americans—and especially the people I represent in Colorado—have expressed over the last few weeks about the detainee provisions that have been included in the Defense authorization bill. I wish to make it clear that I still have very strong concerns about these

provisions, especially because they have been presented as a solution to alleged gaps that exist in our counterterrorism policy.

It is my strong belief that our military men and women, law enforcement officials, and counterterrorism professionals have done an outstanding job since 9/11 to keep our Nation safe. For 10 years we have killed, captured, and prosecuted terrorists, and I believe—in fact, I know—our system has been successful.

The professionals whom I just mentioned, who are in charge of waging this battle to keep us safe, agree that the detainee provisions are of real concern. That includes the Secretary of Defense, the Director of National Intelligence, and the Directors of both the FBI and CIA.

In speaking to these same concerns that I continue to hold, along with the people just mentioned, the administration has stated:

We have spent 10 years, since September 11, 2001, breaking down the walls between intelligence, military, and law enforcement professionals; Congress should not now rebuild those walls and unnecessarily make the job of preventing terrorist attacks more difficult.

I know many agree, especially Coloradans, who have contacted me in very impressive and large numbers. They believe, as I do, that these detention provisions could endanger our national security and that we ought to take a hard look at where we are heading.

I strongly objected to these detention provisions back in the summer when the Armed Services Committee first considered them. In fact, I was the only member of the committee who cast a “no” vote during the committee markup. I felt a little lonely at that point in time, but I think my judgment has been recognized by the outpouring of concern about where we may be headed.

Let me talk about what they do. The provisions could authorize the indefinite military detention of American citizens who are suspected of involvement in terrorism, without charge, even those captured in the United States. The point I have tried to make over and over again is that this concerns each and every one of us. If these provisions deny American citizens their due process rights under a nebulous, new set of directives, it would not only make us less safe, but it would serve as an unprecedented threat to our constitutional liberties.

Senator GRAHAM, my friend from South Carolina, has stated that if an American citizen takes up arms against the United States, he or she could be treated as an enemy combatant. I agree. However, the dangerous part of that proposition is as follows: How do we go about determining who those individuals are? No matter how serious the charge may be, the Constitution requires us to provide our

citizens with due process before they are incarcerated—especially indefinite incarceration. If we start labeling our citizens as enemies of the United States without any due process, I think we will have done real damage to our system of justice in our country, which is admired all over the world.

My colleagues and I all agree that we have to take every action necessary to keep our Nation safe. But what separates us—what makes America exceptional—is that even in our darkest hours, we ensure that our constitution prevails.

We do ourselves a grave disservice by allowing for any citizen to be locked up indefinitely without trial, no matter how serious the charges against them. Doing so may make us feel safer, it may be politically expedient, but we risk losing the principles of justice and liberty that have kept our Republic strong, and it does, frankly, nothing to make us safer. No terrorist, no weapon, no physical threat is powerful enough to destroy who we are as a people, and that is why we have to remain diligent in ensuring we hold true to the principles that make our country great.

I took note of this very principle in a powerful piece written by two retired four-star Marine Corps generals, General Krulak and General Hoar.

Mr. President, I ask unanimous consent to have printed in the *RECORD* the article written by these two generals.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the New York Times, Dec. 12, 2011]  
GUANTÁNAMO FOREVER?

(By Charles C. Krulak and Joseph P. Hoar)

In his inaugural address, President Obama called on us to “reject as false the choice between our safety and our ideals.” We agree. Now, to protect both, he must veto the National Defense Authorization Act that Congress is expected to pass this week.

#### HOBBLING THE FIGHT AGAINST TERRORISM

This budget bill—which can be vetoed without cutting financing for our troops—is both misguided and unnecessary: the president already has the power and flexibility to effectively fight terrorism.

One provision would authorize the military to indefinitely detain without charge people suspected of involvement with terrorism, including United States citizens apprehended on American soil. Due process would be a thing of the past. Some claim that this provision would merely codify existing practice. Current law empowers the military to detain people caught on the battlefield, but this provision would expand the battlefield to include the United States—and hand Osama bin Laden an unearned victory long after his well-earned demise.

A second provision would mandate military custody for most terrorism suspects. It would force on the military responsibilities it hasn’t sought. This would violate not only the spirit of the post-Reconstruction act limiting the use of the armed forces for domestic law enforcement but also our trust with service members, who enlist believing that they will never be asked to turn their weapons on fellow Americans. It would sideline

the work of the F.B.I. and local law enforcement agencies in domestic counterterrorism. These agencies have collected invaluable intelligence because the criminal justice system—unlike indefinite military detention—gives suspects incentives to cooperate.

Mandatory military custody would reduce, if not eliminate, the role of federal courts in terrorism cases. Since 9/11, the shaky, untested military commissions have convicted only six people on terror-related charges, compared with more than 400 in the civilian courts.

A third provision would further extend a ban on transfers from Guantánamo, ensuring that this morally, and financially expensive symbol of detainee abuse will remain open well into the future. Not only would this bolster Al Qaeda’s recruiting efforts, it also would make it nearly impossible to transfer 88 men (of the 171 held there) who have been cleared for release. We should be moving to shut Guantánamo, not extend it.

Having served various administrations, we know that politicians of both parties love this country and want to keep it safe. But right now some in Congress are all too willing to undermine our ideals in the name of fighting terrorism. They should remember that American ideals are assets, not liabilities.

Mr. UDALL of Colorado. Mr. President, these generals put it right to the point we all need to hear: Our ideals are assets, not liabilities. In that spirit, interestingly enough, we had a very robust debate about these detention provisions, and it bolstered my faith we could continue to have great and substantive debates in this body. Because of the concerns that were raised and serious questions that were presented about the provisions, we were able to secure some improvements that may reduce some of the grave concerns I have outlined here.

I see my good friend from Illinois, who I know is going to speak and who shares some of my concerns, so let me touch on a couple of the adjustments that have been made.

Senator FEINSTEIN’s amendment clarified that detainee provisions are not to be interpreted “to affect existing law or authorities relating to the detention of United States citizens.”

I was a member of the conference committee on this bill, and during the conference committee negotiations resulted in a clarification that was made to ensure these provisions are not to be interpreted to “affect the existing criminal enforcement and national security authorities of the FBI or any other domestic law enforcement agency.” These were helpful changes and, hopefully, will prevent the undermining of our constitutional liberties and the disruption of domestic counterterrorism efforts.

However, while I was pleased my colleagues were willing to acknowledge the language presented serious problems and left many questions unanswered, I still remain concerned about the detention provisions. Making changes to the law that have serious ramifications for our Constitution and our national security deserve serious

thought and deliberation. Yet to this day we have not had a single hearing on these matters. Hearings would allow us to understand and mitigate the concerns of national security experts such as FBI Director Mueller. Director Mueller testified yesterday in front of the Senate Judiciary Committee and said that because of the requirements of this language, “the possibility looms that we will lose opportunities to obtain cooperation from the persons in the past that we’ve been fairly successful in gaining.”

One of our primary goals in these cases is to gain actionable intelligence, and the FBI is very good—in fact, they are unbelievably good—at using a variety of techniques to gather the information we need—techniques, by the way, that fit within the Bill of Rights and the Uniform Code of Military Justice. Some of my colleagues believe that intelligence will be lost if a suspect receives a Miranda warning, but now we may be jeopardizing entire cases by adding new layers of bureaucracy and questionable legal processes.

These detention provisions, even as they are amended, will present numerous constitutional questions that the courts will inevitably have to resolve, and the provisions will present logistical problems that our national security experts will have to wade through. It sure feels to me as though these changes are being forced on an already nimble and effective counterterrorism community against their warnings, and I remain unconvinced of their benefit. I continue to believe the best course of action would be to separate these detention provisions from the Defense authorization bill so we can take our time, speak to experts in the field, and make sure we are effectively balancing our counterterrorism needs and the constitutional freedoms of American citizens. Most importantly, we need to understand and we need to ensure we are not damaging our national security. That is why I made it clear in signing the conference report that I do not support the two flawed detention provisions, sections 1021 and 1022.

All of that said, the Senate has a solemn obligation to our men and women in uniform to pass a Defense Authorization Act. As a proud member of the Senate Armed Services Committee, I understand the importance of this bill for our military and for their families, and while I continue to have serious reservations about the detention provisions and sought to separate them from the Defense authorization bill, we face a single vote on the entirety of the Defense bill, which includes the amended detention provisions. That is not how I wanted to proceed, but that is the choice in front of us.

For those who joined me in voicing opposition to the detention provisions, I thank you. We fought to ensure that

the rights of American citizens are not trampled with ease, and we joined the counterterrorism community to demand the full use of existing tools to fight the enemy. We showed that such a debate was worth having and secured revisions to the language that will now help us continue the important work of ensuring that both our Constitution and our national security remain protected.

Although I intend to vote for final passage of the conference bill, I want to make clear I do not fully support the bill. I sincerely believe this debate is not over and there is much work left to do. Over the coming months and years, as a member of the Senate Armed Services Committee, I intend to hold this administration, and any further administration, accountable in the implementation of these provisions.

I will also push the Congress to conduct the maximum amount of oversight possible as it relates to these provisions. We must apply a heightened level of scrutiny to ensure that what passes the Senate today does not deny U.S. citizens their due process rights and does not impede our counterterrorism efforts by hamstringing our military, the FBI, the CIA, or others who keep us safe. If these provisions stray in any way from that standard, I will be the first to demand hearings and changes to the law.

In conclusion, I believe we owe it to our men and women in uniform to pass a Defense authorization bill, but we also owe the American people a full and honest debate about our national security strategy that keeps us both safe and protects this document—the Constitution—we all have taken an oath to uphold.

With that, I yield the floor.

Mr. BINGAMAN. Mr. President, I rise today in strong opposition to several sections of the fiscal year 2012 Department of Defense authorization bill relating to detainees.

I have serious concerns regarding the detention provisions included in the final conference report. When this legislation was being discussed in the Senate, the Secretary of Defense, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation clearly stated that these provisions would undermine the ability of the government to bring suspected terrorists to justice. The language in the bill also raises significant issues regarding civil liberties, including the applicability of the indefinite detention provision to American citizens.

Section 1021 of the conference report provides the U.S. military with the authority to indefinitely detain, without trial, an individual suspected of involvement in hostilities against the United States. The ability to detain the person without charges could last until the “end of hostilities”—a com-

pletely undefined period of time considering that we are confronting a long-term conflict with groups, such as al-Qaida, who will never sign a peace treaty ending the hostilities.

The final language does include an amendment offered by Senator FEINSTEIN that states that the provision should not be construed as affecting existing law with respect to the detention of U.S. citizens, but this language simply restates that the law is what the law is. The problem is that the law is unsettled. If Congress is going to enact provisions authorizing the indefinite detention of a person without a trial, frankly, I believe the sensible approach is to be very clear about whether or not it is the intent of Congress to include American citizens within this category.

Another problematic provision is section 1022, which mandates that the military detain suspected members of al-Qaida, including those captured within the United States. As I previously mentioned, military and Federal law enforcement officials have argued that this provision will hamper their ability to bring suspected terrorists to justice by limiting the flexibility of civilian law enforcement and creating a completely new and untested framework for dealing with suspected terrorists.

Proponents of this provision have argued that this section will not interfere with the ability of civilian law enforcement to do their job. They point to the fact that the President may waive the requirement and that the President must draft procedures within 60 days to mitigate any problems associated with implementing this section.

First, with regard to the waiver, if civilian law enforcement agents capture a suspected terrorist, the need to obtain a Presidential waiver for continued civilian detention could disrupt interrogations and intelligence gathering. Second, if there is an acknowledgement that the statute could interfere with Federal law enforcement's ability to interrogate and prosecute a suspected terrorist, it would seem more appropriate to just address the underlying problems with the statute rather than task the administration with coming up with procedures to deal with these shortfalls.

Just yesterday, the Director of the FBI, Robert Mueller, in testimony before the Senate Judiciary Committee, stated that the revised language did not fully address his concerns about the negative impact the military detention provision would have in interfering with the work of investigators.

The bottom line is that this section muddies the water and is completely unnecessary. The administration already has the discretion to prosecute foreign terrorists in civilian court or in military tribunals. We should maintain this flexibility to ensure the govern-

ment is able to aggressively pursue terrorists in the forum that is the most effective in each specific case.

Lastly, I would like to briefly comment on the various provisions in the conference report aimed at limiting the ability of the administration to close the detention facility in Guantanamo Bay. It has been about 10 years since the Bush administration established the facility and its closure is long overdue.

As a recent article by Scott Shane of the New York Times pointed out, the government spends around \$800,000 a year to house each of the 171 remaining prisoners at the military facility at Guantanamo. This is despite the fact that our Federal prison system has a strong record of safely holding individuals convicted of terrorism-related offenses—there are currently 362 of these individuals within the custody of the Bureau of Prisons.

Mr. President, I ask unanimous consent that the article be printed in the CONGRESSIONAL RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. It is unfortunate that Congress continues to put in place restrictions preventing the transfer of inmates and the closure of the facility. I believe our Nation's handling of detainees will not be viewed kindly by history, and I look forward to the day we are able to close this regrettable chapter.

I supported an amendment offered by Senator MARK UDALL to remove all of the detainee provisions from the Senate bill. Unfortunately, the measure was not adopted. It was my hope that these matters would be dealt with as the legislative process moved forward, and I am disappointed that efforts to adequately address these concerns were unsuccessful. I will continue to support efforts to revise these provisions as Congress discusses detainee matters in the future.

#### EXHIBIT 1

[From the New York Times, Dec. 10, 2011]  
BEYOND GUANTÁNAMO, A WEB OF PRISONS FOR  
TERRORISM INMATES

(By Scott Shane)

WASHINGTON.—It is the other Guantánamo, an archipelago of federal prisons that stretches across the country, hidden away on back roads. Today, it houses far more men convicted in terrorism cases than the shrunken population of the prison in Cuba that has generated so much debate.

An aggressive prosecution strategy, aimed at prevention as much as punishment, has sent away scores of people. They serve long sentences, often in restrictive, Muslim-majority units, under intensive monitoring by prison officers. Their world is spare.

Among them is Ismail Royer, serving 20 years for helping friends go to an extremist training camp in Pakistan. In a letter from the highest-security prison in the United States, Mr. Royer describes his remarkable neighbors at twice-a-week outdoor exercise

sessions, each prisoner alone in his own wire cage under the Colorado sky. "That's really the only interaction I have with other inmates," he wrote from the federal Supermax, 100 miles south of Denver.

There is Richard Reid, the shoe bomber, Mr. Royer wrote. Terry Nichols, who conspired to blow up the Oklahoma City federal building. Ahmed Ressam, the would-be "millennium bomber," who plotted to attack Los Angeles International Airport. And Eric Rudolph, who bombed abortion clinics and the 1996 Summer Olympics in Atlanta.

In recent weeks, Congress has reignited an old debate, with some arguing that only military justice is appropriate for terrorist suspects. But military tribunals have proved excruciatingly slow and imprisonment at Guantánamo hugely costly—\$800,000 per inmate a year, compared with \$25,000 in federal prison.

The criminal justice system, meanwhile, has absorbed the surge of terrorism cases since 2001 without calamity, and without the international criticism that Guantánamo has attracted for holding prisoners without trial. A decade after the Sept. 11 attacks, an examination of how the prisons have handled the challenge of extremist violence reveals some striking facts:

—Big numbers. Today, 171 prisoners remain at Guantánamo. As of Oct. 1, the federal Bureau of Prisons reported that it was holding 362 people convicted in terrorism-related cases, 269 with what the bureau calls a connection to international terrorism—up from just 50 in 2000. An additional 93 inmates have a connection to domestic terrorism.

—Lengthy sentences. Terrorists who plotted to massacre Americans are likely to die in prison. Faisal Shahzad, who tried to set off a car bomb in Times Square in 2010, is serving a sentence of life without parole at the Supermax, as are Zacarias Moussaoui, a Qaeda operative arrested in 2001, and Mr. Reid, the shoe bomber, among others. But many inmates whose conduct fell far short of outright terrorism are serving sentences of a decade or more, the result of a calculated prevention strategy to sideline radicals well before they could initiate deadly plots.

—Special units. Since 2006, the Bureau of Prisons has moved many of those convicted in terrorism cases to two special units that severely restrict visits and phone calls. But in creating what are Muslim-dominated units, prison officials have inadvertently fostered a sense of solidarity and defiance, and set off a long-running legal dispute over limits on group prayer. Officials have warned in court filings about the danger of radicalization, but the Bureau of Prisons has nothing comparable to the deradicalization programs instituted in many countries.

—Quiet releases. More than 300 prisoners have completed their sentences and been freed since 2001. Their convictions involved not outright violence but "material support" for a terrorist group; financial or document fraud; weapons violations; and a range of other crimes. About half are foreign citizens and were deported; the Americans have blended into communities around the country, refusing news media interviews and avoiding attention.

—Rare recidivism. By contrast with the record at Guantánamo, where the Defense Department says that about 25 percent of those released are known or suspected of subsequently joining militant groups, it appears extraordinarily rare for the federal prison inmates with past terrorist ties to plot violence after their release. The government keeps a close eye on them: prison intel-

ligence officers report regularly to the Justice Department on visitors, letters and phone calls of inmates linked to terrorism. Before the prisoners are freed, F.B.I. agents typically interview them, and probation officers track them for years.

Both the Obama administration and Republicans in Congress often cite the threat of homegrown terrorism. But the Bureau of Prisons has proven remarkably resistant to outside scrutiny of the inmates it houses, who might offer a unique window on the problem.

In 2009, a group of scholars proposed interviewing people imprisoned in terrorism cases about how they took that path. The Department of Homeland Security approved the proposal and offered financing. But the Bureau of Prisons refused to grant access, saying the project would require too much staff time.

"There's a huge national debate about how dangerous these people are," said Gary LaFree, director of a national terrorism study center at the University of Maryland, who was lead author of the proposal. "I just think, as a citizen, somebody ought to be studying this."

The Bureau of Prisons would not make any officials available for an interview with The New York Times, and wardens at three prisons refused to permit a reporter to visit inmates. But e-mails and letters from inmates give a rare, if narrow, look at their hidden world.

#### PAYING THE PRICE

Consider the case of Randall Todd Royer, 38, a Missouri-born Muslim convert who goes by Ismail. Before 9/11, he was a young Islamic activist with the Council on American-Islamic Relations and the Muslim American Society, meeting with members of Congress and visiting the Clinton White House.

Today he is nearly eight years into a 20-year prison sentence. He pleaded guilty in 2004 to helping several American friends go to a training camp for Lashkar-e-Taiba, an extremist group fighting Indian rule in Kashmir. The organization was later designated a terrorist group by the United States—and is blamed for the Mumbai massacre in 2008—but prosecutors maintained in 2004 that the friends intended to go on to Afghanistan and fight American troops alongside the Taliban.

Mr. Royer had fought briefly with the Bosnian Muslims against their Serbian neighbors in the mid-1990s, when NATO, too, backed the Bosnians. He trained at a Lashkar-e-Taiba camp himself. And in 2001, he was stopped by Virginia police with an AK-47 and ammunition in his car.

But he adamantly denies that he would ever scheme to kill Americans, and there is no evidence that he did so. Before sentencing, he wrote the judge a 30-page letter admitting, "I crossed the line and, in my ignorance and phenomenally poor judgment, broke the law." In grand jury testimony, he expressed regret about not objecting during a meeting, just after the Sept. 11 attacks, in which his friends discussed joining the Taliban.

"Unfortunately, I didn't come out and clearly say that's not what any of us should be about," he said.

Prosecutors call Mr. Royer "an inveterate liar" in court papers in another case, asserting that he has given contradictory accounts of the meeting after Sept. 11. Mr. Royer says he has been truthful.

Whatever the facts, he is paying the price. His 20-year sentence was the statutory minimum under a 2004 plea deal he reluctantly

took, fearing that a trial might end in a life term. His wife divorced him and remarried; he has seen his four young children only through glass since 2006, when the Bureau of Prisons moved him to a restrictive new unit in Indiana for inmates with the terrorism label. After an altercation with another inmate who he said was bullying others, he was moved in 2010 to the Supermax in Colorado.

He is barred from using e-mail and permitted only three 15-minute phone calls a month—recently increased from two, a move that Mr. Royer hopes may portend his being moved to a prison closer to his children. His letters are reflective, sometimes self-critical, frequently dropping allusions to his omnivorous reading. His flirtation with violent Islam and his incarceration, he says, have not poisoned him against his own country.

"You asked what I think of the U.S.; that is an extraordinarily complex question," Mr. Royer wrote in one letter consisting of 27 pages of neat handwriting. "I can say I was born in Missouri, I love that land and its people, I love the Mississippi, I love my family and my cousins, I love my Germanic ethnic heritage and people, I love the English language, I love the American people—my people."

He said he believed some American foreign policy positions had been "needlessly antagonistic" but added, "Nothing the U.S. did justified the 9/11 attacks."

Mr. Royer rejected the notion that the United States was at war with Islam. "Conflict between the U.S. and Muslims is neither inevitable nor beneficial or in anyone's interest," he wrote. "Actually, I suppose it is in the interest of fanatics on both sides, but their interests run counter to everyone else's." He added an erudite footnote: "Les extrêmes se touchent" (the extremes meet)—Blaise Pascal."

He expressed frustration that the Bureau of Prisons appears to view him as an extremist, despite what he describes as his campaign against extremism in discussions with other inmates and prison sermons at Friday Prayer, "which they surely have recordings of."

"I have gotten into vehement debates, not to mention civil conversations, with other inmates from the day I was arrested until today, about the dangers and evils of extremism and terrorism," Mr. Royer wrote in a yearlong correspondence with a reporter. "Can they not figure out who I am?"

#### A SCORCHED-EARTH APPROACH

In 2004, prosecutors believed they knew who Mr. Royer was: one of a group of young Virginians under the influence of a radical cleric, Ali al-Timimi, whose members played paintball to practice for jihad and were on a path toward extremist violence. After Sept. 11, federal prosecutors took a scorched-earth approach to any crime with even a hint of a terrorism connection, and judges and juries went along.

In the Virginia jihad case, for instance, prosecutors used the Neutrality Act, a little-used law dating to 1794 that prohibits Americans from fighting against a nation at peace with the United States. Prosecutors combined that law with weapons statutes that impose a mandatory minimum sentence in a strategy to get the longest prison terms, with breaks for some defendants who cooperated, said Paul J. McNulty, then the United States attorney overseeing the case.

"We were doing all we could to prevent the next attack," Mr. McNulty said.

"It was a deterrence strategy and a show of strength," said Karen J. Greenberg, a law professor at Fordham University who has



overseen the most thorough independent analysis of terrorism prosecutions. "The attitude of the government was: Every step you take toward terrorism, no matter how small, will be punished severely."

About 40 percent of terrorism cases since the Sept. 11 attacks have relied on informants, by the count of the Center on Law and Security at New York University, which Ms. Greenberg headed until earlier this year. In such cases, the F.B.I. has trolled for radicals and then tested whether they were willing to plot mayhem—again, a preemptive strategy intended to ferret out potential terrorists. But in some cases prosecutors have been accused of overreaching.

Yassin M. Aref, for instance, was a Kurdish immigrant from Iraq and the imam of an Albany mosque when he agreed to serve as witness to a loan between an acquaintance and another man, actually an informant posing as a supporter of a Pakistani terrorist group, Jaish-e-Muhammad. The ostensible purpose of the loan was to buy a missile to kill the Pakistani ambassador to the United Nations. Mr. Aref's involvement was peripheral—but he was convicted of conspiring to aid a terrorist group and got a 15-year sentence.

That was a typical punishment, according to the Center on Law and Security, which has studied the issue. Of 204 people charged with what it calls serious jihadist crimes since the Sept. 11 attacks, 87 percent were convicted and got an average sentence of 14 years, according to a September report from the center.

Federal officials say the government's zero-tolerance approach to any conduct touching on terrorism is an important reason there has been no repeat of Sept. 11. Lengthy sentences for marginal offenders have been criticized by some rights advocates as deeply unfair—but they have sent an unmistakable message to young men drawn to the rhetoric of violent jihad.

The strategy has also sent scores of Muslim men to federal prisons.

#### SPECIAL UNITS

After news reports in 2006 that three men imprisoned in the 1993 World Trade Center bombing had sent letters to a Spanish terrorist cell, the Bureau of Prisons created two special wards, called Communication Management Units, or C.M.U.'s. The units, which opened at federal prisons in Terre Haute, Ind., in 2006 and Marion, Ill., in 2008, have set off litigation and controversy, chiefly because critics say they impose especially restrictive rules on Muslim inmates, who are in the majority.

"The C.M.U.'s? You mean the Muslim Management Units?" said Ibrahim Hooper, a spokesman for the Council on American-Islamic Relations.

The units currently hold about 80 inmates. The rules for visitors—who are allowed no physical contact with inmates—and the strict monitoring of mail, e-mail and phone calls are intended both to prevent inmates from radicalizing others and to rule out plotting from behind bars.

A Bureau of Prisons spokeswoman, Traci L. Billingsley, said in an e-mail that the units were not created for any religious group but were "necessary to ensure the safety, security and orderly operation of correctional facilities, and protection of the public."

An unintended consequence of creating the C.M.U.'s is a continuing conflict between Muslim inmates and guards, mainly over the inmates' demand for collective prayer beyond the authorized hourlong group prayer on Fridays. The clash is described in hun-

dreds of pages of court filings in a lawsuit. In one affidavit, a prison official in Terre Haute describes "signs of radicalization" in the unit, saying one inmate's language showed "defiance to authority, and a sense of being incarcerated because of Islam."

One 2010 written protest obtained by The New York Times, listing grievances ranging from the no-contact visiting rules to guards "mocking, disrespecting and disrupting" Friday Prayer, was signed by 17 Muslim prisoners in the Terre Haute Communication Management Unit. They included members of the so-called Virginia jihad case of which Mr. Royer was part; the Lackawanna Six, Buffalo-area Yemeni Americans who traveled to a Qaeda camp in Afghanistan; Kevin James, who formed a radical Muslim group in prison and plotted to attack military facilities in Los Angeles; and John Walker Lindh, the so-called American Taliban.

An affidavit signed by Mr. Lindh, who is serving 20 years after admitting to fighting for the Taliban, complained that a correctional officer greeted male Muslim inmates with "Good morning, ladies." ("No ladies were in the area," Mr. Lindh writes.) Prison officials say in court papers that Mr. Lindh has repeatedly challenged guards and violated rules.

Unlike those at the Supermax, inmates in the segregated units have access to e-mail, and some were willing to answer questions. Mr. Lindh, whose father, Frank Lindh, said his son believed the news media falsely labeled him a terrorist, was not. In reply to a reporter's letter requesting an interview, he sent only a photocopy of the sole of a tennis shoe. Since shoe bottoms are considered offensive in many cultures, his answer appeared to be an emphatic no.

There is some evidence that the Bureau of Prisons has assigned Muslims with no clear terrorist connection to the C.M.U.'s. Avon Twitty, a Muslim who spent 27 years in prison for a 1982 street murder, was sent to the Terre Haute unit in 2007. When he challenged the assignment, he was told in writing that he was a "member of an international terrorist organization," though no organization was named and there appears to be no public evidence for the assertion.

Mr. Twitty, working for a home improvement company and teaching at a Washington mosque since his release in January, said he believed the real reason was to quash his complaints about what he believed were miscalculations of time off for good behavior for numerous inmates. "They had to shut me up," he said.

Another former inmate at the Marion C.M.U., Andy Stepanian, an animal rights activist, said a guard once told him he was "a balancer"—a non-Muslim placed in the unit to rebut claims of religious bias. Mr. Stepanian said the creation of the predominantly Muslim units could backfire, adding to the feeling that Islam is under attack.

"I think it's a fair assessment that these men will leave with a more intensified belief that the U.S. is at war with Islam," said Mr. Stepanian, 33, who now works for a Princeton publisher. "The place reeked of it," he said, describing clashes over restrictions on prayer and some guards' hostility to Islam.

Yet Mr. Stepanian also said he found the "family atmosphere" and camaraderie of inmates at the unit a welcome change from the threatening tone of his previous medium-security prison, where he said prisoners without a gang to protect them were "food for the sharks." When he arrived at the C.M.U., he said, he found on his bed a pair of shower slippers and a bag of non-animal-based food

that Muslim inmates had collected after hearing a vegan was joining the unit.

He was wary. "I thought they were trying to indoctrinate me," he said. "They never tried." The consensus of the inmates, he said, "was that 9/11 was not Islam." "These guys were not lunatics," he said. "They wanted to be back with their families."

#### REFLECTION

It may be too early to judge recidivism for those imprisoned in terrorism cases after Sept. 11; those who are already out are mostly defendants whose crimes were less serious or who cooperated with the authorities. Justice Department officials and outside experts could identify only a handful of cases in which released inmates had been rearrested, a rate of relapse far below that for most federal inmates or for Guantánamo releases.

For example, Mohammed Mansour Jabarah, a Kuwaiti Canadian who plotted with Al Qaeda to attack American embassies in Singapore and Manila, pleaded guilty in 2002 and began to work as an F.B.I. informant. But F.B.I. agents soon discovered he was secretly plotting to kill them—and he was sentenced to life in prison.

Nearly all of these ex-convicts, however, lie low and steer clear of militancy, often under the watchful eye of family, mosque and community, lawyers and advocates say. A dozen former inmates declined to be interviewed, saying that to be associated publicly with a terrorism case could derail new jobs and lives. As for Mr. Royer, he is approaching only the midpoint of his 20-year sentence.

Did he get what he deserved? Chris Heffelfinger, a terrorism analyst and author of "Radical Islam in America," did a detailed study of the Virginia jihad case, and concluded that Mr. Royer's sentence was perhaps double what his crime merited. But he said the prosecution was warranted and probably prevented at least some of the men Mr. Royer assisted from joining the Taliban.

"I think a strong law enforcement response to cases like this is appropriate nine times out of 10," Mr. Heffelfinger said. Mr. Royer himself, in his long presentencing letter to Judge Leonie M. Brinkema, said he understood why he had been arrested. "I realize that the government has a legitimate interest in protecting the public from terrorism," he wrote, "and that in this post-9/11 environment, it must take all reasonable precautions."

Today, Mr. Royer's only battle is to serve out his sentence in a less restrictive prison nearer his children. In what he called in a letter "a heroic sacrifice," his parents, Ray and Nancy Royer, moved from Missouri to Virginia to be close to their son's children, now aged 8 to 12.

"I found it necessary to be a surrogate father," said Ray Royer, 70, a commercial photographer by trade, in an interview at the retirement community outside Washington where he and his wife now live. When his son, who still goes by Randy in the family, converted to Islam at the age of 18, his parents did not object. Later, when he headed to Bosnia, they chalked it up to his active social conscience. "Religion is a personal thing," the elder Mr. Royer said. "He'd never been in trouble."

Ray Royer was at his son's Virginia apartment in 2003 when the F.B.I. knocked at 5 a.m., put him in handcuffs and took him away. Now, years later, he alternates between defending his son and expressing dismay at what Randy got himself into.

"He did help his buddies get to L.E.T.," or Lashkar-e-Taiba, the Pakistani militant



group later designated as a terrorist organization. "He admitted to it. He should pay the price." Still, he added, "maybe he deserved five years or so. Not 20."

Ray Royer sat at his home computer one recent evening, looking through a folder called "Randy Pics"—photographs tracing his son's life from childhood, to fatherhood, to prison.

"He loved his family," the father said of his son. "Why would he put this cause ahead of his family? I still don't really know what happened. I'm still trying to figure it out."

Mr. WHITEHOUSE. Mr. President, I rise today to highlight important provisions of the National Defense Authorization Act conference report that will counter the serious and growing problem of counterfeit goods entering the military supply chain.

Section 818 of the conference report, which includes these provisions, reflects the leadership of Chairman LEVIN and Ranking Member MCCAIN of the Senate Armed Services Committee. I applaud their work to keep counterfeit parts out of the military supply chain. As I have said before, our Nation asks a lot of our troops. In return, we must give them the best possible equipment to fulfill their vital missions and come home safely. We must ensure the proper performance of weapon systems, body armor, aircraft parts, and countless other mission-critical products. Section 818 goes a long way toward protecting our troops from the dangers of counterfeit parts and the decreased combat effectiveness they cause.

I am particularly glad that section 818 includes a provision I introduced to increase criminal penalties for trafficking in counterfeit military goods. That provision, introduced as the Combating Military Counterfeits Act of 2011, S. 1228, was reported without objection by the Senate Judiciary Committee. It was cosponsored by Senators GRAHAM, LEAHY, MCCAIN, COONS, KYL, BLUMENTHAL, HATCH, KLOBUCHAR, and SCHUMER. I was very grateful that Chairman LEVIN and Ranking Member MCCAIN included it in their anticounterfeiting amendment to the NDAA, and I greatly appreciate their leadership in ensuring that the provision remained in the conference report. I would also particularly like to thank Chairman LAMAR SMITH of the House Judiciary Committee, who introduced comparable language in the House. It was a pleasure working with him on the language included in section 818(h). I am very grateful that he was able to clear the provision on the House side, thereby enabling its inclusion in the conference report.

Prosecutors will be able to employ section 818(h) to deter criminals from trafficking in military counterfeits. This will help protect our national security and the safety of our troops. The U.S. Sentencing Commission also has a role to play. It should update relevant sentencing guidelines to ensure that they reflect the seriousness of these

reprehensible crimes. I would particularly note that the Obama administration has called for an increase of the minimum base offense level for trafficking in counterfeit military goods to 14. I trust that the Sentencing Commission will give this recommendation substantial weight when it reconsiders the guidelines in light of the changes section 818(h) makes to the Criminal Code. As the administration has explained, a minimum offense level of 14 for trafficking in counterfeit military products would mean that a first-time offender with no criminal history would face at least a 10- to 16-month guideline range without any other aggravated conduct, after taking into account a reduction for acceptance of responsibility. Such penalties should be the bare minimum for offenses that put our troops' safety at risk.

I also would like to highlight a second provision within section 818 of the conference report. Our colleagues on the Finance and Judiciary Committees have been working diligently to clarify that Customs and Border Protection agents can share sufficient information with trademark holders to ensure that counterfeit products are stopped at the border. Chairman LEAHY, for example, amended his PROTECT IP Act to that end. Section 818(g) includes comparable language, and I applaud the conferees for recognizing the importance of this provision. It reaffirms the executive branch's authority to share necessary information with rights holders without fear of violating the Trade Secrets Act. It thereby will enable Customs and Border Protection to fulfill its responsibility to stop military counterfeits at the border. Under this provision, they will be able to share the same photographs and samples they currently share but with the serial numbers and other identifying information shown, not redacted. This simple change in practice should be implemented immediately, without the delay of unnecessary regulatory processes. Now is the time to protect our troops from the risk of dangerous counterfeit military parts entering our fighter jets, weapons, ships, and countless other mission-critical products.

I am glad to have the opportunity to vote in favor of these important provisions. I look forward to the future reduction in the number of dangerous counterfeit military products that are currently putting our troops' safety at risk and reducing combat effectiveness.

Mr. KERRY. Mr. President, I am voting to pass the conference report for the National Defense Authorization Act for Fiscal Year 2012, NDAA.

This is not a perfect piece of legislation. But it contains important hard-fought provisions that I am unwilling to jeopardize or risk denying to the brave men and women defending our Nation, and their families. Specifically, this bill represents the year's

last opportunity to pass a 1.6 percent across-the-board pay raise for our men and women in the military. The bill also includes a bipartisan provision Senator COLLINS and I have been working on for over a year to get passed: an effort to protect victims of sexual assault in the military. As a veteran, I have been deeply troubled by what Senator COLLINS and our colleague in the House, Representative TSONGAS, have heard about the alarming incidences of sexual assault in the military—which is why we worked so hard through this bill to strengthen support for sexual assault prevention, legal protection for victims of sexual assault, and assistance for victims.

There are, however, problems with this bill which still concern me. When the bill was on the floor, I fought for amendments that would have stripped troubling detainee provisions out of the bill entirely. I also voted for other amendments that would have significantly narrowed the scope of the detainee provisions. Unfortunately, notwithstanding my votes, those amendments were not adopted by the Senate. The conferees, with our urging, and with the President's veto threat, made some progress in improving that part of the bill. I commend the conferees for working to address concerns of mine and many other Senators, senior administration officials, and the public over the detention-related provisions in the NDAA. While the provisions in the conference report are an improvement over their counterparts in the bill that the Senate passed last week, we need to continue to examine detention law and policy to ensure that the treatment of detainees is consistent with our national security and with core American values.

The progress made in conference on the detention-related provisions is significant enough that I am comfortable voting for the bill, and the White House has lifted its veto threat. Specifically, the conference report includes several changes to the detainee provisions, including a new paragraph that clearly states that nothing in the bill "shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency," provisions that give the President additional discretion over implementation, and a transfer of the waiver authority from the Secretary of Defense to the President. In its totality, these changes led the White House to state that the "the language does not challenge or constrain the President's ability to collect intelligence, incapacitate dangerous terrorists, and protect the American people, and the President's senior advisors will not recommend a veto."

Given all this, as well as the fact that the detention-related provisions of

the bill have been improved from a civil liberties perspective, and in light of the other urgent priorities contained in the overall bill, I am voting in favor of the conference report.

Mr. HARKIN. Mr. President, as a U.S. Senator, I have no greater responsibility than to work to ensure our Nation's security. In that regard, I believe our Armed Forces must have all the tools they need to keep our country safe. That is why I support the vast majority of the provisions in the National Defense Authorization Act.

The bill takes some small steps towards reining in runaway defense spending, which has nearly doubled in the past decade. This bill authorizes \$26.6 billion less than requested at the beginning of the year, providing more than enough to defend our interests, while chipping away at the Pentagon's nonstop growth. It also lays the groundwork for reevaluating outdated Cold War-era overseas deployments in Europe and the Pacific that are both costly and increasingly unnecessary.

All of these provisions I support and believe are important. However, because I believe this bill infringes on critical constitutional values, I must oppose final passage. I believe we can do a better job of protecting our national security without compromising these important values.

This Nation has long been a beacon of liberty and a champion of rights throughout the world. Yet, since 9/11, in the name of security, we have repeatedly betrayed our highest principles. The past administration believed it could eavesdrop on Americans without a warrant or court order. It utilized interrogation techniques long considered immoral, ineffective, and illegal, regardless of laws and treaties. And, it intentionally sought to put detainees beyond the rule of law. Thankfully, the current administration has ended the worst abuses of these practices, despite the efforts of some of my colleagues to stymie these efforts.

However, I am deeply concerned that the conference report continues us on a dangerous path, which sacrifices long-held and durable principles at the altar of fear and short-term expediency.

To begin, this bill fails to make clear that under no circumstance can an American citizen be detained indefinitely without trial. I simply do not believe that a person should be seized on American soil and indefinitely detained without charges and without due process of law.

Second, it mandates, for the first time, that non-American terrorist suspects arrested in the United States will be detained by the military rather than civilian law enforcement. Throughout our history, there has been a clear divide between our military—which fights wars abroad—and law enforcement in the United States, and that divide has worked. For example, since

9/11, over 400 terrorists have been successfully convicted in article III, not military, courts. For persons in this country, it is a dangerous precedent to not only authorize but actually require military custody.

Finally, the bill would make it much more difficult to close the detention center at Guantanamo Bay. There simply is no compelling reason to keep the facility open and not to bring these detainees to maximum security facilities within the United States. The detention center is a recruiting tool for those who wish to cause us harm and been a stain on our Nation's honor. I agree with former Secretary of State Colin Powell, who said that “we have shaken the belief that the world had in America's justice system by keeping [the detention center at Guantanamo Bay] open. We don't need it and it's causing us far more damage than any good we get for it.”

In the immediate aftermath of 9/11, the administration declared a broad and open-ended “war on terror.” I have always considered this a flawed description of the challenge that confronted us after the 9/11 attacks. After all “terror” is an endlessly broad and vague term. And a “war on terror” is a war that can never end because terrorism and terrorists will always be with us. Because of the never-ending nature of this so-called war on terror, it offers a rationale for restricting civil liberties indefinitely. This is not healthy for our democracy or for our ability to inspire other countries to abide by democratic principles.

Mr. President, we will not overcome terrorism with secret prisons, with torture, with degrading treatment, with individuals denied basic rights; rather, we shall overcome it by staying true to our highest values and by insisting on legal safeguards that are the very basis of our system of government and freedom. Today is the 220th anniversary of the ratification of the Bill of Rights. The values embodied in that remarkable document have bound our Republic together for over 200 years and can bind us for 200 more if we hold them close.

Mr. LEAHY. Mr. President, the Senate today will pass the National Defense Authorization Act for the coming fiscal year. This vote is historic as Congress has enacted a national defense authorization act every year for the past half century. I commend the Senate for maintaining this steadfast support for our armed services, but this legislation will be remembered for reasons both bad and good. I regret the decision of the House and Senate conferees to include unnecessary and potentially harmful provisions related to the detention of terrorist suspects. However, I strongly support measures in the conference report that will empower the National Guard within the Department of Defense, enhance pro-

tections for military victims of sexual violence, increase transparency by limiting unnecessary exclusions from the Freedom of Information Act, improve mental health outreach to members of the National Guard and Reserves, and make many other changes to strengthen our national defense and take care of our men and women in uniform.

I continue to strongly oppose the detention related provisions in this conference report, which I believe are unwise and unnecessary. These provisions undermine our Nation's fundamental principles of due process and civil liberties and inject operational uncertainty into our counterterrorism efforts in a way that I believe harms our national security.

I strongly oppose section 1021 of this conference report, which statutorily authorizes indefinite detention. I am fundamentally opposed to indefinite detention and certainly when the detainee is a U.S. citizen held without charge. Indefinite detention contradicts the most basic principles of law that I subscribed to when I was a prosecutor, and it severely weakens our credibility when we criticize other governments for engaging in similar conduct.

Supporters of this measure will argue that this language simply codifies the status quo. That is not good enough. I am not satisfied with the status quo. Under no circumstances should the United States of America have a policy of indefinite detention. I fought against Bush administration policies that left us in the situation we face now, with indefinite detention being the de facto administration policy. And I strongly opposed President Obama's executive Order on detention when it was announced last March because it contemplated, if not outright endorsed, indefinite detention.

This is not a partisan issue for me. I have opposed indefinite detention no matter which party holds the keys to the jailhouse. I fought to preserve habeas corpus review for those detained at Guantanamo Bay because I believe that the United States must uphold the principles of due process and should only deprive a person of their liberty subject to judicial review.

Today, I joined Senator FEINSTEIN, Senator LEE, and others to introduce a bill titled the Due Process Guarantee Act. This bill will make clear that neither an authorization to use military force nor a declaration of war confer unfettered authority to the executive branch to hold Americans in indefinite detention. In the 2004 Supreme Court opinion in *Hamdi v. Rumsfeld*, Justice Sandra Day O'Connor stated unequivocally: “We have long since made clear that a state of war is not a blank check for the President when it comes to the rights of the Nation's citizens.” It is stunning to me that sponsors of the underlying Senate bill argued for the indefinite detention of U.S. citizens at

Guantanamo Bay. We must make clear that our laws do not stand for such a proposition. We are a nation of laws, and we must adhere vigilantly to the principles of our Constitution. I urge all Senators to support this bipartisan effort to protect American values and cosponsor the Due Process Guarantee Act.

I am also deeply troubled by the mandatory military detention requirements included in section 1022 of this conference report. In the fight against al-Qaida and other terrorist threats, we should give our intelligence, military, and law enforcement professionals all the tools they need, not limit those tools. But limiting them is exactly what this conference report does. Secretary Panetta has stated unequivocally that "[t]his provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available." Requiring terrorism suspects to be held only in military custody and limiting the available options in the field is unwise and unnecessary.

Supporters of the conference report claim that concerns about the mandatory military detention section are "red herrings." They claim that they have modified the legislation in ways that give the President the flexibility he needs to apply the provisions without impeding investigations or undermining operations in the field. The changes are totally inadequate. The Statement of Administration Position, SAP, calls the mandatory military detention section "unnecessary, untested, and legally controversial." The SAP goes on to state that "applying this military custody requirement to individuals inside the United States . . . would raise serious and unsettled legal questions and would be inconsistent with the fundamental American principle that our military does not patrol our streets."

Some supporters of the conference report also claim that the national security waiver provision is "a mile wide" and provides the administration with sufficient flexibility. The intelligence professionals who work every day to keep our Nation safe disagree. The Director of National Intelligence, James R. Clapper, wrote to Senator FEINSTEIN that the "detention provisions, even with the proposed waivers, would introduce unnecessary rigidity at a time when our intelligence, military, and law enforcement professionals are working more closely than ever to defend our nation effectively and quickly from terrorist attacks."

As chairman of the Judiciary Committee, I am particularly concerned that this provision fails to acknowledge or appreciate the vital role that law enforcement and the courts play in our counterterrorism efforts. In light of the hundreds of successful prosecu-

tions of terrorism defendants in Federal courts, why would we want to remove this option from the table? As Jeh Johnson, the Pentagon's top lawyer, said recently, the Federal courts are "well equipped to handle the prosecution of dangerous domestic and international terrorists," and "the military is not the only answer." I could not agree more.

The implementation procedures required in the legislation are simply not enough to alleviate the potential for problems in the field. As Secretary Panetta stated in his recent letter to Senator LEVIN, this provision may "needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States." No one in the military, intelligence community, or law enforcement has asked for this provision, and rather than strengthening our national security, it makes us less safe.

During floor debate over the Senate bill, FBI Director Mueller wrote that the mandatory military provision would adversely affect the Bureau's ability to conduct counterterrorism investigations and inject "a substantial element of uncertainty" into its operations. He argued that the provision fails to take into account "the reality of a counterterrorism investigation." The conference report modified the mandatory military detention section to preserve the existing law enforcement and national security authorities of the FBI, but the effect of that new language remains unclear. At our Judiciary Committee hearing on December 14, the FBI Director stated that the modified text "does not give me a clear path to certainty as to what is going to happen when arrests are made in a particular case." The FBI Director is particularly concerned with how the legislation will affect the Bureau's ability to gain the cooperation of suspects. The FBI has a long and successful track record in the cultivation and use of cooperating witnesses. But as Director Muller stated, "The possibility looms that we will lose opportunities to obtain cooperation from the persons in the past that we've been fairly successful in gaining." I cannot understand why the authors of this conference continue to insist upon language that will undermine the FBI in its use of this critical counterterrorism authority.

The language in the detention subtitle of this conference report is the product of a process that has lacked transparency from the start. These measures directly affect law enforcement, detention, and terrorism matters that have traditionally been subject to the jurisdiction of the Senate Judiciary Committee and the Senate Select Committee on Intelligence, but neither committee was consulted about these provisions in July when the legislation

was first considered by the Armed Services Committee, nor was either committee consulted earlier this month when it was modified. I also can see no reason why these provisions were rushed through the committee without the input of the Defense Department and Federal intelligence and law enforcement agencies that will be directly affected if this language is enacted. On issues of such national significance, the American people deserve an open and transparent process.

Supporters of the detention provisions in the conference report continue to argue that such measures are needed because, they claim, "we are a nation at war." That does not mean that we should be a nation without laws or a nation that does not adhere to the principles of our Constitution. We should prosecute those who commit crimes and terrorist acts and sentence them to long terms in prison. The Department of Justice has prosecuted more than 440 terrorists since September 11, 2001. We have a very strong record and nothing to fear from choosing a course that upholds American values and the rule of law. That is why I also oppose some of onerous funding and certification restrictions that make it virtually impossible to transfer individuals out of Guantanamo or to prosecute individuals detained there in Federal courts.

I also strongly oppose section 1029 of the conference report, which requires the Attorney General to consult with the Director of National Intelligence and Secretary of Defense before seeking an indictment of certain terrorism suspects. This provision was not considered or debated by the Senate and certainly not by the Senate Judiciary Committee, which I chair. I oppose this provision because it needlessly undermines the authority of the Attorney General and is an unprecedented infringement on the prosecutorial independence of the Department of Justice.

Regrettably, the detention language in this conference report remains fundamentally flawed. The detainee provisions will codify a practice of indefinite detention that has no place in the justice system of any democracy. They will cause further damage to our reputation as a nation that respects the fundamental right of due process, harm the efforts of intelligence and law enforcement officials in the field, and may limit their ability to track down terrorists and bring them to justice. My support for the Defense bill should not be construed as support for its detention provisions, which I oppose in the strongest possible terms.

Instead, my support for the bill reflects the inclusion of the National Guard Empowerment Act, a bill I drafted with Senator LINDSEY GRAHAM, as an amendment to its underlying text. The Guard empowerment provisions have been understandably overshadowed by the debate on other, more

contentious provisions in the bill, but I nevertheless believe that these provisions will set the stage for dramatic changes to our military force structure in the years to come.

Beginning in May, a new national security consensus quietly formed in Congress around an issue at the core of our national security. Seventy-one senators from both parties steadily added their support to S. 1025, the bill that Senator GRAHAM and I called Guard Empowerment II. The provisions of our bill built upon the first Guard empowerment bill that I introduced with Senator Kit Bond of Missouri. That measure became law in 2008 and elevated the Chief of the National Guard Bureau to the rank of four-star general. This year's bill had as its headlining provision an effort to make the Chief a statutory member of the Joint Chiefs of Staff. Despite the vociferous opposition of Active component generals in the Pentagon—including all six sitting Joint Chiefs of Staff—a bipartisan congressional consensus formed around S. 1025 and Guard empowerment. I was pleased that the Senate included its provisions in our version of the National Defense Authorization Act late last month and that the conferees retained a majority of those provisions in the conference report.

The new consensus on the National Guard comes as the budget debates of this Congress have fractured the Cold War national security consensus of the last half century. While those fractures were an inevitable outcome of the end of the Soviet empire, what will replace the Cold War consensus remains unclear. Some Members of Congress argue for diplomatic and military retrenchment from every corner of the globe back to Fortress America. Others believe that we must expand, not shrink, our international footprint. Yet nearly everyone agrees that budgetary factors must mean a change in the way the Pentagon does business—and that change cannot wait.

The seeds of that change were sown a decade ago. In the days and weeks following 9/11, the former “strategic reserve” became, of necessity, fully operational. The National Guard and Reserve components, once a Cold War failsafe, were called into regular rotation in the wars in Iraq and Afghanistan. Our country simply could not field the forces we needed without calling on the Guard and Reserve. Simultaneously, America experienced domestic disasters on an unprecedented scale. In each situation, the President called on the National Guard as the military first responders to help citizens in need. Today, the metamorphosis from a strategic reserve to an operational reserve is complete.

Yet entrenched bureaucratic interests still resist what most Americans now accept as an accomplished fact.

The Joint Chiefs fought our efforts to bring the Chief of the Guard Bureau into the “Tank” not because they misunderstand the value of the Guard and Reserve, but precisely because they fear that value proposition may threaten the size and budget of their Active components in the years to come.

Nevertheless the Active component must shrink, both as a consequence of our current budgetary reality and to reflect the constitutional vision the Framers had of a small standing Army augmented by a larger cadre of citizen soldiers. Simultaneously, the Guard and Reserve must grow so that those cuts to the Active force can be quickly and easily reversed if the circumstances demand it. Just a year ago, no one predicted our operations to oust Muammar Qadhafi. In a world where military needs change day by day, we must not hollow out the force. To avoid that outcome in a period of austere budgets, we must depend more and more on the National Guard and Reserve.

To that end, the conferees included section 512 in this Defense bill which adds the Chief of the National Guard Bureau to the Joint Chiefs of Staff. It also reinforces the duties and responsibilities of the Chief as listed in 10 U.S.C. § 10502 in accordance with the listing of responsibilities of the Chief already in that section. This provision is historic and will dramatically improve the advice that the President and Secretary of Defense receive on matters of national security and the defense budget.

Section 511, “Leadership of the National Guard Bureau,” reestablishes the Vice Chief of the National Guard Bureau as a lieutenant general and excludes the positions of the Chief and the Vice Chief of the National Guard Bureau from limitations on the number of general and flag officers in the Department of Defense. Reinstating the Deputy position at the National Guard Bureau will give the Chief flexibility at a time when he sorely needs it and providing a third star for the position will give it more institutional clout.

Section 515 implements the outcomes of a negotiation between the Council of Governors and the Department of Defense by authorizing the President to order the Federal Reserve component to Active Duty to provide assistance in response to a major disaster or emergency. In addition to authorizing a Reserve forces callup for domestic disasters and emergencies, it codifies the dual-status title 10 and title 32 commander as the usual and customary command relationship for military operations inside the United States, a key victory for Federal-State integration of military command and control.

Section 518, “Consideration of Reserve Component Officers for Appointment to Certain Command Positions,” is a modified version of a provision of

S. 1025 which would have reserved the positions of commander, Army North, and commander, Air Force North, for National Guard officers with an emphasis on the consideration of current and former adjutants general. Instead, the section requires that Guard and Reserve officers be considered for these positions whenever they are vacant.

Section 1085, “Use of State Partnership Program Funds for Certain Purposes,” includes a limited authorization of the State Partnership Program which is the major vehicle for the National Guard of the States to participate in international security assistance and capacity building missions at the request of the State Department chief of mission and geographic combatant commander.

Last but certainly not least, section 1080A, “Report on Costs of Units of the Reserve Components and the Active Components of the Armed Forces,” institutes the “similar unit” cost report proposed by S. 1025 with some added detail and while retaining the Comptroller General evaluation of the Department's report. That last requirement is important to keep the Department of Defense honest in its assumptions and analysis leading to conclusions about the relative cost of Active and Reserve units.

The Reserve component cost report will undergird efforts by the Senate National Guard Caucus in the years to come. While it has long been common knowledge that the National Guard and Reserves are cheaper to maintain in dwell than Active-Duty Forces, the report will prove that colloquial wisdom and bolster the arguments of the Congress in a future push to reduce the size of the Active component as we draw down from Iraq and Afghanistan while growing the size of the Reserve components.

I am also pleased that the conferees included my language to narrow the Freedom of Information Act, FOIA, exemption in the bill for Department of Defense critical infrastructure security information. This improvement adds a public interest balancing test requiring that the Secretary of Defense consider whether the public interest in the disclosure of this information outweighs the government's need to withhold the information when evaluating FOIA requests. The addition of this measure to the National Defense Authorization Act will help ensure that FOIA remains a viable tool for access to Department of Defense information that impacts the health and safety of the American public.

As I said at the outset, this National Defense Authorization Act will be remembered both for changing our process of detaining and prosecuting suspected terrorists and for empowering the National Guard. I continue to oppose the changes the act will make to our counterterrorism legal regime. But

I nevertheless support how the act will improve the sourcing and fielding of military forces in the years to come. I will look to fix the former and further improve the latter in future legislation.

Mr. COONS. Mr. President, today I rise to express my deep concern that the 2012 National Department of Defense Authorization Act provisions pertaining to detainee treatment fail to strike the appropriate, important balance between national security, due process, and civil liberties. Sections 1021, 1022, and 1023 are the latest in a series of legislative proposals that provide ever-narrowing latitude for dealing with terrorism suspects, whether in the U.S. or abroad.

I am concerned, that these provisions take us one small, but significant, step down the road towards a state in which ordinary citizens live in fear of the military, rather than the free society that has marked this great nation since the Bill of Rights was ratified 220 years ago, in 1791.

The new detention authorities thrust upon our military in this bill are an assault on our civil liberties and do not belong on our books. They were not requested by the Pentagon, in fact they have been resisted by the President, the Secretary of Defense, the Attorney General, and the directors of National Intelligence and the FBI. They do not make us safer and, to the contrary, they will create dangerous confusion within our national security community.

Under these sections, a terrorism suspect must be remanded to U.S. military custody, even when that suspect presents no imminent threat to public safety and is being held under suspicion of committing a U.S. crime. The suspect may be held indefinitely. Indeed, if the suspect is transferred to Guantanamo, it may be a practical reality that the suspect must be held indefinitely, thanks to the onerous certification requirements contained in Section 1023. If not sent to Guantanamo, the suspect may be rendered to a foreign power, where he may be subject to coercive interrogation, torture, or death. Or, the individual may simply remain in custody of our own military, waiting for the cessation of an endless conflict against an idea.

As my colleagues from Vermont and Oregon, from Colorado and California, have already said so eloquently, these provisions reflect an unfortunate and unwise shift away from the current law, in which the criminal justice system is presumed to be sufficient for those who commit crimes on U.S. soil. No system is perfect, but the federal criminal justice system is considered by many around the world to be the gold standard for fairness, transparency and reliability. Since 9/11, the civilian criminal process has been successful in securing convictions and

lengthy sentences against hundreds of terrorism suspects.

This is compared to just six convictions in military tribunals, and two of these individuals are walking free today. A third, Ibrahim al Qosi, was convicted of being a Taliban fighter. Under his sentence of 2 years, he would be due to be released next summer. But when he serves his sentence, he likely will not be released. Instead, he will be detained until our undefined hostilities against Islamic extremism and terrorism conclude. In other words, he will be detained indefinitely. Criminal process like this is little better than no process at all. It ought to be reserved for the rarest cases where the civilian criminal justice system is not suitable. It should not be made the new standard.

If we are going to short-circuit the criminal justice system, we ought to at least have good reason to do so. At a minimum, I would expect the President, the Attorney General, the Secretary of Defense, or the Director of National Intelligence to make the case that military custody is the only way to appropriately handle terrorists. But that is not what happened here. No one is calling for these new powers. They are being thrust upon our military.

President Obama has said that these provisions will hinder his ability to prosecute the campaign against terrorists. The Attorney General and the Director of National Intelligence have said that these provisions threaten to undermine the collection of intelligence from suspected terrorists.

They don't want these authorities.

The military does not want them either. The Secretary of Defense has said that the provisions will unnecessarily complicate its core mission of protecting our nation and projecting military force abroad. These provisions do not make sense as a matter of defense policy, and, because the meaning of some of the key terms is deliberately unclear, we can not even predict the precise impact that they will have.

In the best-case scenario, we will end up in a situation with minor changes to an existing detainee policy that has already proven to inspire and sustain this and the next generation of extremists who wish to destroy this country. In the worst-case scenario, we make several significant changes that hinder our ability to find and destroy this current generation of extremists.

I do not accept the underlying assumption of these unnecessary new provisions that the threat the United States faces is one that can be defended by more guns, taller walls, and deeper holes that we "disappear" people into. In fact, defense from the threats of today and tomorrow called "asymmetric" because they do not attempt to meet us on the battlefield with equal capabilities requires a new paradigm, the concept of defense in depth.

To address asymmetric threats, including networks of extremists determined to carry out acts of terrorism, law enforcement and the Defense Department must work cooperatively to protect U.S. interests using their respective strengths in authorities and levels of response.

Instead of strengthening our ability to confront asymmetric threats, these unwelcome new authorities reinforce the philosophy that the military is the only preeminent institution of national security, with law enforcement relegated to a limited support role. That may have been an appropriate philosophy for the world in 1961, but it did not help us in 2001, and will not help us in 2021. These new authorities do nothing to change that and will not make us any safer. The only effective comprehensive model for national security is one that strengthens both our law enforcement and military to fight threats within their respective areas of expertise.

Another deeply concerning aspect of the detainee provisions in the Defense Authorization bill is what they say about the ability of the military to detain U.S. citizens. Section 1021 expands the 2001 Authorization of the Use of Military Force to include the authority to detain and hold indefinitely any person, even a U.S. citizen, if the military suspects that such a person has supported any force associated with al-Qaeda.

While I believe it acceptable for lethal military actions to be taken against U.S. citizens abroad who have clearly taken up arms against this Nation, I am concerned about the slow but steady creep of the military into areas that traditionally have been reserved for civilian law enforcement. Testifying yesterday before the Judiciary Committee, FBI Director Robert Mueller said he has serious concerns about the potential future ramifications of introducing military forces into the criminal justice process.

At the local level, it is often difficult to distinguish whether an individual in possession of bomb-making components is a hardened terrorist coordinating with al-Qaeda; is a troubled, dangerous, but affiliated teenager; or is completely innocent of any crime at all. In the rush to "repel borders" at the early stages of investigations, mistakes will be made. We need to make sure that these mistakes do not overrun the constitutional protections we all enjoy as Americans.

It is true, as supporters of these provisions have argued, that Section 1021 contains a limitation that the authorization of force does not include the right to hold citizens in violations of their constitutional rights. That is some comfort, but not enough. As I sat in the presiding chair during debate over this bill, I heard my colleagues argue that we are in a time of war and

that, during times of war, U.S. citizens have no constitutional protections against being treated as a prisoner of war. Even if there was broad agreement about the constitutional protections citizens enjoy against extrajudicial killing or indefinite detention, who will enforce them? Under this bill, that task would seem to be left to the President and to the military. Were my life or liberty at stake, I would want the benefit of an independent judiciary. So, too, I think would the vast majority of my fellow citizens.

Mr. President, we are in conflict against terrorists. I do not doubt or dispute that. But this is not the first time that has been the case. During the beginning part of the last century, anarchists committed a string of bombings, usually targeting police officers or civilians. In 1901, an anarchist assassinated President McKinley. In the First Red Scare during the early part of the century, a plot was uncovered to bomb 36 leaders of government and industry. During the 1960s and 70s, the Weather Underground declared as its mission to overthrow the U.S. government. Members planted bombs in the Capitol, the Department of State and the Pentagon.

Each of these threats, and others, has before placed an existential fear in the minds of Americans. We have not always acted well. The Sedition Act of 1918, the internment of Japanese Americans during the Second World War, and the House Un-American Activities Committee and Hollywood blacklisting following the war are three notable examples of action, taken in the face of severe threat, which now the vast majority of Americans look back upon with deep regret.

As technology has advanced, so has the ability of the government to reach into our lives, whether through unseen drones and hidden electronic surveillance, omnipresent cameras and advanced facial recognition programs, or unfettered access to our telephone and Internet records.

The advance of technology, however, is not justification for the retreat of liberty, especially not when we have at our disposal a criminal justice system that is up to the task of keeping us safe.

I plan to vote for the Conference Report of the National Defense Authorization Act because I agree with much of what is within it. During a time of war, we cannot allow our military to go unauthorized. We cannot allow our troops to go unpaid. The NDAA provides oversight of and spending limitations for the military. It elevates the head of the National Guard to the Joint Chiefs level, which is necessary to ensure that military leadership adequately considers the unique reserve capacity role now filled by the Guard. The bill will also begin to address the inability of Customs and Border Patrol

agents to share information necessary to identify military and other counterfeits at our borders.

Though we were not able to remove the dangerous and counterproductive provisions contained in Sections 1021, 1022 and 1023 from the NDAA today, we are not done trying. I will continue to work with my colleagues to ensure that we maintain the balance between security and liberty.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that the time for debate on the conference report to accompany H.R. 1540 be extended until 4 p.m., with all other provisions of the previous order remaining in effect; further, that at 4 p.m., the Senate proceed to a vote on the adoption of the conference report; that upon the disposition of the conference report and H. Con. Res. 92, the Senate resume executive session and the consideration of the Christen nomination, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, with this agreement, there will be two votes at 4 p.m. The first will be on the adoption of the Defense authorization conference report and the second vote on the confirmation of the nomination of Morgan Christen to be U.S. Circuit Judge for the Ninth Circuit.

Mr. President, I rise today to discuss the National Defense Authorization Act conference report now pending before the Senate.

I thank my colleague from Colorado, Senator UDALL, as well as my colleague from California, Senator FEINSTEIN, for engaging in a spirited and important—perhaps historic—debate during the consideration of this authorization bill on the floor of the Senate. I especially thank Senator FEINSTEIN. It was a pleasure to work with her to insert language which I think moved us closer to a position she and I both share concerning the language in this important bill.

I have the highest respect for the chairman and the ranking member of this committee, Senators LEVIN and MCCAIN, who have worked diligently and hard on a bill which has become a hallmark of congressional activity each and every year, particularly in the Senate. It takes a special effort for them to produce an authorization bill of this complexity and challenge. They do it without fail and they do it in a bipartisan fashion.

For those critics of Congress—and there are many—who look at this bill, you can see the best of the Senate in terms of the effort and the professionalism these two gentlemen apply, along with the entire committee, in bringing this bill to the floor.

This bill does a number of good things for our troops and for my home

State of Illinois, and I am thankful to the chairman and the ranking member for those provisions. There is important language about public-private partnerships regarding the U.S. Army that will have special value at the Rock Island Arsenal, where some of the most dedicated and competent civilian individuals continue to serve this country's national security, meeting the highest levels of standards and conduct and performance. They will have a chance to continue to do that work, and it is important they continue to have that chance in this weak economy when so many people are struggling to find jobs.

The legislation provides the Chief of the National Guard with an equal seat at the table with the Joint Chiefs of Staff to ensure the needs of our brave Army and Air National Guard personnel are heard at the highest levels. It makes it easier for reserve units to access mental health services by providing that access during drill weekends. It also provides our men and women in uniform with a much deserved pay increase, which is imperative in light of their heroic service and the state of our economy today.

I must say, though, there are provisions within this bill which still concern me relative to the treatment and detention of terrorism suspects.

First, we need to agree on the starting point, and the starting point should be clear on both sides of the aisle. There are those who threaten the United States, those who would use terrorist tactics to kill innocent people, as they did on 9/11. We are fortunate, through the good leadership of President George W. Bush and President Obama, that we have been spared another attack since 9/11, but vigilance is required if we are to continue to keep this country safe. That is a bipartisan mission. It is shared by every Member of Congress, regardless of their political affiliation.

We salute the men and women in uniform, first, for all the work and bravery they have put into that effort, but quickly behind them we will add so many others in our law enforcement community; for example, those individuals at every level—Federal, State and local—who are engaged in keeping America safe. We salute the executive branch in its entirety, including the Department of Homeland Security, the White House, the National Security Advisors, and all of those who have made this a successful effort.

The obvious question we have to ask ourselves is this: If for 10 years we have been safe as a nation, why is this bill changing the way we detain and treat terrorism suspects?

I will tell you there has been an ongoing effort by several members of this committee and Senate to change the basic approach to dealing with terrorism, to create a presumption that



terrorist suspects would be treated first subject to military detention and their cases then considered before military tribunals.

This, in and of itself, is not a bad idea. It could be right, under certain circumstances, but it does raise a question: If to this point in time we have been able to keep America safe using the Department of Justice, law enforcement, and the courts of our land, together with military tribunals, why are we changing?

The record is pretty clear. Since 9/11, more than 400 terrorism suspects have been successfully prosecuted in the courts of America. These are individuals who have been subjected to FBI investigation, they have been read their Miranda rights, they have been tried in our courts in the same manner as those accused of crimes are tried every single day, and they have been found guilty—400 of them—during the same interval that 6—6—have been tried by military tribunals.

Overwhelmingly, our criminal court system has been successful in keeping America safe, but that is not good enough for many Members of the Senate. They are still bound and determined to push more of them into the military tribunal system for no good reason. These people who have been tried successfully when accused of terrorism have been safely incarcerated in the Federal penitentiaries across America, including in my home State of Illinois at the Marion Federal Prison. Not one suggestion has been made that the communities surrounding these prisons nor the prisoners themselves are under any threat. What we have instead is this presumption that isn't borne by the facts or by our experience.

I voted for the Senate version of this bill with the hope that the Members of the Senate and House who were negotiating the final bill would remove some of the detainee provisions that concern me. I want to acknowledge that the conference committee did make some positive changes. But I continue to have serious concerns because provisions in the bill would limit the flexibility of any President in combatting terrorism, create uncertainty for law enforcement, intelligence, and defense officials regarding how they handle suspected terrorists, and raise serious constitutional concerns.

I am especially concerned about section 1022 in the conference report. This provision would, for the first time in American history, require our military to take custody of certain terrorism suspects in the United States. Our most senior defense and intelligence officials have raised serious concerns about this provision. FBI Director Robert Mueller strongly objects to the military custody requirement. For those who need reminding, Robert Mueller served as a Federal judge in

California and was appointed to this position as head of the FBI by Republican President George W. Bush. He has been retained in that office by Democratic President Barack Obama. I believe he is a consummate professional who has dedicated his life, at least in the last 10 years-plus, to keeping America safe. I trust his judgment. I respect his integrity.

In a letter to the Senate, Director Mueller says the bill will “inhibit our ability to convince covered arrestees to cooperate immediately, and provide criminal intelligence.”

He was asked after the conference report whether the changes absolved any of his concerns, and he said he was still concerned. I will go to that in a moment. Director Mueller concluded that the provision I am raising “introduces a substantial element of uncertainty as to what procedures are to be followed in the course of a terrorism investigation in the United States.”

Considering the source of this concern, the Director of the Federal Bureau of Investigation who has been responsible ultimately for the successful prosecution of 400 suspected terrorists, we should take his concerns to heart.

The Justice Department, which then prosecutes terrorism suspects, shares Director Mueller's concerns. Here is what they said:

Rather than provide new tools and flexibility for FBI operators and our intelligence professionals, this legislation creates new procedures and paperwork for FBI agents, intelligence lawyers and counter-terrorism prosecutors who have conducted hundreds of successful terrorism investigations and prevented numerous attacks inside this country over the past decade.

The supporters of this legislation have responded to these concerns by pointing to the fact that the bill allows the Secretary of Defense to waive the military custody requirement. But the Justice Department says the administrative burdens of obtaining a waiver could hinder ongoing counterterrorism operations. Here is how they explained it:

While the legislation proposes a waiver in certain circumstances to address these concerns, this proposal inserts confusion and bureaucracy when FBI agents and counter-terrorism prosecutors are making split-second decisions. In a rapidly developing situation—like that involving Najibullah Zazi traveling to New York in September 2009 to bomb the subway system—they need to be completely focused on incapacitating the terrorist suspect and gathering critical intelligence about his plans.

The authors of this legislation say they made changes to the military custody requirement to respond to these concerns raised by Director Mueller and the Department of Justice. But in my view, these changes don't go nearly far enough. They continue to create uncertainty and impose administrative burdens on our counterterrorism professionals whom we depend on to keep us safe.

The changes in the legislation do not change the fundamental premise. They create a presumption that a terrorism suspect arrested in the United States should be transferred to military custody, despite the fact—despite the fact—that the Federal Bureau of Investigation has kept America safe since 9/11.

I am not alone in my feelings. This morning, an editorial in the Washington Post said:

[These provisions]—while less extreme—are still unnecessary and unwise. . . . [L]awmakers have . . . introduced confusion in the form of directives that threaten to bollix up law enforcement and military personnel when they most need to be decisive.

Why in the world would we create uncertainty and bureaucracy when, with every second that ticks away, American lives can be in danger?

Just yesterday in the Senate Judiciary Committee, FBI Director Robert Mueller testified he is still deeply concerned about section 1022, despite the changes made in this conference report. Here is what Director Mueller said:

Given the statute the way it is now, it does not give me a clear path to certainty as to what is going to happen when arrests are made in a particular case. The possibility looms that we will lose opportunities to obtain cooperation from the persons in the past that we've been fairly successful in gaining.

That, in and of itself, should give pause to every member of the Senate. When we consider this objection from the Director of the Federal Bureau of Investigation, the lead official charged with combatting terrorism in the United States, shouldn't we take Director Mueller's concerns to heart? Do we want the FBI to have uncertainty the next time they stop and detain a suspected terrorist in the United States?

I want to address another provision, section 1021. I was very concerned that the original version of the legislation would, for the first time in history, authorize indefinite detention in the United States. But we have agreed, on a bipartisan basis, to include language in the bill offered by Senator FEINSTEIN that makes it clear this bill does not change existing detention authority in any way. What it means is, the Supreme Court will make the decision who can and cannot be detained indefinitely without trial, not the Senate.

I believe the Constitution does not authorize indefinite detention in the United States. Some of my colleagues see it differently. They claim the Hamdi decision upheld indefinite detention. It didn't. Hamdi was captured in Afghanistan, not in the United States. Justice O'Connor, the author of the opinion, carefully stated the Hamdi decision was limited to “individuals who fought against the United States in Afghanistan as part of the Taliban.”

Some of my colleagues also cited the Padilla case, claiming it is a precedent for the indefinite detention of U.S. citizens captured in the United States. But

look at what happened in the Padilla case. Padilla is a U.S. citizen who was placed in U.S. custody. The Fourth Circuit Court of Appeals, one of the most conservative in the land, upheld his military detention. But then, before the Supreme Court had the chance to review the Fourth Circuit's decision, George W. Bush's administration transferred him out of military custody, prosecuting him in an article III criminal court. To this day, the Supreme Court has never ruled on the question of whether it is constitutional to indefinitely detain a U.S. citizen captured in the United States. That decision must be decided by the Supreme Court, not by the Senate, thanks to the Feinstein amendment.

I support the inclusion of the Feinstein amendment in this bill. I continue to believe there is no need for this provision overall and that it should have been removed.

I also continue to oppose provisions in the conference report that limit the administration's ability to close the Guantanamo Bay detention facility. Section 1027 of this legislation provides that no detainee held at Guantanamo can be transferred to the United States even for the purpose of holding him incarcerated for the rest of his life in a Federal supermaximum security facility.

There is absolutely no reason for this prohibition. Section 1026 of this legislation provides clearly that the government may not construct or modify any facility in the United States for the purpose of holding a Guantanamo Bay detainee.

Let me bring this closer to home. We have offered for sale in the State of Illinois a prison built by our State that has not been used or opened in its entirety. The Federal Bureau of Prisons has stated they are interested in purchasing it because of the overcrowded conditions in many Federal prisons. We would, of course, like to see that done—not just for the revenue that would come to the State of Illinois but because it would create jobs in my State.

In the course of deliberating it, controversy arose as to whether Guantanamo detainees would be placed in this prison. Initially, the administration said they would, and I supported them. But ultimately it became clear that there was opposition to going forward with this purchase of the Illinois prison if there was any likelihood Guantanamo detainees would be incarcerated at this prison. We have now made it clear—and I wish to make it clear for the record—that despite my personal views on this issue, I believe the law is clear that the Thomson Prison, once under Federal jurisdiction, will not house Guantanamo detainees. That has been a stated policy. It is now going to be a matter of law in this Defense authorization. Regardless of my personal

feelings on the subject, it is the governing law, and I will not try to change the situation of Thomson in any way as long as I serve in the Senate when it comes to this important issue.

Unfortunately, some of my colleagues—whom I disagree with—are determined to keep Guantanamo open at all costs. I disagree. When we consider the expense of detention at Guantanamo and the reputation of that facility, I believe the President was right, initially, when he talked about the fact that we needed to, at some point, bring detention at Guantanamo to a close. My feelings are not only shared by the President but also by GEN Colin Powell; former Republican Secretaries of State James Baker, Henry Kissinger, and Condoleezza Rice; former Defense Secretary Robert Gates; ADM Mike Mullen; and, GEN David Petraeus.

There is great irony here. For 8 long years during the previous Republican administration, Republicans on the floor argued time and again that it was inappropriate—some said even unconstitutional—for Congress to ask basic questions about the Bush administration's policies on issues such as Iraq, torture, waterboarding, and warrantless wiretapping. Time and again, we were told Congress should defer to President Bush, our Commander in Chief. Let me give one example.

My friend Senator LINDSEY GRAHAM of South Carolina, on September 19, 2007, said:

The last thing we need in any war is to have the ability of 535 people who are worried about the next election to be able to micromanage how you fight the war. This is not only micromanagement, this is a constitutional shift of power.

With a Democratic President, obviously some of my colleagues have had a change of heart. They think it is not only appropriate but urgent for Congress to limit this President's authority to combat terrorism, despite the success we have had since 9/11 under President Bush and President Obama keeping America safe. This is a clear political double standard. It is unnecessary. Look at the track record.

Since 9/11, our counterterrorism professionals have prevented another attack on the United States, and more than 400 terrorists have successfully been prosecuted and convicted in Federal courts. Here are just a few of them: Umar Faruk Abdulmutallab, the Underwear Bomber; Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing; Omar Abdel-Rahman, the so-called Blind Sheikh; the 20th 9/11 hijacker, Zacarias Moussaoui; and Richard Reid, the Shoe Bomber—all prosecuted in the criminal courts of this land successfully and safely incarcerated in our Federal prisons. Something which many on the other side refuse to acknowledge, and argue is impossible, has, in fact, happened over and over again over 400 times.

Why do we want to change this system when it is working so well to keep America safe?

The fact that these detainee provisions have caused so many disagreements and such heated debate demonstrates the danger of enacting them into law. We shouldn't impose this kind of uncertainty on law enforcement, defense, and intelligence who are working to protect America. We should not limit the flexibility of the administration to respond to suspected terrorists in the most effective way, and we should not raise serious constitutional questions by requiring the military to detain people in the United States.

I have a letter from the Agents Association of the Federal Bureau of Investigation, dated December 7, 2011, raising many of the same issues which I have raised. I will say we contacted the Agents Association after the conference and asked them their reaction, and they said they still stood behind their statements of December 7, 2011. I ask unanimous consent to have printed in the RECORD this letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL BUREAU OF INVESTIGATION  
AGENTS ASSOCIATION,

Arlington, VA, December 7, 2011.

Hon. CARL LEVIN,  
*Chairman, Senate Armed Services Committee,*  
Washington, DC.

Hon. JOHN MCCAIN,  
*Ranking Member, Senate Armed Services Committee,*  
Washington, DC.

Hon. HOWARD P. MCKEON,  
*Chairman, House Armed Services Committee,*  
Washington, DC.

Hon. ADAM SMITH,  
*Ranking Member, House Armed Services Committee,*  
Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: On behalf of the more than 12,000 active duty and retired FBI Agents who are members of the FBI Agents Association ("FBIAA"), I write today to express our concerns about Section 1032 of S. 1867, the National Defense Authorization Act for Fiscal Year 2012. Section 1032 requires that persons detained in connection with incidents of terrorism be held in military custody and leaves critical operational details unresolved. Like many in the federal law enforcement and intelligence communities, the FBIAA is concerned that this language undermines the ability of our counterterrorism experts to conduct effective investigations. Accordingly, we urge the conferees working to reconcile H.R. 1540 and S. 1867 through the conference process to reject Section 1032.

Section 1032 establishes a presumption for military custody for individuals detained in connection with acts of terrorism against the United States. While Section 1032 includes some exceptions and waivers to the military custody requirement, they are limited in scope and could create additional layers of bureaucracy at critical points in our investigations. Injecting this level of uncertainty and delay into terrorism investigations could undermine law enforcement effectiveness. To truly fight terrorism, all of the nation's law enforcement assets should be deployed and enabled to act nimbly. This

can only be accomplished if our laws preserve flexibility and prevent unnecessary bureaucracy from hampering law enforcement activities.

As part of the nation's counterterrorism strategy, FBI Agents work in the United States and abroad as an integral part of the intelligence-gathering and interrogation process. These interrogations are often instrumental in obtaining information that is essential to efforts to thwart subsequent acts of terror. The interrogation of detained persons, however, must be adapted to each specific individual and circumstance in order to be effective. Obtaining cooperation or information requires a mix of patience, leverage, and relationship-building that is inconsistent with the language in Section 1032, which under a presumption of military custody would require a waiver early in the process. FBI Agents already work closely with the military and prosecutors to conduct effective investigations, and interjecting a requirement to obtain waivers from the Secretary of Defense, while well-intentioned, risks delays and miscommunications that would not serve the goal of conducting effective investigations.

The FBIAA shares the goal of enacting and adopting policies that protect Americans from terrorism, and we appreciate the difficult task before the conferees working to reconcile H.R. 1540 and S. 1867. To this end, we urge the rejection of any language that risks unnecessarily limiting the flexibility that is essential to adapting our investigations to the circumstances of each investigation. In the interest of national security, please reject Section 1032 in the final National Defense Authorization Act for Fiscal Year 2012. If you have any questions or would like to discuss the FBIAA's views on this issue, please do not hesitate to contact me.

Sincerely,

KONRAD MOTYKA,  
President.

Mr. DURBIN. Mr. President, I have a press report that was released today relative to the testimony of Director Robert Mueller of the FBI, which I referenced in my speech. So that his statement will be reported more fully at this point, I ask unanimous consent to have printed in the RECORD the press report from Politico.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From www.politico.com, Dec. 14, 2011]

ON NATIONAL DEFENSE AUTHORIZATION ACT,  
ROBERT MUELLER NOT SATISFIED  
(By Josh Gerstein)

FBI Director Robert Mueller said Wednesday said he remains concerned that a defense bill containing provisions about military custody for terrorism suspects could interfere with the FBI's ability to investigate terrorist incidents and interrogate those believed responsible.

On Monday, a House-Senate conference committee announced a revised version of the National Defense Authorization Act that lawmakers said addressed many of the concerns that led White House officials to threaten a veto. However, at a Senate Judiciary Committee hearing Wednesday morning, Mueller said he remains worried about aspects of the bill.

"The drafters of the statute went some distance to resolving the issue related to our authority but the language did not really fully address my concerns. . . ." Mueller said

during questioning by Sen. Dianne Feinstein (D-Calif.), who opposes the detainee-related language in the bill. "I was satisfied with part of it with regard to the authority, I still have concerns and uncertainties that are raised by the statute."

Mueller said he fears that the legislation would muddle the roles of the FBI and the military.

The bill "talks about not interrupting interrogations, which is good but gaining cooperation is something different than continuing an interrogation," Mueller said. "My concern is that . . . you don't want to have FBI and military showing up at the scene at the same time on a covered person (under the law), or with a covered person there may be some uncovered persons there, with some uncertainty as to who has the role and who's going to do what."

Mueller said later that he worries confusion caused by the legislation could affect the FBI's ability to build rapport with suspects.

"Given the statute the way it is now, it does not give me a clear path to certainty as to what is going to happen when arrests are made in a particular case. And the facts are gray as they often are at that point," the FBI director said under questioning by Sen. Chris Coons (D-Del.) "The possibility looms that we will lose opportunities to obtain cooperation from the persons in the past that we've been fairly successful in gaining."

Backers of the defense bill say it will improve intelligence collection by making military custody the default for certain terrorism suspects. President Barack Obama has established civilian custody and courts as the default for terrorism cases, with the option to direct them to military commissions when the Justice and Defense departments deem it appropriate.

Since the conference bill was unveiled Monday, the White House has been mute about whether the changes to the bill are enough to win Obama's signature or whether he plans to carry through with the veto threat.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Illinois for his very eloquent remarks; also, the Senator from Colorado, Mr. UDALL, whom I had the pleasure of hearing from my office. I think they have encapsulated the situation we find ourselves in very well.

Mr. President, I wish to follow up on the detention authorities in the Defense Authorization bill and announce that today I am introducing legislation to clearly state that citizens apprehended in the United States shall not be indefinitely detained by the military.

This new legislation is called the Due Process Guarantee Act of 2011. I am joined by Senator LEAHY, the chairman of the Judiciary Committee, to which this bill will go, Senator LEE, a member of that committee, Senator KIRK, Senator MARK UDALL, Senator PAUL, Senator COONS, and Senator GILLIBRAND. I thank them for being original cosponsors of this bipartisan legislation.

In sum, the Due Process Guarantee Act we are introducing will add to an-

other major law called the Non-Detention Act of 1971, which clearly stated:

No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

The new legislation we intend to introduce will amend this Non-Detention Act to provide clearly that no military authorization authorizes the indefinite detention without charge or trial of U.S. citizens who are apprehended domestically. It also codifies a "clear statement rule" that requires Congress to expressly authorize detention authority when it comes to U.S. citizens and lawful permanent residents for all military authorizations and similar authorities.

We cannot limit the actions of future Congresses, but we can provide that if they intend to limit the fundamental rights of U.S. citizens, they must say so clearly and explicitly.

I am very pleased to add that Senator DURBIN will also cosponsor this legislation.

Lawful permanent residents are included in this bill we will introduce because they have the same due process protections as citizens under the Constitution. In this bill, the protections for citizens and lawful permanent residents is limited to those "apprehended in the United States," excluding citizens who take up arms against the United States on a foreign battlefield.

I strongly believe constitutional due process requires that U.S. citizens apprehended in the United States should never be held in indefinite detention. That is what this legislation would accomplish, so I look forward to working with my colleagues, especially Chairman LEAHY on the Judiciary Committee, to move this bill forward.

I note the Senator from Illinois, Senator KIRK, is on the floor of the Senate to speak about this bill as well.

Our current approach to handling these suspects in Federal criminal courts has produced a strong record of success since the 9/11 attacks. We would be wise to follow the saying, "If it ain't broke, don't fix it."

Our system is not broken. We thwarted attempted terrorist acts. We have captured terrorists, interrogated them, retrieved actionable intelligence from them, prosecuted them, and locked them up for lengthy sentences—in most cases for the rest of their lives.

Both Senator UDALL and Senator DURBIN pointed out Director Mueller's testimony before the Judiciary Committee yesterday. This is relevant because it had been said that the Director of the FBI was satisfied with the language of the conference report of the Defense authorization bill. When Director Mueller was asked the question yesterday, Are you satisfied with the language, in so many words, he said, not quite. To quote him, Director Mueller said:

Given the statute the way it is now, it doesn't give me a clear path to certainty as

to what is going to happen when arrests are made in a particular case.

He warned:

The possibility looms that we will lose opportunities to obtain cooperation from the persons in the past that we've been fairly successful in gaining.

I am concerned about how these provisions will be implemented once they are enacted into law, so I will be watching carefully to ensure that they do not jeopardize our national security.

Finally, I want to explain, as the sponsor of the Feinstein compromise amendment, No. 1456, that the Defense authorization bill should not be read to authorize indefinite detention of U.S. citizens captured inside the United States or abroad, lawful resident aliens of the United States captured inside our country or abroad, or any other persons who are captured or arrested in the United States.

On page 655 of the conference report, the compromise amendment, No. 1456, that passed the Senate by a vote of 99 to 1, reads this way, and this is in the conference report of the Defense authorization bill:

Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, or lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

What does this mean? This means we have agreed to preserve current law for the three groups specified, as interpreted by our Federal courts, and to leave to the courts the difficult questions of who may be detained by the military, for how long, and under what circumstances.

And the Due Process Guarantee Act will clarify that citizens and lawful permanent residents cannot be detained without charge or trial if they are apprehended domestically.

I interpret current law to permit the detention of U.S. citizens as "enemy combatants," consistent with the laws of war, only in the very narrow circumstance of a citizen who has taken an active part in hostilities against the United States and is captured outside the United States in an area of "active combat operations," such as the battlefields of Afghanistan. This was the Supreme Court's narrow holding in *Hamdi v. Rumsfeld* in 2004.

I am sorry to say that *Hamdi* has been mischaracterized in this body. Whether Congress should grant the President more expansive powers of detention or act to curtail the powers identified by the Supreme Court in *Hamdi* is a question that Congress will continue to debate in the future. And we introduced the Due Process Guarantee Act to help clarify current law: that citizens and lawful permanent residents cannot be detained without charge or trial if they are apprehended domestically.

I would like to point out the errors in the legal analysis by those who would

interpret current law, or this Defense Authorization Act, to authorize the indefinite detention of U.S. citizens without charge or trial, irrespective of where they are captured or under what circumstances.

Let's turn to the Supreme Court's 2004 opinion in *Hamdi v. Rumsfeld*, which has been incorrectly cited by others for the proposition that the 2001 AUMF permits indefinite detention of American citizens regardless of where they are captured.

*Hamdi* involved a U.S. citizen, Yaser Esam Hamdi, who took up arms on behalf of the Taliban and was captured on the battlefield in Afghanistan and turned over to U.S. forces. The Supreme Court's opinion in that case was a muddled decision by a four-vote plurality that recognized the power of the government to detain U.S. citizens captured in such circumstances as "enemy combatants" for some period, but otherwise repudiated the government's broad assertions of executive authority to detain citizens without charge or trial.

In particular, the Court limited its holding to citizens captured in an area of "active combat operations" and concluded that even in those circumstances, the U.S. Constitution and the due process clause guarantees U.S. citizens certain rights, including the ability to challenge their enemy combatant status before an impartial judge. The plurality's opinion stated:

It [the Government] has made clear, however, for the purposes of this case, the "enemy combatant" that it [the Government] is seeking to detain is an individual who, it alleges, was "part of or supporting forces hostile to the United States or coalition partners" in Afghanistan, and who "engaged in an armed conflict against the United States" there. Brief for Respondents 3.

That was all a quote from the plurality opinion, and it continues:

We therefore answer only the narrow question before us: whether the detention of citizens falling within that definition is authorized.

The opinion goes on to say at page 517:

We conclude that the AUMF is explicit congressional authorization for the detention of individuals—

And here it is—

in the narrow category we describe. . . . And the narrow category they describe is one who is part of forces hostile to the U.S. on the battlefield of Afghanistan. Indeed, the plurality later emphasized that it was discussing a citizen captured on the battlefield. In responding to Justice Scalia's dissenting opinion, the plurality opinion says:

Justice Scalia largely ignores the context of this case: a United States citizen captured in a foreign combat zone.

The plurality italicized and emphasized the word "foreign" in that sentence.

Thus, to the extent the *Hamdi* case permits the government to detain a

U.S. citizen until the end of hostilities, it does so only under a very limited set of circumstances; namely, citizens taking an active part in hostilities who are captured in Afghanistan and who are afforded certain due process protections, at a minimum.

It is also worth noting that amid lingering legal uncertainty regarding whether the government had the authority to detain *Hamdi*, the Government—this was the Bush administration—saw this and released *Hamdi* to Saudi Arabia on the condition that he relinquish his U.S. citizenship.

As a result, I don't regard the Supreme Court's decision in *Hamdi* as providing any compelling support for broad assertions of legal authority to detain U.S. citizens without trial. Certainly, the case provides no support for the indefinite detention of citizens captured inside the United States.

Let me go back to something. In 1971, the Congress passed, and Richard Nixon signed into law, a Non-Detention Act to preclude this very possibility. That act was intended in large measure to put the wrongs of Japanese internment during World War right. It provides simply:

No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

I very much agree with the Second Circuit Court of Appeals, which held in the case of *Padilla v. Rumsfeld* that:

[W]e conclude that clear congressional authorization is required for detentions of American citizens on American soil because . . . the Non-Detention Act . . . prohibits such detentions absent specific congressional authorization.

The Second Circuit went on to say that the 2001 AUMF "is not such an authorization and no exception to [the Non-Detention Act] otherwise exists."

The Fourth Circuit came to a different conclusion when it took up *Padilla's* case, but its analysis turned entirely on disputed claims that "Padilla associated with forces hostile to the U.S. Government in Afghanistan" and, "like *Hamdi*," and this is a quote, "Padilla took up arms against United States forces in that country in the same way and to the same extent as did *Hamdi*."

To help resolve this apparent dispute between the circuits, I believe we need to pass the Due Process Guarantee Act that my cosponsors and I are introducing today.

I would like to add Senator BILL NELSON of Florida as a cosponsor.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mrs. FEINSTEIN. This is important. We spent about half a day on this floor discussing this with Senator LEVIN, with Senator MCCAIN, in the cloakroom with Senators LEE and PAUL, as well as with a whole host of staff both from the Armed Services Committee as

well as the Intelligence and Judiciary Committees. Here is the conclusion: I, and many of my colleagues and legal scholars, believe neither the AUMF nor the provisions of the National Defense Authorization Act that we are considering today constitute such an express authorization to detain American citizens.

As I previously mentioned, I sponsored compromise amendment No. 1456 to the Defense bill when it passed the Senate and that amendment has now become section 1021(e) of the conference report specifically to prevent misrepresentations from providing Congressional intent to support the detention of Americans.

Ex parte Quirin is a 1942 Supreme Court case that upheld the jurisdiction of a U.S. military tribunal that tried several German saboteurs captured inside the United States during World War II and brought to stand trial before the hastily convened military tribunal.

One of the saboteurs, Herbert Hans Haupt, was a U.S. citizen. However, the question at issue in Quirin was not whether a U.S. citizen captured inside the United States could be held indefinitely under the laws of war without trial, but rather, whether such an individual could be held in detention for a matter of weeks pending trial by military commission.

Haupt was, in fact, tried, convicted and sentenced to death within weeks after his capture. Moreover, the Quirin opinion predates the Geneva Conventions, a milestone of rather substantial significance in the development of the law of war, and the decision also predates the Non-Detention Act of 1971.

As Justice Scalia said in his dissent in Hamdi: “[Quirin] was not [the Supreme] Court’s finest hour.”

The only recent case of a U.S. citizen captured inside the United States and held as an enemy combatant under the law of war is that of Jose Padilla.

However, amid considerable legal controversy regarding the legality of his detention, Padilla was ultimately transferred out of military custody and tried and convicted in a civilian court.

Padilla, a U.S. citizen, was arrested in Chicago on May 8, 2002 on suspicion of plotting a dirty bomb attack in the United States. He was initially detained pursuant to a material witness warrant based on the 9/11 terrorist attacks.

On June 9, 2002, two days before a Federal judge was to rule on the validity of continuing to hold Padilla under the material witness warrant, President Bush designated him an “enemy combatant” and transferred him to a military prison in South Carolina for detention pursuant to the law of war without charge or trial.

Padilla subsequently filed a petition for a writ of habeas corpus in Federal court challenging the legality of his

continued detention and an extended series of appeals ensued.

Facing an impending Supreme Court challenge and mounting public criticism for holding a U.S. citizen arrested inside the U.S. as an enemy combatant, President Bush ordered Padilla transferred to civilian custody to face criminal conspiracy and material support for terrorism charges in Federal court. The criminal charges against Padilla were not, however, related to Padilla’s alleged involvement in a dirty bomb plot, which had been the basis for his prior detention as an enemy combatant.

Padilla was subsequently convicted and sentenced to 17 years in prison. That 17-year sentence has since been vacated and is under reconsideration. Thus, the Padilla case is at best inconclusive as to the President’s authority to detain a citizen captured inside the United States as an “enemy combatant.” More likely, it evidences the folly of such overreaching assertions of Executive power.

Despite my longstanding opposition to the detention provisions in this bill, I will be voting yes on this important legislation. The main reason I support the defense authorization bill is because it ensures our troops deployed around the world—especially those in Afghanistan—have the equipment, resources, and training they need to defend this Nation.

I wish to sum up by quoting Justice Sandra Day O’Connor, writing for the plurality in Hamdi. Here is what she wrote:

As critical as the Government’s interest may be in detaining those who actually pose an immediate threat to the national security of the United States during ongoing international conflict, history and common sense teach us that an unchecked system of detention carries the potential to become a means for oppression and abuse of others who do not present that sort of threat.

This is what Senator KIRK, Senator LEE, Senator PAUL, and those of us on the Democratic side who have worked on this truly believe. What about the person captured on the corner who looks a certain way, who gets picked up and put into detention? Does that person have the right to a charge and to a trial? Our system of due process and the Constitution of the United States say, simply, yes.

I look forward to working with my colleagues to pass the due process guarantee bill.

I wish to defer to the distinguished Senator from Illinois, Senator KIRK.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Madam President, I wish to rise in support of the Feinstein-Leahy-Lee legislation. We are taking up the Defense authorization bill with the controversial provisions in it, somewhat protected already by the Feinstein language. But this legislation locks in a fundamental truth that

I think is important for our country, and that is as a U.S. citizen inside the territory of the United States, you have inalienable rights under our Declaration of Independence. We are protected pursuant to the U.S. Constitution.

Our Constitution says all crimes, and prosecution thereof, shall be pursuant to a grand jury indictment. There is no exception in the Constitution for that. The Constitution grants a U.S. citizen a trial in the State in which the crime was committed, I think clearly envisioning a civilian trial. We, as Americans, have a right to a speedy trial, not indefinite detention.

We as Americans have a right to a jury of our peers, which I would argue is not enlisted or military personnel sitting in a jury. You cannot search our persons or our places of business or homes without probable cause under the Bill of Rights. You cannot be deprived of your freedom or your property without due process of law, and that, I would say, is not indefinite detention. All due process guarantees under law are granted to you by the 14th amendment. I would actually argue that no statute and no Senate and no House can take these rights away from you.

It is very important to pass this legislation to prevent needless litigation against constitutional rights, which I regard already as your birthright as an American citizen. It is very important to talk about what the Feinstein legislation does and does not do. I think it is very narrowly crafted to defend the rights of American citizens and resident aliens inside the United States. We agree that aliens who are engaged or captured on foreign battlefields can be subjected to rough justice, battlefield outcomes, or detention and prosecution by the U.S. military.

We even agree that a U.S. citizen such as Anwar al-Awlaki, who took up arms against the United States from his terrorist base, Yemen, is then the proper subject of U.S. military action, and he received that proper attention. Illegal aliens, even inside the United States—we are not engaging on that subject. If they are part of jihad or other warfare against the United States, they can be subjected to military jurisdiction. But with regard to U.S. citizens and resident aliens on U.S. soil, I would argue that the entire point of the Department of Defense is to defend our constitutional rights and to make sure they are honored. If you read the Constitution—and I would urge all Members in this battle to reread it; it is only 5,000 words long—you will see that the rights provided are without qualification and are part of your birthright.

What is the first thing a U.S. Senator, a Member of Congress, or the President does? They swear an oath to the Constitution of the United States.

What is the first act any American or resident alien joining the U.S. military does? They don't swear allegiance to a President or a leader or a territory; they swear allegiance to the U.S. Constitution, and that is the mission which they are undertaking to protect.

We see a number of cases cited—as I noted, *Ex parte Quirin*, the German spy, or U.S. nationals who landed in Long Island and were summarily executed under U.S. military justice. I would say at least they were part of a foreign military and trained in that mission and trying to carry out that mission when that rough justice was put in place.

With regard to Jose Padilla, he was a U.S. citizen—sometimes when I was at the State Department, people would ask me who our Ambassador to Puerto Rico was. Puerto Rico is part of the United States. He was a full member of the country, with U.S. citizenship. He was arrested at O'Hare Airport, but pursuant to executive action was immediately taken into military custody and held in a brig. I regard all of his constitutional rights were then violated. In the subsequent litigation, I think eventually the Bush administration realized they were about to lose this case, which is why they kicked him back into civilian court.

In the Hamdi case, which is so often cited, even there we at least had a foreign connection, foreign training as part of another battlefield. What we are talking about here is very narrow, to make sure at the very least that you, as a U.S. citizen in U.S. territory, are not going to be subjected to indefinite military detention and military justice, that all of your constitutional rights are adhered to.

I would simply ask this—also as a reserve naval officer—what U.S. military officer wants the duty to roll in, for example, to Peoria, IL, and arrest an American citizen for actions that citizen has only done in the United States, not connected to a foreign military or training, and then to put that person through military detention and justice? I would say for the long-term interest of the U.S. military and to protect the U.S. military, we do not want to give that mission to our Armed Forces. A point of common sense should prevail here as well.

We spend billions of dollars on the Department of Homeland Security, which is fully under the fourth and sixth amendments of our constitutional protection. We have an extraordinarily able FBI, ATF, DEA, et cetera, the whole panoply of Federal law enforcement, which, quite properly, is not under the administration of the Pentagon but is instead under the administration of the Department of Justice. We have a vast array of State and local law enforcement all dedicated to protecting the United States but, most importantly, to uphold the very oaths

they also take in their first minute as law enforcement officers to protect the U.S. Constitution.

So on this day that we pass the NDAA, which has a murky provision regarding this—somewhat protected by the Feinstein legislation—it is very important for us then to rally behind the further legislative protections here. I think this is strong, bipartisan legislation. I commend Senator FEINSTEIN, Chairman LEAHY, and Senator LEE for bringing it forward. No. 1, this will help protect the U.S. military from missions that it should not undertake. No. 2, we will make sure there is clear delineation between the Department of Justice, Homeland Security, and its whole panoply of agencies, and our military, which protects our rights from threat overseas. But, most importantly, No. 3, to defend the U.S. Constitution, your birthright as an American citizen to have these rights to make sure we do not subject any U.S. citizen apprehended inside the United States to indefinite detention under U.S. military authority, knowing they have inalienable birthrights that were granted to them by the U.S. Constitution.

With that, I commend the Chair.

Mr. KIRK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KIRK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Madam President, we have two other provisions that are in the National Defense Authorization Act that I want to briefly mention.

First, we have a modified Brooks amendment in the conference report that says if there is any plan to deliver classified missile defense data to the Russians, the administration has to have a 60-day clock expire and then certify to the Congress that none of this data could end up in the hands of third parties, particularly the Iranians or Syrians. I wish to put the administration on notice that that certification probably cannot be made. Dmitry Rogozin, the lead negotiator on the missile defense for their government, has a close and continuing relationship with Iran. He is going to Iran next month. When we see the intelligence sharing and cooperation on missiles and on other weaponry, but especially discussions about a second nuclear reactor in Iran, I think we should all realize that any classified data on U.S. missile defense going to the Russians would be given to the Iranians.

Remember, in missile combat between enemies of the United States and ourselves, everything would be over potentially in a matter of hours. If the

Russians accomplish by diplomacy what they have failed to do by espionage, which is getting critical details of U.S. missile defense, and especially missile defenses of Poland and other key allies, we give only a few minutes to a few hours to the U.S. commander to be able to diagnose the problem, understand how he has been penetrated or fooled, and to correct that. I think that weakens the defenses of the United States significantly.

I had a hold on the nominee for the U.S. Ambassador to Moscow, Michael McFaul. Because of the passage of the modified Brooks amendment and a written letter of assurances given to me by the administration, I have now lifted that hold. I will be supporting his nomination also because he will be good in working with the opposition and human rights communities in Russia.

But I think everyone is now on notice that we should not move forward with any plan to provide classified missile defense data to Russia because it will be shared with the Islamic Republic of Iran, and that is one of the principal threats for which the U.S. and NATO missile defenses are arrayed against.

A second provision which is in the National Defense Authorization Act concerns Iran itself. Senator MENENDEZ and I teamed up on an amendment that also says: If you do business with the Central Bank of Iran, you may not do business with the United States. But we provided critical flexibility to the administration. The amendment is not imposed for weeks, if not months, and two critical waivers are put in the amendment which say, No. 1, if we find a critical shortage in oil markets because of Iran's leading role, sanctions could be delayed if not suspended. Also, there is a general national security waiver put in if something unexpected happens. But, in general, the rule goes forward that we are moving forward on a comprehensive plan to collapse the Central Bank of Iran.

Despite Secretary Geithner opposing the Menendez-Kirk amendment, this body voted 100 to 0 to support that amendment because we know of the International Atomic Energy Agency's report that they may be getting close to having enough fissile material for a nuclear weapon. We know of Iran's support for Hezbollah and Hamas. We know of their oppression of minorities, especially 330,000 Baha'is, who have been prohibited from contracting with the Iranian Government. Kids are not allowed to be in university. We even know of one poor Iranian actress who was sentenced to 90 lashes, later suspended, for simply appearing in an Australian film without a head dress.

The time for action on Iran is now. With the passage of the National Defense Authorization Act and the signature that we now expect from the



President, a set of clocks begins, 60- and 180-day clocks. I will be teaming with Senator MENENDEZ and others—in fact, with the entire U.S. Senate that supported this—to make sure we have the toughest action possible to collapse the Central Bank of Iran, which the Treasury Department noted is the central money launderer for that government to support terror and nuclear proliferation.

With that, I yield the floor. Actually, I yield to my colleague from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I rise today in support of the National Defense Authorization Act. In particular, I wish to speak briefly about the detainee provisions contained in the conference report.

I have spoken many times over the last few months about this issue, but due to the importance of these issues—and I think because of some of the unfortunate mischaracterizations we have heard about the bipartisan compromise that passed this body already overwhelmingly and came out of the Armed Services Committee overwhelmingly—I wanted to come to the floor to make some closing points on this.

I would like to start with this proposition: No member of al-Qaida, no terrorist, should ever hear the words “you have the right to remain silent.” That fundamental principle is at the heart of the issue we confronted in the Armed Services Committee in addressing the detainee provisions that are contained within the Defense authorization report. The central issue is, how do we best gather intelligence to protect our country from future attacks?

It is common sense that if we tell a terrorist they have the right to remain silent, they may exercise that right. What if they do so and they have additional information about future attacks on our country or, as in the case of the so-called Underwear Bomber—which, unfortunately, in my view, has been cited by some of my colleagues as a success—if that event had been part of a series of events such as the events that occurred on 9/11 where we were attacked on our own soil, what would we have lost? After 50 minutes, the so-called Christmas Bomber was told he had the right to remain silent and he exercised that right and we did not get to question him again until 5 weeks later, after law enforcement officials tracked down his parents in another country and convinced him to cooperate. That is not a good policy to gather intelligence to protect our country, and that is at the heart of what we are trying to address on a bipartisan basis in the Defense authorization bill.

We have to ask ourselves: The events of 9/11, were they acts of war or were they a crime against our country? I firmly believe we are at war with mem-

bers of al-Qaida; that what happened on September 11 was an attack against the United States of America. Innocent Americans were killed not because of what they did but because of what we believe in and what we stand for as a country.

So when I hear some of my colleagues suggest there are problems with the detainee compromise that was achieved on a bipartisan basis in this body—because we have basically said, if a foreign member of al-Qaida comes to the United States of America, seeks to commit another 9/11 against us, seeks to attack our country or its citizens, that the presumption will be military custody. That those provisions are misguided in some way deeply troubles me. If this wasn't an act of war, then I don't know what is. We need to make sure we treat enemies of our country for who they are and make sure they are not read their Miranda rights.

So in this bipartisan compromise we said there is a category of individuals—members of al-Qaida or associated groups—who want to come to America to attack us or our allies and for whom, yes, there is a presumption of military custody. That way they don't have to be read their Miranda rights or be provided the rights of our civilian system.

We also address the administration's concerns by giving them a national security waiver, by allowing our law enforcement officials the flexibility to come up with the procedures on how to implement the provisions of this bill.

I wish to address what I heard from FBI Director Mueller yesterday, just to be clear on the record, because yesterday FBI Director Mueller raised concerns about these detention provisions saying there is a possibility that looms that we will lose opportunities to obtain cooperation from individuals we have been able to obtain cooperation from in the past.

Well, I am concerned because when FBI Director Mueller came to a group of us, including the chairman of the Armed Services Committee and Ranking Member MCCAIN, he raised operational concerns about this provision, and we said we want to address those concerns. So in the final conference report there is language that was given to us by the FBI to address their operational concerns. It was included in this bill without a comma changed.

So it makes me concerned when we put their language in to address their concerns, saying nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency with respect to a covered person regardless of whether such covered person is held in military custody.

So I say to Director Mueller: We put your language in directly, and it makes

me concerned when I hear, in my view, what are political viewpoints rather than what is the reality of what is in this bill, which will allow the FBI to continue its work and will allow for us to hold in military custody those who are seeking to attack our country and will ensure that Miranda rights do not have to be given if that is the best investigative way to go forward to protect our country.

I see my colleague, the Senator from South Carolina, on the floor. I wish to ask him a question about the bill and the detainee provisions, particularly about the authorization for the use of military force. I have heard some people on the floor of the Senate—including the Senator from Colorado, the Senator from Illinois, and the Senator from California—express concerns about the fact that this bill reaffirms the authority of the President of the United States to detain an American citizen who has joined with al-Qaida and who has, as a member of al-Qaida or an associated force, joined arms against our country and sought to kill Americans.

I wish to ask the Senator from South Carolina about this provision and why it is important for our country.

Mr. GRAHAM. I thank the Senator from New Hampshire who has been a great leader on this issue.

Let me just tell my colleagues what drives my thinking. I think we are at war—I don't think it, I believe it. I hope my colleagues believe it too, and I know America is part of the battlefield because the enemy would like to destroy our country.

If we capture an al-Qaida operative overseas, does anybody in this body suggest that we should give them a lawyer or read them their rights? In World War II, if we had captured a Nazi soldier overseas and started saying they had the right to remain silent and we would give them a lawyer, even though Miranda didn't exist at the time, people would have run us out of town.

So if we believe we can kill an American citizen who has joined al-Qaida—the Awlaki case, where the President of the United States made an executive decision under the rule of the law, not through a court decision, to target an American citizen who had aligned themselves with the enemy—then if we can kill them, which is pretty indefinite, why can't we capture and hold them?

Now, that would be the dumbest thing in the history of the world for a nation to say: We all acknowledge the executive branch's power to target an American citizen who has aligned themselves with the enemy. We can kill them overseas, we can capture them overseas, we can interrogate them about what they know about future attacks, but when they get here we have to treat them as a common criminal.

I think what we share, I say to the Senator from New Hampshire, is that we think al-Qaida operatives, citizens or not, are not common criminals. We think they are crazy people, warriors, bent on our destruction, who would blow themselves up just as quickly as they would blow you up, and they don't care if they blow themselves up. The only reason the Christmas Day Bomber didn't kill a bunch of people is because his shoe didn't go off. The only reason the Times Square Bomber didn't kill a bunch of people is because the bomb didn't go off.

If you are an American citizen and you want to help al-Qaida kill Americans and destroy your own country, here is what is coming your way. If you happen to be listening to this debate, please understand the law as it is today and as it is going to be after this bill is passed: We are at war. The authorization to use military force passed by the Congress right after the attacks against this Nation designates al-Qaida as a military threat, not a common criminal threat, so we apply the law of war. There are two legal systems at play: domestic criminal law that well serves us as a nation to deal with crime—even the worst person, the worst child abuser gets a lawyer and is presumed innocent. Believe it or not, war criminals get lawyers and are presumed innocent.

I am proud of both systems, but the law enforcement model doesn't allow us to hold someone for a period of time to gather intelligence. Under the law enforcement model, once we capture someone, we have to start reading them their rights and providing them with a lawyer. Under the law of war model, we can hold someone who is part of the enemy force and gather intelligence.

This is not the first war where American citizens have sided with the enemy. In the *In re Quirin* case, a World War II case where American citizens aided Nazi saboteurs, here is what the Court said: There is no bar to the Nation holding one of its own citizens as an enemy combatant. That has been the law for decades.

So if it made sense to hold an American citizen who was helping the Nazis under military authority because they were helping a military enemy of the Nation to gather intelligence, why in the world wouldn't it make sense to hold somebody who has joined with al-Qaida to gather intelligence about the next attack?

Let me give an example of what we may face. Homegrown terrorism is on the rise. The Internet is out there. It is a good thing and a bad thing. But the idea of people getting radicalized and turning against their own country is a growing threat.

So the likelihood in the future of someone getting radicalized—an American citizen here at home going to

Pakistan, getting educated in one of these extremist madrassas, coming back home, getting off the plane at Dulles Airport, coming down to the Mall and starting to shoot American citizens and tourists alike—is very real.

What this legislation does is it says from the Congress's point of view we recognize the person who is aligned with al-Qaida is not a common criminal, that we expressly authorize the indefinite detention of someone who has joined al-Qaida operations.

Why is that important? Don't you think most Americans, I say to the Senator, would be offended if after the person who went on a rampage in the Capital to kill American citizens, to kill people in America, was captured, we could not question them about: Is there somebody else coming? We would have to say: You have the right to remain silent. Here is your lawyer.

What we should do with that person who went to Pakistan and got radicalized and wants to come back and kill us all is hold them in military custody, as we have done in every other war, and find out all we can about future attacks and what they know. Because we are not fighting a crime; we are fighting a war. That has been the law, according to the Supreme Court, for decades, and all we are doing in Congress is saying, statutorily: We recognize the authority of this President and every other President to hold an enemy combatant for intelligence-gathering purposes indefinitely, whether they are captured at home or abroad, because that only makes logical sense. The idea of criminalizing the war and not being able to gather intelligence will put our country at risk.

Let me say this about the system: No one can be held as an enemy combatant under the law we have constructed without having their day in Federal court. So do not worry about going to a tea party or a moveon.org rally or an Occupy Wall Street rally and somebody holding you as a political prisoner under this law. The only people who can be held under military custody for an indefinite period are ones who have been found to have associated with al-Qaida in an overt way, and the government has to prove that to a Federal judge. If the Federal judge does not believe the government has made their case, the person is released. If the Federal judge says to the U.S. Government: You have convinced me that the person in front of me is cooperating and has joined al-Qaida and is overtly engaged in hostilities against the United States. I hereby authorize to you to hold that person to gather intelligence, how long can you hold them? As long as it takes to make us safe.

Here is what the law does. Every year, the person being held as an enemy combatant has an annual review

process where the experts in our government look at the threat this person possesses, whether we have more intelligence to be attained, and there is a legal process to review ongoing detention.

Here is what some of my colleagues would say: Wait a minute. You cannot do that. We are going to say, as a Member of Congress, that at an artificial date you have to let that person go or try them? A lot of these cases will be based on intelligence that may not go to an article III court. We may have to compromise our national security. We can prove to a judge they are a member of al-Qaida, but we are not going to take them to the criminal court because that is not in our national security interest.

The key fact is, no one is held as an enemy combatant without judicial review. Once you are determined to be an enemy combatant, then we are going to apply the law of war, as we have for 200 years. The law of war says: No nation has to let an enemy prisoner go or prosecute them—because we are not fighting a crime; we are fighting a war.

If you are an al-Qaida operative, you could get killed, even if you are an American citizen, by assisting the enemy at home or abroad. So do not join al-Qaida because you could lose your life. If you do get captured, you can be held indefinitely under the law of war because you have committed an act of war.

Ms. AYOTTE. Would the Senator from South Carolina yield for a question?

Mr. GRAHAM. I am pleased to.

Ms. AYOTTE. Isn't it true that included within the Defense authorization language in the detainee provisions is that:

Nothing in this section is intended to limit or expand the authority of the President or the scope of the Authorization for Use of Military Force.

In other words, what is the law today—as you just described it—we are reaffirming in this bill. But we are not adding or subtracting from the President's authority that he has, as the Commander-in-Chief of our country, to protect our country against members of al-Qaida.

Mr. GRAHAM. The Senator is correct.

But here is what we are doing. Here is what LINDSEY GRAHAM is doing, and CARL LEVIN, and an overwhelming number of the Members of this body are about to do. We are about to pass a defense authorization bill that increases military pay, that has a lot of great things. But we are about to say as a Congress: We believe we are at war, and we reject the idea—the Libertarian idea; who are great Americans—that if you get to America somehow, it is no longer a war.

I think the Libertarians agree that if you catch an al-Qaida operative, including an American citizen, overseas,

we do not have to read them their rights, and we do not have to give them a lawyer. But somehow, the perverse logic is, if they make it to America to attack us, whether they are a citizen or not, somehow they get a special deal.

All of us who are voting for this bill say that is crazy; we are at war. For no other war has that been the case. If you would have suggested in 1942 that the American citizen helping the Nazis commit sabotage against the United States had a special status and could not be treated in the fashion of a military threat to the country, they would have run you out of town.

So we are 10 years out from the attacks of 9/11, and here is what we are rejecting: We are rejecting the criminalization of the war, but we are doing it in a smart way. We are not telling the executive branch they have to go into a law-of-war detention system. We are just saying that is available to them. We are not telling the executive branch they have to try people in military commissions. We are just saying to them that is available for noncitizens. What we are telling the executive branch is that we believe we are at war, and that narrow group of people—thank God it is a narrow group—who join al-Qaida do not have special privileges when it comes to destroying our homeland; that if they make it to America, the closer they get to us, the more tools we should have available to protect ourselves.

So we are on record—at least I am and I think the body as a whole. Senator LEVIN has been terrific. The administration has been great to work with. Finally, after 10 years, the Congress of the United States, through this legislation, is going to make the simple statement, simple proposition that under the law of war, you can be held as an enemy combatant indefinitely to protect this Nation. Because when you join al-Qaida—the enemy of us all—we are not worried about whether we are going to prosecute you right away. We are worried about what you know about the next attack coming.

Let me tell you why we need this flexibility. The Christmas Day Bomber—the bomb did not go off, thank God; it was just luck—was read his Miranda rights within 45 minutes. Five weeks later, his parents convinced him to cooperate. What we are suggesting is there is another way that has been used in other wars, that the U.S. intelligence community, law enforcement community, and military have an option available to them.

We could grab this person who has just tried to blow up an airplane over Detroit—American citizen or not—and we can hold them without telling them they have a right to a lawyer and reading them their Miranda rights. Because we are trying to find out is another air-

plane coming and what do they know about the enemy and what were they up to and where did they train.

If we take that option off the table, we will have diminished our national security. We will have overturned what every other time of war has been about. We would be the first Congress in the history of the country to reject the idea that we can hold someone who is collaborating with the enemy under the law of war. Let's reverse this. This is the first time in history people have said on the floor of the Senate: We reject the Supreme Court holdings that allow the American Government to hold someone as an enemy combatant when they have joined the enemy forces at home or abroad.

So those of us who are voting for this, we are saying we accept the proposition that if you join al-Qaida, you can be killed, you can be captured, you can be interrogated. I am willing to accept the heat for making that decision. Because if we cannot kill them and we cannot capture them and we cannot interrogate them, we have made a huge mistake because these people hate us. They hate who we are. They hate what we stand for. They would kill us all if they could. They are out there, and some of them are among us who have the title of "American citizen."

But let me tell you about that title. Not only does it have rights, it has responsibilities. Our courts have said there is nothing in our law or our Constitution that prevents us from holding one of our own when they join the enemy. Because when they join the enemy, they have not committed a crime; they have turned on the rest of us, and they should accept the consequences of being at war with America. Being at war with America is something they should fear, and if they do not fear being at war with America, we have made a huge mistake.

I believe in due process. No one is going to prison without a Federal judge's oversight. No one stays in prison indefinitely without an annual review. But, my God, we are not going to arbitrarily say: You have to go. You have to be let go because of the passage of time and we are not going to criminalize this war—because it is a war.

As sure as I am standing here talking today, we are going to be wrong once. We have to be right every time, I say to the Senator. We have been lucky, and our men and women in uniform and our intelligence community and our FBI agents are doing a wonderful job. They are working night and day to protect us. The threats are growing. They are not lessening. There will come a day, I am sad to say, when we are going to get hit again. But when that day comes, we are going to make sure we have the tools to deal with it in terms of what it is: an act of war. We are going to have the tools available to this country to rein in the con-

sequences because we are going to have the tools available to find out where is the next attack coming from.

We are not going to criminalize the war. We are going to fight it within our values. We are going to provide robust due process. But we are going to acknowledge as a body in Congress that our Chief Executive and those men and women in uniform, law enforcement agents, CIA agents—that they have our blessing to do their job, and we are going to acknowledge that they have the tools available in this war that were available to other like people in other wars.

Ladies and gentlemen, if there was ever a war where it was important to know what the enemy was up to and hit them before they hit us, it is this war. They could care less about losing their lives. The only way we will be safe is to gather intelligence, and we cannot gather intelligence, in my view, by locking down America to "Dragnet" standards. This is not a TV show. This is a real-world event that changes as I speak.

To Senator LEVIN, to Senator AYOTTE, and to all those who have tried to create a compromise to enjoy bipartisan support—to the administration—thank you all. To the critics, some of your criticism has been unfounded. But you have the right to be a critic. You live in the State called "Live Free or Die."

Let me remind everybody, being a critic and being able to speak your mind sometimes means people have to die.

What I am—

The PRESIDING OFFICER. The time for the Senator from New Hampshire has expired.

Mr. GRAHAM. Madam President, could I ask for 30 seconds?

The PRESIDING OFFICER. Is there any objection?

Mr. LEVIN. Madam President, reserving the right to object—and I, of course, will not—how much time is left before our vote?

The PRESIDING OFFICER. One minute.

Mr. GRAHAM. I will do this in 15 seconds.

Mr. LEVIN. If the Senator will save me 30 seconds, I would appreciate it.

Mr. GRAHAM. Absolutely.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. This idea of civil liberties and the American way of life—if we do not fight for it, we are going to lose it. We are under siege and we are under attack. So let's fight back within our values. This bill allows us to fight back, and I am very proud of the product.

I thank Senator LEVIN for being such a good leader for the Nation at a time when we need good leaders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, let me first thank Senators GRAHAM and AYOTTE for their contributions this afternoon and long before this afternoon on this subject.

The best answer to some of the criticism we have heard this afternoon—the FBI has been successful. Why change it?—read the law, read the conference report.

Nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation. . . .

It is flatout explicit in the law.

Something else we have heard: We are doing something for the first time—long-term custody for American citizens. Read the conference report:

Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens. . . .

I urge people to read our conference reports read the Senate bill, before they accept some of the arguments which have been made against this conference report.

Madam President, I ask unanimous consent that the statement of the Press Secretary for the President that was issued yesterday on behalf of the President be printed in the RECORD, including this line:

[W]e have concluded that the language does not—

The language in the conference report—

challenge or constrain the President's ability to collect telling intelligence, incapacitate dangerous terrorists, and protect the American people—

And the key words for many people—and the President's senior advisors will not recommend a veto.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT FROM THE PRESS SECRETARY ON  
THE NDAA BILL

We have been clear that “any bill that challenges or constrains the President's critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the Nation would prompt the President's senior advisers to recommend a veto.” After intensive engagement by senior administration officials and the President himself, the Administration has succeeded in prompting the authors of the detainee provisions to make several important changes, including the removal of problematic provisions. While we remain concerned about the uncertainty that this law will create for our counterterrorism professionals, the most recent changes give the President additional discretion in determining how the law will be implemented, consistent with our values and the rule of law, which are at the heart of our country's strength. This legislation authorizes critical funding for military personnel overseas, and its passage sends an important signal that Congress supports our efforts as we end the war in Iraq and transition to Afghan lead while ensuring that our military can meet the challenges of the 21st century.

As a result of these changes, we have concluded that the language does not challenge

or constrain the President's ability to collect intelligence, incapacitate dangerous terrorists, and protect the American people, and the President's senior advisors will not recommend a veto. However, if in the process of implementing this law we determine that it will negatively impact our counterterrorism professionals and undercut our commitment to the rule of law, we expect that the authors of these provisions will work quickly and tirelessly to correct these problems.

Mr. LEVIN. Again, I want to thank all of my colleagues who participated in this debate.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The question is on agreeing to the conference report.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 13, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—86

Akaka	Graham	Mikulski
Alexander	Grassley	Murkowski
Ayotte	Hagan	Murray
Barrasso	Hatch	Nelson (NE)
Baucus	Heller	Nelson (FL)
Begich	Hoeven	Portman
Bennet	Hutchison	Pryor
Bingaman	Inhofe	Reed
Blumenthal	Inouye	Reid
Blunt	Isakson	Roberts
Boozman	Johanns	Rockefeller
Boxer	Johnson (SD)	Rubio
Brown (MA)	Johnson (WI)	Schumer
Brown (OH)	Kerry	Sessions
Burr	Kirk	Shaheen
Cantwell	Klobuchar	Shelby
Carper	Kohl	Snowe
Casey	Kyl	Stabenow
Chambliss	Landrieu	Tester
Coats	Lautenberg	Thune
Cochran	Leahy	Toomey
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lugar	Vitter
Corker	Manchin	Warner
Cornyn	McCain	Webb
Enzi	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Gillibrand	Menendez	

NAYS—13

Cardin	Franken	Risch
Coburn	Harkin	Sanders
Crapo	Lee	Wyden
DeMint	Merkley	
Durbin	Paul	

NOT VOTING—1

Moran

The conference report was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTING THE ENROLLMENT  
OF H.R. 1540

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 92, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 92) directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution is agreed to, and the motion to reconsider is considered made and laid upon the table.

EXECUTIVE SESSION

NOMINATION OF MORGAN CHRISTEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Christen nomination.

Under the previous order, there will be 2 minutes of debate equally divided and controlled in the usual form.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. The Senator from Rhode Island asks that all time be yielded back. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Morgan Christen, of Alaska, to be United States Circuit Judge for the Ninth Circuit?

Mr. WHITEHOUSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote “yea.”

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 231 Ex.]

YEAS—95

Akaka	Baucus	Blumenthal
Alexander	Begich	Blunt
Ayotte	Bennet	Boozman
Barrasso	Bingaman	Boxer

Brown (MA)	Hoeven	Nelson (NE)
Brown (OH)	Hutchison	Nelson (FL)
Burr	Inhofe	Portman
Cantwell	Inouye	Pryor
Cardin	Isakson	Reed
Carper	Johanns	Reid
Casey	Johnson (WI)	Risch
Chambliss	Johnson (SD)	Roberts
Coats	Kirk	Rockefeller
Coburn	Klobuchar	Rubio
Cochran	Kohl	Sanders
Collins	Kyl	Schumer
Conrad	Landrieu	Sessions
Coons	Lautenberg	Shaheen
Corker	Leahy	Shelby
Cornyn	Lee	Snowe
Crapo	Levin	Stabenow
Durbin	Lieberman	Tester
Enzi	Lugar	Thune
Feinstein	Manchin	Toomey
Franken	McCain	Udall (CO)
Gillibrand	McCaskill	Udall (NM)
Graham	McConnell	Warner
Grassley	Menendez	Webb
Hagan	Merkley	Whitehouse
Harkin	Mikulski	Wicker
Hatch	Murkowski	Wyden
Heller	Murray	

## NAYS—3

DeMint Vitter  
Paul

## NOT VOTING—2

Kerry Moran

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

## VOTE EXPLANATION

Mr. KERRY. Mr. President, I was necessarily absent for the vote on the nomination of Morgan Christen, of Alaska, to be U.S. circuit judge for the Ninth Circuit. If I were able to attend today's session, I would have supported the Christen nomination.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## MORNING BUSINESS

Mr. BEGICH. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 7 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## 40TH ANNIVERSARY OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Mr. BEGICH. Madam President, I come to the floor to first say "thank you" to my colleagues for supporting an incredible judge, but I also come to the floor today to mark an anniversary. December 18, 2011, marks the 40th anniversary of a truly historic date for the first people of Alaska—passage of the Alaska Native Claims Settlement Act. To mark this historic occasion,

Senator MURKOWSKI and I have submitted a Senate resolution to formally celebrate the success and contributions of Alaska Native people and their corporations. We will be asking for the unanimous consent of our colleagues to adopt this resolution at a certain point.

Over the past 40 years, Alaska has witnessed astonishing economic growth resulting from ANCSA. This has benefited not just Native people but all Alaskans. This historic piece of legislation allowed a new group of people who for centuries were economically disadvantaged to enter into the business world and to become economic leaders. Under ANCSA, they have contributed to the State and national economies in unprecedented ways. ANCSA has two primary goals: to resolve longstanding issues surrounding aboriginal land claims in Alaska and to stimulate economic development.

Many Alaskans led the charge on creation and passage of the claims act. My father, the late Representative Nick Begich, was one of them. There were many new Native leaders involved—Willie Hensley, John Borbridge, and other young advocates who very quickly engaged in this historic Native rights legislation.

Today, I would also like to recognize all the wives, daughters, sisters, secretaries, and other powerful women who contributed to the passage of ANCSA. Many of them may not have received formal recognition of their contributions, women such as Marlene Johnson, who played an instrumental role in the creation and passage of ANCSA. She spent countless hours flying to and from southeast Alaska and Washington, DC, leaving behind her full-time job and five children, doing her part to see ANCSA move through Congress. To engage in negotiations, Alaskans would fly for days to get from Barrow or Fairbanks or Kotzebue to Washington, DC. Many of them camped out on couches and floors in Washington for months to get it done.

Today, Alaska Native corporations are tremendous economic drivers not only for Alaska but for the entire United States and even internationally. In 2010, 8 of the 10 most profitable businesses in Alaska were Alaska Native corporations. Of the five that topped \$1 billion, all were Native corporations.

Cash dividends paid to corporation shareholders continue to be a very important source of income for many Alaska Native individuals and families. In total, dividends paid by Alaska Native corporations to their shareholders rose by 39 percent from 2009 to 2010, up to \$171 million.

These dividends serve Native families in many ways. In some cases, they help provide basics, such as food and heating fuel or supplies and equipment to continue their subsistence way of life.

For other families, shareholder dividends go into college savings accounts or new startup businesses. Sometimes they simply help offset the costs of caring for their aging loved ones.

For the business owners everywhere, Native and non-Native alike, shareholder dividends provide a major economic boost. Today, Alaska Native corporations and their subsidiaries are providing thousands of jobs across the United States. These corporations provide job training and scholarships and other support to create new opportunities for young shareholders and their descendants. The corporations also offer meaningful internships to help young Alaska Natives build long-standing professional careers within the corporate structure. Elders, the most respected people in the Native communities, receive special assistance and financial support from their corporations.

Clearly, 40 years later, many Alaska Native corporations have matured to become business leaders. Unfortunately, many others and the Alaska Natives they represent have not all had great success—yet.

The Alaska Native Claims Settlement Act was one approach, an experiment to meet America's treaty obligations to the first people of this country. I will continue to support the Alaska Native tribes while also strengthening the capacity of the Alaska Native corporations.

Now we look forward to the next 40 years of ANCSA. I call on my colleagues in this Chamber to work together to help all American Indian and Alaska Native people gain their economic independence. Through ANCSA, we see this happening in Alaska. Alaska Native groups are proud of their culture and heritage but also of their business success. We all should be proud of this success.

In Alaska, we innovate. We rely on fresh approaches to solve our unique challenges. The Alaska Native Claims Settlement Act is such an example. It was a monumental act of Congress—one my father pushed forward and I know is profoundly successful and one that today I profoundly defend.

With our national economy in its current state, we need more of this in America. We need to lift our people to build capacity and to allow the first people of this Nation to succeed. When that happens, we all benefit.

Madam President, Senator MURKOWSKI and I ask you and our colleagues to support this resolution to recognize and honor the impact and importance of the Alaska Native Claims Settlement Act. More important, it honors Alaska's first people and their extraordinary accomplishments over the past 40 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

# NOMINATION OF MORGAN CHRISTEN

Ms. MURKOWSKI. Madam President, I feel as if this is a little bit of Alaska day here. We just celebrated the very successful nomination of Morgan Christen to the Ninth Circuit. I am really quite proud of Morgan and her accomplishments. As an Alaskan and as an Alaskan woman, to achieve what Morgan has achieved, to be the example she has set makes me quite proud today. So I am pleased the Senate gave her such a resounding confirmation. This is quite significant for us, and Alaskans are feeling good today.

# 40TH ANNIVERSARY OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Ms. MURKOWSKI. As Senator BEGICH mentioned, Alaskans are celebrating other occasions this week as well.

I rise today to speak about a resolution Senator BEGICH and I have submitted that recognizes December 18, 2011, as the 40th anniversary of the Alaska Native Claims Settlement Act. Our resolution recognizes and commends the significant achievements Alaska Native people have made over the past 40 years through their congressionally created Alaska Native corporations.

Not only has the Alaska community risen to the challenge of creating sustainable businesses, but they have created employment opportunities for our Nation's citizens really across the country—not just located in the State of Alaska but really all across our country and through the world. Alaska Native corporations continue to make significant contributions to their communities, our Nation, and the global economy, and for this they should be commended and they should be applauded.

Our resolution encourages the citizens of the United States to acknowledge and support the leadership and continued efforts of Alaska Native people in managing their resources through the Alaska Native corporations. The resolution also sends a strong message of support to thousands of Alaska Native youth from across the State who are working and contributing positively to their families and to their communities, focusing their efforts on earning a college education, participating in cultural activities, and realizing a dream that they may one day earn places of leadership within their own corporations. Their efforts are recognized and appreciated.

Over this coming weekend, Alaska Natives and advocates from across the United States will participate in community dialogs and celebratory events to reflect upon what has been accomplished over these past 40 years since passage of ANCSA. Participants will focus on the next steps that are needed

to improve upon the continued success and the unity of Alaska Native tribes, villages, and our corporations.

Through their participation and commitment to management of their resources through the vehicle of Alaska Native corporations, many young Alaska Native people will embark upon a lifetime journey of service, community engagement, and philanthropy. Alaska Native corporations have afforded a unique opportunity for Alaska Native people to gain valuable insights into the business world, while maintaining thoughtful focus on issues concerning Alaska Native tribes and communities.

The next generation of Alaska Native people will continue to make positive changes in the world around them through acquired leadership skills, cultural advocacy, and community engagement, and through their dedication and enthusiasm, the next generation of leaders honors the previous generation of Alaska Native leaders who really worked so very diligently to achieve the passage of the most significant Native lands settlement in our Nation's history.

In addition to all of the very remarkable young people who will one day be managers and policymakers of their Native corporations, I honor the work of those who contributed to the success of the passage of the Alaska Native Claims Settlement Act. It was no easy feat negotiating this very complex piece of litigation. It took the drafters years for the settlement to be discussed, to be interpreted, analyzed, debated, negotiated, and finalized. It was truly an accomplishment.

While no piece of legislation can claim perfection, the original drafters of the ANCSA bill worked tirelessly to achieve a fair and a just settlement for the native people of Alaska and the ever-evolving document has had a number of significant amendments that have considerably improved the original bill.

While a list acknowledging all of the Alaska Native leaders and advocates who worked on the act would prove impossible long, I wish to recognize a few of the people who have since passed, who played an instrumental and an unforgettable role in its passage.

First, U.S. Secretary of the Interior, Secretary Udall. I had both TOM and MARK UDALL sitting right in front of me before I began my comments here. It is a tribute to him that he did so much in his service as Secretary of the Interior. Also our own Senator Ted Stevens and his efforts; U.S. Congressman Nick Begich, who was instrumental in passage of ANCSA, and Morris Thompson, who is an Athabaskan out of the Koyukon area. It was back in 1966 that Stewart Udall, who was Secretary of the Interior then, responded to pleas from Alaska Native groups, imposed a "land freeze" on all land in Alaska under Federal control,

which amounted to about 96 percent of all the land in the State at the time. Secretary Udall helped develop a program for solutions to the Native land claims issue throughout the State. Although ANCSA at that time was still in its infancy, the freeze prevented the transfer of all remaining Federal lands and would remain in effect until the Native land claims were resolved. Without that freeze, the Alaska Native people might have won their claim but they may not have had lands to select.

Senator Stevens, in his role, called his work on the unprecedented landmark legislation of ANCSA his Senate baptism of fire. In a 1991 newspaper article, the Senator is quoted as saying that he believed a settlement could be achieved because of his "faith in the determination and the unity of purpose of Alaska's Native people." Senator Stevens was one of the advocates who pushed for the 40-million-acre land provision versus the 1 million acres the White House had initially proposed.

With threats looming that subcommittee sessions would be called off, which would effectively end a negotiated settlement, Congressman Nick Begich played a key role in keeping the legislative process moving. By the end of the negotiations, the subcommittee package was a tribute to the Congressman's role as architect of the House compromise. One veteran lobbyist said:

It is the best individual achievement I have ever heard of for a freshman Congressman.

I would be remiss in not mentioning the very unforgettable Morris Thompson. At 34 years old, Morris was the youngest commissioner of the Bureau of Indian Affairs. He held a Cabinet position in the Nixon administration and, with his Interior Department positions, Morris was very deeply involved in passage of the ANCSA at the time. He was a prominent leader in the Native, corporate, and political worlds. He was known for a good sense of humor, wit, and wisdom, but was also a very savvy businessman who led Doyon, which was an Alaska Native regional corporation, to great success. His lifelong commitment to the people and progress of Alaska truly lives on in his legacy.

I am proud of all these people. I value their idealism, their energy, dedication, and unique perspectives they brought to the table in working toward the initial crafting of the Alaska Native Claims Settlement Act.

I thank Senator BEGICH for standing with me to submit this important resolution that acknowledges the hard work of the Alaska Native people in the success of their Alaska Native corporations on this 40th anniversary of passage of the Alaska Native Claims Settlement Act. I know Congressman YOUNG joins with us in celebrating this anniversary as well.

HONORING RAY MALA

Since, as I mentioned, we are working a little bit on Alaska Day, I wish



also to take a couple of moments here to recognize yet another Alaskan leader, truly an Alaskan legend. Two days after Christmas of this year would have marked the 105th birthday of an Alaska legend, Ray Mala. Despite insurmountable odds, Ray Mala dared to dream and he went on to become our Nation's first Native American international film star. He would have been 105, or he will have been, 2 days after Christmas, but he was our Nation's first Native American international film star. He was born in the remote village of Candle, to an immigrant father of Russian Jewish descent. He was fluent in both English and his mother's native language of Inupiat. He was a skilled hunter. He learned the Inupiat ways from his maternal grandmother, Nancy Armstrong, and while the family lived a traditional lifestyle, Mala learned to walk in both the traditional and modern worlds. Facing poverty, Mala was a very accomplished hunter, using a bow and arrow to catch whatever food he would bring home. Wearing a handmade fur parka, he and his grandmother would traverse through harsh arctic storms in pursuit of subsistence land animals. When they would return home, Mala would pour himself into academic studies at the local school, always striving to improve himself.

At age 16 he made his acting debut in the film "Primitive Love." Mala was initially hired as a laborer on the remote film set there in the State, but film makers discovered his natural talent behind the camera and, as I say, the rest is history. He was bitten by the acting bug. Mala set out for Hollywood. He worked his way up from sweeping the stage floors to being an assistant cameraman at Fox Studios.

Initially he was turned down for any leading roles because of his mixed Eskimo-Jewish heritage, but Mala landed his first role in the silent film "Igloo," which was shot in Barrow, AK. The film's success earned him the title of the Eskimo Clark Gable.

In 1932, Metro-Goldwyn-Mayer, MGM Studios, sent a film crew from Hollywood to Nome. My mother was born in Nome in 1932. Nome was a pretty interesting community back there, still very rough around the edges, but they sent a film crew to Nome to begin shooting the film that would thrust Mala into stardom. MGM struck gold with the film "Eskimo," a film also called "Mala the Magnificent," the first full-length feature film ever shot in Alaska. Mala became Alaska's first Hollywood film star and also the first nonwhite actor cast in a leading role. Over the span of his career, Mala would appear in over 25 films, all the while winning devoted fans across generations, across cultures—they loved him. His widely acclaimed role in "Eskimo" would earn Mala his place in Hollywood history.

He was more than an actor. He also excelled in cinematography and

screenwriting. Keep in mind, this is a young Eskimo boy, raised in the traditional ways back in the early 1900s. Not only is he picked up by Hollywood and is a phenomenal actor, but he also excels in cinematography and screenwriting. He worked on films with many legendary filmmakers, including Alfred Hitchcock and Cecil B. DeMille. But his blossoming career was cut short by his death at age 45 due to heart complications. Mala faced many challenging personal circumstances, such as racial discrimination, at a very early age. But that did not prevent him from achieving both personal and professional excellence. I am sure he would be very proud to see that his grandson was following in his acting footsteps.

This year, in her newly released book "Eskimo Star," author Lael Morgan chronicled the inspirational life story of Ray Mala, and the State of Alaska hosted a Ray Mala film festival celebrating Mala's films in community theaters from Juneau all the way up to Point Hope.

It is a great honor for me to reflect on the life of this inspirational Alaska Native icon, and to offer a tribute to his spirited and very triumphant journey from small-town village boy to silver screen leading man. Alaskans look forward to the day when Ray Mala's magnificent star might be posthumously added to the Hollywood Walk of Fame, a tribute to the Nation's first ever Native American film star.

It is a good way to end our Alaska day series. I appreciate the indulgence of my colleagues.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Iowa.

#### THE ECONOMY

Mr. GRASSLEY. Mr. President, it seems the President of the United States has finally acknowledged that the economy is in a terrible state and there is nothing he can do about it. So, rather than offer new ideas to grow the economy, the President has now shifted into blame mode. I recognize that the slow economic growth and high levels of unemployment are having a significant impact on the middle class. But rather than listen to political rhetoric and witness finger pointing by President Obama, the unemployed would likely prefer ideas, ideas on how to turn this economy around.

I presume President Obama aspired to lead the country because he believed he had the vision and the ability to lead to a more prosperous nation. But beyond the vision, a President also needs a plan and the leadership to put that vision into place. Where is that leadership? During the past 3 years, we witnessed President Obama's theory on economic stimulus. We saw a massive

expansion of government and deficit spending. More than \$800 billion was spent on a failed economic stimulus bill that was supposed to keep unemployment below 8 percent. But it did not. Government spending in the process has reached an unprecedented level. Today, the size of government, if you combine local, State, and Federal, is 40 percent of our gross national product. One hundred years ago when Teddy Roosevelt delivered his speech in Kansas, it was 8 percent. I refer to Teddy Roosevelt and the speech in Kansas because the President of the United States now tried to duplicate that speech 100 years later.

Today, government consumes 40 percent of the entire economy. According to economic policies of President Obama, government needs to grow even bigger to help our economy, and in the process there is a goal to use government to redistribute wealth. If government gets a little bit bigger, the argument goes, and if it gets a little more involved, and particularly if it gets involved in every facet of our economy and our lives, that will surely increase economic prosperity of all Americans. Right?

Of course not. All of this has led to taxes and deficit spending that crowd out private investment that could grow the economy and, in the process, create jobs. Government doesn't create self-sustaining jobs; government only creates government jobs. The private sector creates jobs. It is the responsibility of the government to create an environment that leads to job growth. It does this by instituting the rule of law, property rights, the patent system, among others—and there are a lot of others I ought to add to it. Government sets the tone.

Remember, government consumes well, it does not create well. Through economic freedom, entrepreneurs are free to innovate and prosper. This economic success leads to higher standards of living and a better quality of life. Importantly, these gains do not come then at the expense of others. Contrary to what some would have you believe, business growth does not have to come at the cost of others. In other words, it is not a zero sum game. In fact, business success and economic growth lifts all boats through employment gains, higher wages, and value to consumers, among a lot of other things that could be mentioned.

There are some who believe that individual success cannot be achieved without government involvement or intervention. What is more, they believe an individual's success must mean that someone else has been deprived or they believe if someone else is successful, the success was achieved collectively only with the help of government or others in society. This line of thinking concludes that government and society is, therefore, entitled to some of those achievements.

President Obama's recent speech in Kansas provides great insight into his economic theory. He clearly believes government should be involved at every level of individual and business activity. The President says that hard-working Americans should be rewarded for their achievements. However, his economic vision demonstrates his belief that individual success is due to society, not because of hard work or individual effort. This line of thinking is in stark contradiction to our country's founding principles that government exists to allow for the individual to achieve success and the pursuit of happiness.

The idea of government intervention runs contrary to our founding principles of individual and economic freedom. Government exists to serve the needs of people rather than people serving the needs of their government. There are some who believe government is the only creator of economic prosperity, but if others have achieved success, they must be, by default, the cause of other people's hardships. This type of class warfare demagoguery is harmful to our country and our country's future and our people's future, and it has the end result of dividing America. It creates envy, hatred, and resentment toward those who have worked hard, played by the rules, and achieved success. This divisive rhetoric seeks to put blame on the successful for the hardships of those who have been hurt during this recession.

Most Americans don't support President Obama's divisive vision and rhetoric. The American people still believe if you work hard and play by the rules, you can be successful and you can flourish. I doubt the majority of Americans believe it is the goal of government to intervene in this process. In fact, most Americans would be happy to have the government get out of the way. Most Americans believe in individual responsibility and liberty, including freedom to succeed and freedom to fail.

It appears President Obama's commitment to these fundamental freedoms is less sure. Based on his recent speech in Kansas, it seems the Federal Government is the answer to all of America's problems. According to the President, if we tax the wealthy, ensure they pay their fair share, we can get our economy back on the right track. President Obama wants the American people to believe higher taxes on job creators will lead to economic prosperity and create jobs. This is contrary to what Republicans know to be true. It is also contrary to the vision President John F. Kennedy knew to be true when in the 1963 tax bill he reduced the marginal tax rates very dramatically. President John F. Kennedy recognized the economic benefits of lowering taxes, so in his State of the Union Address on January 14, 1963,

President Kennedy spoke of the need to increase economic growth and job creation. He stated:

To achieve these greater gains, one step, above all, is essential—the enactment this year of a substantial reduction and revision in the Federal income taxes . . . A net reduction in tax liabilities . . . will increase the purchasing power of American families and business enterprise in every tax bracket.

He further stated:

It will, in addition, encourage the addition and risk-taking on which our free enterprise system depends—induce more investment, production, and capacity use . . . and reinforce the American principle of additional reward for additional effort.

It is worth repeating. President Kennedy pushed for lowering Federal income taxes to encourage initiative and risk-taking to induce investment, production, and economic growth. President Kennedy recognized and believed in the American principle of additional reward for additional effort.

It seems to me, from the speeches that have been made recently, that our President—meaning President Obama—disagrees. It seems to me that he argues innovators and job creators should be subjected to punitive tax increases for being successful. He seems to believe economic growth will come by confiscating the wealth of job creators and sending that money to Washington, and I could not disagree more.

For Americans to prosper, we must first reduce the size of government. This year the Federal Government will spend about 24 percent of our gross domestic product. This type of spending has led to annual deficits above \$1 trillion for the past 3 years. The total debt stands at over \$15 trillion. This is 100 percent of our gross domestic product. The size of government, the size of deficits, the size of debt, and the size of interest payments are unsustainable over the long haul. We must reverse course.

Second, we must work to reform the Tax Code to provide certainty and predictability. Nearly every day our President is on the campaign trail talking about tax increases. It is no wonder our job creators, particularly small businesses, are reluctant to make business decisions or investments in this climate, which decisions we would hope if they would make them would obviously lead to a great deal of job creation in the private sector. This country doesn't need more taxes, we need more taxpayers, and the way to get more taxpayers is to have more people working.

The President's threat of higher taxes is directly inhibiting job growth and economic expansion. It is time for President Obama to recognize that with 13 million Americans unemployed and anemic economic growth, tax increases will harm, not help, economic recovery.

Finally, we had a recent Gallup poll finding that compliance with government regulations is the single biggest

issue facing small business owners today. You might think we would emphasize the Fortune 500 big corporations when it comes to creating jobs, but we know that 70 percent of the new jobs in America are created by small business, so we ought to be concentrating on what small business people are telling us about the economy not turning around.

Small business owners, when it comes from the standpoint of regulations, need to spend less time and money making sure they comply with burdensome and needless Washington regulations. Those valuable resources should be spent growing their business, hiring more workers, and as a result growing our economy. We must halt the Federal Government regulations binge. For many of these new regulations, the cost of compliance outweighs the public benefit. They are acting like a wet blanket on our economy. There should be a moratorium on new regulations.

I want to give you a perfect example that is now an issue before the Congress, the Keystone XL Pipeline. At a time of high unemployment and energy costs, the Federal Government should not be standing in the way of private investment that will create jobs and increase our energy supply. It is unconscionable that the largest private shovel-ready construction project is being delayed by President Obama's decision to override two different studies by the State Department and that there was no negative environmental impact. It seems the only jobs President Obama is interested in creating are government jobs or government-subsidized jobs. The unfounded delay should be ended and the pipeline project should move ahead.

This situation typifies the Obama philosophy that the free market and intelligent Americans are incapable of making informed decisions. The argument we hear is that Americans are not smart enough to know we need solar energy rather than fossil fuels. So our big government caretaker uses ½ billion in taxpayer dollars to support a solar company while simultaneously blocking an entirely private enterprise from developing an oil pipeline that will make us much more energy independent. We have seen how the decision by the government elite to support Solyndra has worked out. It was a complete failure.

It is time we got out of the way of the Keystone Pipeline. I hope the American people will dismiss the economic theories and visions of our President as he seeks to divide our country. I believe we can achieve a prosperous future by empowering individuals rather than our Federal Government. Americans are smart enough to put their trust in themselves and their neighbors, not in bigger government. It is time to end the political

blame game and divisive rhetoric and, instead, work on genuine and real policies that will create economic jobs and, more importantly, economic growth that is going to help all Americans; in other words, expanding the economy because this does not have to be a zero sum gain. We can have more for more people, and if we don't have more for more people, we are going to have less for more people and everybody is going to lose out.

Mr. MERKLEY. Mr. President, we are in the midst of an important debate over whether we will allow all working Americans to be hit with a big tax increase next year.

This is a critical measure of relief for our working families in these tough times. During the aftermath of the most severe recession since the Great Depression, many middle-class Americans cannot afford to lose the \$1,000 the average family receives from this tax cut. Furthermore, economists across the spectrum believe that extending the payroll tax cut is a critical step in building momentum toward a stronger recovery and minimizing the chances that our economy could slip back into recession.

While keeping working Americans from being hit with this tax increase is our first and most important priority, we must also look to what is best for our economy when deciding on offsets for the cost. The offset in the bill that we voted on 2 weeks ago made good sense: asking millionaires and billionaires to fund a fairer share of our national budget. I am concerned, however, about a new offset provision in S. 1944 that increases the guarantee fee on mortgages backed by Fannie Mae and Freddie Mac. I am very wary of placing additional costs on new mortgages given the ongoing crisis in the housing and mortgage markets. Moreover, if there is such a fee increase, it should be used to strengthen our battered housing market.

I look forward to discussing other offsets with my colleagues as we continue this debate. This much is clear: Keeping this tax cut in place is a huge factor in the success of our working families and a huge factor in the recovery of our economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### FEDERAL WORKERS

Mr. CARDIN. Mr. President, it is time for Republicans to end their war on dedicated, hard-working middle-class Federal employees. Who are these Federal workers? They are the Veterans' Administration's nursing assistants who care for our wounded warriors; the Department of Defense civilian employees who support our military troops at home and abroad; Social Security Administration claims rep-

resentatives who process benefits to our Nation's senior citizens and people who qualify for disability payments. They also include Nobel prize-winning scientists who are conducting groundbreaking research at the National Institutes of Health and the National Aeronautics and Space Administration on everything from fighting cancer to understanding the origins of the universe; the Environmental Protection Agency and Food and Drug Administration staff who keep our air and water clean and our food and drugs safe; the Federal Aviation Administration's air traffic controllers who keep the skies safe; also, the Department of Justice, Federal Bureau of Investigation, and United States Marshal Service attorneys and law enforcement officers who track down and arrest and convict terrorists and drug cartel and gang members.

The list of those who are on the front line of public service goes on and on. Federal employees are dedicated and hard-working, and like many other Americans, many of them are struggling to deal with their family budgets. And yet Federal employees are already contributing \$60 billion to the deficit reduction through a 2-year pay freeze.

They have already contributed to deficit reduction. They were the first in line to try to help balance our budget.

Like their private sector counterparts, Federal employees haven't been immune to the country's economic woes. They are confronting similar hardships: Disabled or unemployed spouses, declining home values, rising gasoline and living expenses. Many Federal employees head single-parent families. As do other Americans, many Federal employees struggle to pay their mortgages and find ways to send their children to college.

H.R. 3630, the House Republicans' payroll tax cut bill, would require 2 million Federal employees to shoulder nearly one-half of the cost of a tax reduction that benefits 160 million Americans. So what the Republican bill is doing is extending the payroll tax reductions for working families, but saying to the middle-class Federal worker: You are going to pay most of the burden. That is not going to help our economy. That is not the right way to extend the payroll tax reduction.

The current Republican assault on our Federal employees is piled on top of the current 2-year pay freeze, which is piled on top of a workforce already lagging behind the private sector when it comes to pay. According to the non-partisan Congressional Research Service, average wages among all workers in our economy have risen over 600 percent since 1969, while salaries for civilian Federal employees have grown by a little over 400 percent since 1969. There is a widening gap between public sector employees and the private sector.

What these proposals would do is widen that gap even further.

Republicans want to extend the current pay freeze for another year. That would cost a Federal employee who makes \$50,000 annually about \$800 a year. A 3-year pay freeze would cost GS-5 employees almost \$4,000 in cumulative lost salaries; for GS-7 employees, almost \$5,000 in cumulative lost salaries; and for GS-9 employees, almost \$6,000 in cumulative lost salaries.

The Republican bill would require massive increases in the contributions current and future Federal employees make to their retirement system—a system that is currently fully funded—while slashing benefits. That is rubbing salt in the wound of the additional pay freeze. So the Republican bill takes a 2-year pay freeze and adds a third year pay freeze and tells our employees to triple their contributions to their retirement system, which is another pay cut. It is not only a freeze, Republicans are proposing. It's a pay cut for our Federal workers.

In addition to these assaults, we are already asking the federal workforce to do more with less. As my colleagues have noticed, when it comes to job growth numbers, the public sector numbers aren't going up; they're going down. But the workload isn't going down. We are asking our Federal workers to do more with less, to have a 2-year pay freeze, and now to take a pay cut. That is not fair.

The Republicans save their most severe punishment for future Federal employees, making it clear that their intention is to provide as many disincentives for people to consider a career in public service as possible. Increasing pension contributions for future hires by 3.2 percent would force an employee making \$30,000 a year to pay \$1,200 rather than \$400. We should be embracing people who are willing to engage in public service. The Republicans are doing just the opposite.

It is time for the Republicans to stop their war on hard-working Federal employees. Increasingly, the Federal workforce is being asked to do more with less. Increasingly, the Federal workforce is being asked to shoulder a disproportionate share of deficit reduction. It is time to stop that assault. I think it is time we all properly recognize the dedication, hard work, valor, sacrifice, and professionalism of our Federal workers.

With that, I yield the floor and suggest the absence of a quorum.

I withdraw my request.

The PRESIDING OFFICER. The Senator from Iowa.

#### HEALTH CARE REFORM

Mr. GRASSLEY. Mr. President, in the past 3 weeks I think I have come to the floor three times to discuss the

case on the President's health care reform bill: One time to discuss the constitutionality of the individual mandate and another time to deal with the severability clause. I come now to speak about the unconstitutionality of the massive expansion of Medicaid. Those are three of four issues that the Court is going to deal with. My colleagues probably remember the Court has extended the period of time they normally deal with arguments before them from 1 hour to 5½ hours because this is such a very important case.

Today I wish to talk about the far-reaching implications of this mandate, but also about the constitutionality of the Medicaid expansion. If the Supreme Court rules the individual mandate unconstitutional, it will have the effect of striking down this new law that has not been fully implemented. If the Supreme Court rules that the Medicaid expansion and the Affordable Care Act is unconstitutional, it has the potential to cause significant changes in a program that has been in operation for the last 46 years.

Just to remind everybody about Medicaid, it was created in 1965 at exactly the same time Medicare was created. Where Medicare was created to provide health care coverage for our senior citizens, Medicaid was created as a safety net for low-income individuals. Medicare is run exclusively by the Federal Government. Medicaid is a Federal-State partnership. The Federal Government sets the parameters of the Medicaid Program. It pays at least half of the program in every State but then turns the functional operation of the Medicaid Program over to the States.

In the 46 years since both programs were created, eligibility for the Medicare Program has been essentially unchanged. On the other hand, eligibility for the Medicaid Program has expanded significantly through the years and, with that, the program has grown dramatically as well.

Medicaid, when it was created, covered fewer than 5 million. Today, the Medicaid Program currently covers nearly 57 million. The program spends more than \$300 billion each year.

Medicaid has expanded so dramatically for two reasons. First, at various points in the last 46 years Congress has mandated that the States increase eligibility and services for the program. Second, Congress has also given the States the option to expand their eligibility. When Congress gives States the option of expanding their eligibility, States can expand and the Federal Government will still provide its proportionate share of Federal dollars.

For instance, one of the programs I helped get passed with Senator Kennedy from Massachusetts when he was a Member of the Senate was a program that allowed some help for families who had particularly high health care costs for kids—something that was just

catastrophically high. That is just one example.

The decision to expand is up to the States. When Congress mandates the States expand eligibility, States can either expand their programs or forfeit all Federal funds for the program.

Now, this is what we call an all-or-nothing requirement. It has been used in every expansion of the program. The all-or-nothing requirement on States has not only been used to expand eligibility within the Medicaid Program, but it has been used to expand services and require changes in the administration of the program.

If the Federal Government wants States to cover podiatrists in Medicaid, the Federal Government can mandate States to do so. If a State doesn't do it? Withhold all Federal dollars to that State. If the Federal Government wants States to implement a secondary payer program to ensure that services are being properly paid by private dollars, the Federal Government can mandate States to do so and withhold every Federal dollar if that State refuses to go along.

It has been a staple of the program for 46 years that the Federal Government can require States to do certain things in Medicaid. Now comes along the Affordable Care Act. That act requires States to expand their Medicaid Program to cover all individuals up to 133 percent of the poverty level. It is the first expansion of Medicaid's mandatory eligibility groups since the all-or-nothing expansion in the bills of 1989 and 1990. Those were both reconciliation acts.

It is this all-or-nothing requirement that States are challenging and that the Supreme Court will consider next year and has given a certain portion of the 5½ hours just to debate this issue. So I think that means the Supreme Court thinks this is a very significant issue they are being asked to consider.

So I would like to describe the arguments being made by the States that this is an unconstitutional use of congressional power. The States argue that the 10th amendment limits the power of Congress to coerce States to accept Federal funds as opposed to providing inducements. The States argue that a restriction on Federal funds compels rather than induces if its burdens and losses as they affect vital ordinary State functions are too burdensome and costly. So I quote from their position:

By conditioning all of the States Federal Medicaid funding—for most States, more than a billion dollars each year—upon agreement to substantially expand their Medicaid programs, the Affordable Care Act passes the point at which pressure turns into compulsion and achieves forbidden direct regulation of the States.

The part of the quote which says it is at the point where pressure turns into compulsion makes the act unconstitutional because it has always been a

principle that the Federal Government can put certain conditions on States, but if it reaches a point where the State has to do it, in this case the States say: You have really gone too far.

The Affordable Care Act withholds all Federal dollars, then, from States that refuse to submit to the policy dictates of the Congress. Medicaid accounts for more than 40 percent of all Federal funds that States receive. States spend on average 20 percent of their State budget on Medicaid. Federal funds cover, on average, 57 cents of each dollar spent on the program because previously I said the Federal Government gives every State at least 50 percent, but the average of all 50 States is 57 percent of the Medicaid dollars coming from Federal dollars.

In my State of Iowa, for instance, I think it is 63 percent from the Federal Government and 37 percent of State funds. So the loss of all Federal Medicaid funding would obviously be devastating to the States.

The States maintain that the law's expansion of Medicaid was deliberately designed to force the States to agree to expand the program because of the threat that a State's entire Federal funding stream would be cut off if they decided not to go along with decisions made in Congress. In the harshest terms, they were made an offer they could not refuse. Further quoting from the States' argument:

The Affordable Care Act essentially holds the States hostage based on their earlier decision to establish a Medicaid infrastructure and accept federal funds subject to different conditions.

The Affordable Care Act uses the States' decision to accept earlier federal inducements against them, and, in doing so, presents states with no real choice: they must abandon completely the existing Medicaid system and funding or accept the radical new conditions. This amounts to a massive bait-and-switch.

The States are arguing to the Supreme Court that there is no way the States can turn down a Federal inducement as massive as all Medicaid funding.

This is especially true because the effect of declining is that the State's own taxpayers have to pay the full cost of providing health care for the neediest citizens of the State and, at the same time, provide the Federal Government taxes for Medicaid funds that would be distributed to pay for the program, including expansion in the other 49 States.

Since no State could make taxpayers fund the State and Federal portions of Medicaid, while also taxing their citizens to pay for Medicaid in the other 49 States, it is a phony choice, not a real choice, for the States to turn down the money to expand their Medicaid Programs. In other words, the States are being compelled to do so.

The States argue that giving notice of the coercion they face does not

make the choice any less coercive, and they argue that when States originally accepted Medicaid, they were not warned that their participation would put them at the mercy of any future unpredictable congressional demands.

The States are arguing Congress can change Medicaid, and Congress can condition the funding for those changes on State agreement to them.

But it cannot force changes on the States by threatening them with the loss of the entirety of Federal funds.

Although the Federal Government will pay the vast majority of the cost of expansion, the States also point out that coercion turns on the financial inducement that Congress offers, not the amount a State is coerced to spend.

The critical issue is what is referred to as the "coercion doctrine." The coercion doctrine protects the States' decision whether the inducement is worth the cost.

Among the controlling cases is *South Dakota v. Dole* in 1987. The Supreme Court there upheld a Federal law that threatened States with the loss of 5 percent of Federal highway funds if they did not raise their drinking age to 21.

Remember, that was only 5 percent of their road funds, not 100 percent of their road funds, as in the case of the all-or-nothing in the case of Medicaid, where if you do not go along, you are going to lose everything.

So in that *Dole* case, writing for the majority, Chief Justice Rehnquist noted:

Our decisions have recognized that, in some circumstances, the financial inducement offered by Congress might be so coercive as to pass the point at which "pressure turns into compulsion."

In the years since the *Dole* decision, Federal courts have yet to establish a clear test for coercion. I assume that is what could happen if they would overturn Congress's decision; that there would be a clearer test of coercion in this Affordable Care Act.

The Supreme Court will be challenged in this affordable care act case to determine where the limits of Federal coercion, if any, lie.

It is difficult to overstate the potential implications of this particular aspect of the affordable care act in the case that is being appealed.

There are three specific ways this decision could have a profound impact on Federal policy if the Supreme Court rules in favor of the States.

A ruling for the States could affect future Medicaid policy, current Medicaid policy, and broader Federal-State partnerships.

The expansion of Medicaid in the Affordable Care Act was written to minimize the cost to the States. The Federal Government pays for 100 percent of the cost of the Medicaid expansion in the first few years, before transitioning to an approximately 92-percent share of the cost of the expansion.

If the Federal Government cannot require expansion of the Medicaid Program and pick up 92 percent of the tab, what can the Federal Government require? Would a mandatory expansion be constitutional if the Federal Government permanently paid for 100 percent of the cost? Could the Federal Government mandate future expansions if they were much smaller in scope, such as in the 1989 and 1990 mandatory expansions under those reconciliation bills?

If the Federal Government wanted to require States to cover podiatrists or implement a secondary payer program, could it do so using Federal funds as leverage to require it?

A ruling in favor of the States would raise those questions.

Further, if the current mandatory expansion of Medicaid is unconstitutional, what does that imply for previous expansions and policies?

In the 1989 and 1990 acts, when Congress required States to expand eligibility for women and children, Congress did so without providing any additional funding to the States beyond their normal share, which in the case of Iowa today would be 63 percent Federal, 37 percent State.

If the Supreme Court rules in favor of the States, will previous mandatory expansions to Medicaid be subject to challenge? Will a State be able to challenge the existing enforcement mechanism of withholding Federal dollars if a State wants to ignore a service requirement or an antifraud provision? These questions will then have to be answered.

Finally, a Supreme Court ruling on a coercion test necessarily has broader implications for all Federal-State partnerships. The original *Dole* case was about transportation funding.

A Supreme Court ruling in favor of the States will necessarily bring into question every agreement between the Federal Government and the States where the Federal Government conditions 100 percent of the Federal funds on States meeting requirements that are determined in Washington, DC.

It is certainly possible that such a Supreme Court ruling could require future Congresses to carefully consider a coercion test in designing legislation.

A Supreme Court ruling in favor of the States in this case could not only jeopardize the mandated Medicaid expansion in the Affordable Care Act but could challenge the fundamental structure of Medicaid and have broader implications outside health care.

One may ask: Does the Supreme Court have this case before it—and why does it have it before it?—a case with such broad and far-reaching implications? It is because of a massive restructuring of our health care system in a partisan fashion, using nearly every procedural tool at the majority party's disposal in accomplishing the goal of passage.

The constitutionality of this law has been challenged in numerous courts throughout the country. These challenges will soon be heard before the Supreme Court. While most people want to focus on the individual mandate, it is important we do not forget the potential consequence of the Medicaid question before the Court.

It could, obviously, strike the expansion in the Affordable Care Act. It could hamstring future Congresses as they consider potential policies for the Medicaid Program in the future. It could threaten the fundamental structure of the Medicaid Program by bringing into question all the requirements on the States in the program today. It could require future Congresses to consider the structure of every Federal-State partnership.

We are here discussing this because the White House and the Democratic majority put their partisan goals ahead of collaboration with Republicans and States to build legitimate public policy—contrary to how most social policy in this country has been devised: Social Security, bipartisan; Medicare, Medicaid, bipartisan; civil rights laws, bipartisan—but not this Affordable Care Act, a partisan document.

Now we see that far more than this one specific policy is threatened. If the Supreme Court accepts the States' argument, a host of constitutional questions will surround the operation of many Federal funding streams to the States. It would be difficult to overstate the significance of such a ruling. I have outlined it was not necessary for the Congress to have taken action that might produce that result.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET.) Without objection, it is so ordered.

#### CUBA TRAVEL POLICY

Mr. RUBIO. Mr. President, there is a lot of conversation in the building today about one of the provisions that is holding up the omnibus; they are saying this is Cuba travel, families traveling back to Cuba. I have strong opinions about that as well. Suffice it to say that it is important to let my colleagues know what is being asked for in the omnibus, and what will be coming over here if it is kept in, will not prohibit families from traveling to Cuba. It will limit the amount that they can. That is a wise policy, one that I support, because it limits access to hard currency to a tyrannical regime.

I am here to talk about a different part of the Cuba policy, however, Cuban travel, which does not get a lot of notice these days, but it is part of conversations that are ongoing with the administration and the State Department with regard to some of the appointments they have in the Western Hemisphere, and that is the so-called people-to-people travel.

I have here in my hand an immediate release from January 14, 2011, titled "Reaching Out to the Cuban People." It came from the President, where he announced a series of steps to continue efforts to reach out to the Cuban people in support of their desire to freely determine their country's future.

One of the changes they made is to something they call purposeful travel. It says here:

The President believes these actions—

Which I am about to describe—

combined with the continuation of the embargo, are important steps in reaching the widely shared goal of a Cuba that respects the basic rights of all its citizens.

Right here in this release—and I am glad he wrote it—the President is stating that in combination with the embargo, the steps that he wanted to take, the goal of these steps was reaching the widely shared goal of a Cuba that respects the basic rights of all of its citizens. That is the reason why he made these policy changes. So far so good.

Let me tell you one of the policy changes. It is called "restore specific licensing of educational exchanges not involving academic study pursuant to a degree program under the auspices of an organization that sponsors and organizes people-to-people programs."

What that means in plain English is this is not colleges or universities; these are organizations not for degree credits—educational in purpose, but not for degree credits. What we want to do is encourage them or allow them the opportunity to take Americans to Cuba under their auspices.

Again, remember, the goal here is to bring about, as the President stated, "the widely shared goal of a Cuba that respects the basic rights of all of its citizens." That is the purpose of these trips.

I decided to look up some of these trips, and let's look at some of the itineraries. They are very interesting. Let me read you one. This one is from an organization called Insight Cuba. It is located in New York. I am not going to advertise their Web site. Let them pay for it. But I will tell you this. There is an itinerary for something called the Cuban Music & Art Experience. Sounds interesting, the Cuban Music & Art Experience. Let's go to some of the highlights.

Day 2 in Havana. You are going to get to meet with the Castro Ministry of Culture to learn how Cuba promotes the arts on this diverse island. You are

also going to get to spend the evening—and this will become a familiar theme here—dusting off your dancing shoes, because tonight you are going to head off to Casa de la Musica. Here you will enjoy performances by local Cuban artists and, of course, dance. They put an exclamation mark after it. This is an important part of this trip. This is day 2 of this trip designed to promote, as the President wrote, "the widely shared goal of a Cuba that respects the basic rights of its citizens."

Day 3 is interesting too. You get to go to this place Casa de la Amistad, which basically means Friendship House. There you will meet with your Cuban "host" which I would bet you right now is members of the Castro government and perhaps enjoy another exciting musical performance. Then you spend the evening of day 3 back at Casa de la Musica for some incredible salsa music and dancing.

Day 4 is the real highlight of this trip. This is not to be missed. You get to fly to Santiago de Cuba. Guess where you get to visit. You get to visit a place called Cuartel Moncada, which is basically an old army barracks where, on July 26 of 1952, Fidel Castro launched the Cuban revolution. You get to visit this place where Fidel Castro's revolution actually began. Imagine. I can see where that begins to further "the widely shared goal of a Cuba that respects the basic rights of all of its citizens."

Guess what you get to do at night. You guessed it. You get to spend the night at a music and local dance club to hear performances by Cuba's most popular artists and you get to dance. It goes on and on.

Day 5 has dancing.

Day 6, you get to visit the historic Granma Province, which is known as the birthplace of Cuban nationality. You get to meet with the Cuban Institute for Friendship Between the People, which is a very catchy title. That night, you get to spend the evening at Casa de la Trova to dance and take in a performance of Cuban artists. It goes on and on.

Day 7.

Day 8.

This is quite an adventure and in pursuit of the government of Cuba that respects the basic rights of all of its citizens.

Let me share another one. Before I get to one, I think this is another Insight Cuba one. This one takes you, on day 1—this is called the Havana Jazz Experience, and on day 1, it takes you to explore the famous Cathedral Square, the City Museum, and the Havana Club Rum Museum. This is part of this effort to bring about freedom and democracy in Cuba. You get to go there. At night, you go to the jazz club La Zorra y el Cuervo. There you get to do some of the best dancing you can

ever imagine, in a very intimate setting.

Day 3 brings you to Cojimar, which is a village which is the setting for "The Old Man and the Sea" which won the Nobel prize for literature in 1954, Ernest Hemingway, very interesting. You get to sit there at night and then you do get to go up to the hills where you get to learn about the religion of Santeria, which is an Afro-Cuban religion. You get to learn all about that.

Then at night you get to go back to Havana—you guessed it—for dancing at a local jazz club.

Day 4, you get to go to the infamous now—I have already mentioned it before—Casa de la Amistad, a historic mansion, where you will have the opportunity to observe a forum regarding United States-Cuba relations put together by the Cuban government, very interesting, in pursuit of the goal of a Cuba that respects the basic rights of all of its citizens. You spend the night at a jazz cafe, where the seaside view is almost as impressive as the musicians who play there nightly. I am guessing now, I am not sure, but there might be some dancing involved on night 4 in Cuba.

Night 5 is quite interesting too, because there you get to learn from the actual Cuban musicians about the sensual and passionate rhythms of their music, and you round out the day with a 2-hour salsa class, in furtherance of freedom and democracy. That is trip No. 2.

There are a lot of these. There is one more. This one is good. This one is called "Cuba for Educators: Ethics & The Revolution." So you go to Cuba to learn about ethics from the Castro regime.

On day 2 you get to visit the Museum of the Revolution where you will learn about the ethical foundations of the Cuban revolution. This is not to be missed. Clearly we want to learn about ethics from the Castro regime. Then you get to go to the Literacy Museum, where you get to learn about Cuba's war on illiteracy, which was one of Fidel Castro's goals in his 1960 speech to the United Nations.

Day No. 3, you get to meet the Ministry of Public Health, which I assure you is a government employee, because it sounds like it, Ministry of Public Health, and you get to discuss why revolutionary ethics demand free public health care, while our own society will not even consider it. Very interesting. It goes on and on. And, by the way, there is a bunch of dancing in this one too. But I think you get the point. This is run by a group called the Center for Cuban Studies.

Why do I say all of this? It is pretty simple. There is this sports show, I think it is on ESPN on Sunday nights where they review NFL highlights. Michael Irvin, who was a great player, has a segment called "Come On, Man,"



where they put on some ridiculous things that happened during the day. He is like, "Come on, man." When I look at this stuff, you know what I want to say? Come on, man.

This is about promoting democracy and freedom in Cuba? This is not about promoting freedom and democracy in Cuba. This is nothing more than tourism. This is tourism for Americans who at best are curious about Cuba and, at worst, sympathize with the Cuban regime.

You may ask: We are a free society. Why would we restrict that? Here is why. Because this is not just a source of irritation; this is a source of hard currency, of millions of dollars in the hands of the Castro government that they use to oppress the Cuban people, and to jail and hold hostage an American citizen, who today is being held hostage in Cuba, Alan Gross. By the way, after they took him hostage, we implemented this policy.

So this policy is a reward for what? Here is my challenge to the administration and the State Department. I know you are not going to change your mind. I know you people in this people-to-people stuff. I know someone has sold you a bill of goods that this people-to-people travel is a good idea, it will further democracy and freedom in Cuba. I get that. You are not going to change your mind. But at least examine how this is being implemented, because this is a charade. This is an embarrassment. These people are getting licenses to conduct this outrageous tourism, which, quite frankly, borders on indoctrination of Americans by Castro government officials.

I hope we will continue to look at this, and that this administration, as part of its Western Hemispheric approach, will look at these trips for what they are. They are an outrage. They are grotesque. They are providing hard currency to a regime that oppresses its people, that jails people because they disagree with the government. It is wrong. This is not what we are about as a country. This cannot be what we defend. Even if you agree with this people-to-people theory and concept, you cannot justify how this program is being implemented, or these people who are getting licenses to conduct these kinds of trips.

I hope in our conversations with the State Department about their appointments in the Western Hemisphere, and specifically the nomination of Roberta Jacobsen, we will use that as an opportunity to examine how these programs are being implemented. Because, quite frankly, they are an outrage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 257, H.R. 3630.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: Motion to proceed to Calendar No. 257, H.R. 3630, an act to provide incentives for the creation of jobs, and for other purposes.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 257, H.R. 3630, an Act to provide incentives for the creation of jobs, and for other purposes.

Harry Reid, Max Baucus, Kirsten E. Gillibrand, Jeff Bingaman, Richard J. Durbin, Patrick J. Leahy, Joseph I. Lieberman, Mark L. Pryor, Christopher A. Coons, Patty Murray, Tom Udall, Charles E. Schumer, Mark Begich, Robert P. Casey, Jr., Kent Conrad, Thomas R. Carper.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business and that Senators be allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM REFORM AND REAUTHORIZATION ACT OF 2011

Mr. DURBIN. Mr. President, I rise in support of H.R. 2867, the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011.

Many of our Nation's Founders fled religious persecution, and they placed great importance on religious freedom. George Washington summed up the prevailing view when he said, "In this land of equal liberty, it is our boast, that a man's religious tenets will not forfeit the protection of the laws."

In 1791, the first amendment of the Constitution was ratified, enshrining

freedom of religion as the "First Freedom" of all Americans. The first amendment became an inspiration to people all over the world who struggle to throw off the yoke of religious persecution.

Throughout our history, the United States has sought to protect and promote the fundamental human right of religious freedom at home and around the world. Just last week, on December 10, we celebrated Human Rights Day, the 63rd anniversary of the Universal Declaration of Human Rights. After World War II, under Eleanor Roosevelt's leadership, the United States spearheaded the ratification of the Universal Declaration, which recognized freedom of religion as a fundamental right of all people.

As the founding chairman of the first-ever Senate subcommittee focused on human rights, I am deeply committed to protecting religious freedom, and I strongly support the mission of the U.S. Commission on International Religious Freedom. However, as I will outline below, I am concerned that USCIRF has gone astray in recent years. Therefore, I offered an amendment to H.R. 2867, the USCIRF Reauthorization Act, including good-government reforms like term limits for Commissioners, a prohibition on employee discrimination, and a requirement that Commissioners follow Federal travel regulations. My amendment also included changes to H.R. 2867 that will make USCIRF stronger, extending its reauthorization from 2 to 3 years and increasing the number of Commissioners from five to nine. The Durbin amendment will allow the USCIRF to more effectively pursue its mission.

On Monday, the Senate adopted my amendment and passed the USCIRF reauthorization bill on a unanimous vote. The bill is now awaiting consideration in the House of Representatives. USCIRF's current authorization is scheduled to expire tomorrow, December 16, so I urge my colleagues in the House to quickly take up and pass H.R. 2867.

I would like to take a moment to outline the provisions of the amendment that I offered to H.R. 2867.

Although the plain language of USCIRF's authorizing statute limits Commissioners to two, 2-year terms, for a total of 4 years of service, this term limit has never been observed. In fact, several Commissioners have served more than 10 years. The members of many governmental boards and commissions are term limited, and USCIRF would be well served by the new ideas and fresh perspective that new Commissioners would bring.

The House-passed version of H.R. 2867 includes a provision that limits Commissioners to serving two consecutive terms. However, the bill creates two

new exceptions to the term limit provision in USCIRF's existing authorization. First, the bill would allow a Commissioner to serve an unlimited number of nonconsecutive terms. Second, the bill would allow each current Commissioner to complete his or her current term and then serve one additional term, regardless of how long the Commissioner has served. As a result, Commissioners who have already served more than 10 years would be permitted to serve an additional full term and unlimited nonconsecutive terms.

These loopholes are a step backwards from existing law and undercut the purpose of a term limit, which is to make sure that new voices from a range of viewpoints and faiths are rotated into the Commission periodically to collaborate in strengthening and shaping the Commission's mandate. In keeping with this spirit, my amendment includes in H.R. 2867 a firm term limit of two, 2-year terms—4 years total—with no grandfathering of current Commissioners.

USCIRF has taken the position that its employees do not enjoy the same antidiscrimination protections as all other Federal employees. It is simply unacceptable for a Federal agency charged with promoting human rights to argue that it has the legal right to discriminate against its employees. The Durbin amendment includes in H.R. 2867 a provision which allows pending civil rights claims against USCIRF to proceed under the Congressional Accountability Act.

The House-passed version of H.R. 2867 provided antidiscrimination protections to USCIRF employees for future incidents of discrimination through the Congressional Accountability Act. However, I was concerned that this provision did not apply to former employees or past discrimination. As a result, there would have been no legal remedy for any incidents of discrimination that may have taken place prior to enactment of H.R. 2867.

Specifically, last year a former USCIRF employee filed a discrimination claim based on her allegation that her permanent employment offer was rescinded after the Commissioners learned of her prior job with a Muslim civil rights organization. Though she subsequently received a temporary contract with USCIRF, she claims she was terminated when she filed her discrimination claim. The Commission argued that it is not subject to title VII of the Civil Rights Act of 1964. The case is now on appeal.

There must be some avenue for resolving—on the merits—past allegations that USCIRF discriminated against its employees. Accordingly, my amendment to H.R. 2867 provides that pending civil rights claims against USCIRF may proceed under the Congressional Accountability Act.

The House-passed version of H.R. 2867 reduced the number of Commissioners from nine to five, which would make it more difficult for USCIRF to carry out its mission. Moreover, the bill accomplished this reduction in a disproportionate fashion by reducing the number of Commissioners appointed by the President from three to one. The Durbin amendment strikes the provision from H.R. 2867 which reduces the number of Commissioners from nine to five.

Religious freedom advocates allege that some USCIRF Commissioners have traveled first class and stayed in five-star hotels, in violation of Federal travel regulations. This is deeply troubling, particularly during a time when all Federal agencies are being asked to do more with less. The Durbin amendment simply clarifies that USCIRF Commissioners are subject to Federal travel regulations, like other Federal employees.

H.R. 2867 reauthorizes USCIRF until September 30, 2013. With the good-government reforms in the Durbin amendment, it would be more appropriate to reauthorize USCIRF until September 30, 2014, so that USCIRF Commissioners and staff have more certainty about the future of the Commission.

I strongly support the mission of the U.S. Commission on International Religious Freedom, but I have been deeply troubled by allegations of misconduct, misuse of funds, and discrimination at the Commission. For example, according to the Washington Post:

Some past commissioners, staff and former staff of the U.S. Commission on International Religious Freedom say the agency charged with advising the president and Congress is rife, behind-the-scenes, with ideology and tribalism, with commissioners focusing on pet projects that are often based on their own religious background. In particular, they say an anti-Muslim bias runs through the commission's work. . . . Rumors about infighting and ineffectiveness have swirled for years around the commission.

My amendment will make good-government reforms to USCIRF that should help to address the concerns that have been raised about USCIRF. Moreover, my amendment will make USCIRF stronger by increasing the number of Commissioners in the reauthorization bill from five to nine and by extending the reauthorization from 2 to 3 years. As chairman of the Judiciary Committee's Constitution, Civil Rights, and Human Rights Subcommittee and a member of the Appropriations Subcommittee on the Department of State, Foreign Operations, and Related Programs, I will closely monitor the work of the USCIRF in the coming months and years to ensure that it is functioning in a transparent fashion and effectively performing its mission of promoting and protecting international religious freedom.

I urge my colleagues in the House of Representatives to quickly take up and pass H.R. 2867 so that the U.S. Commis-

sion on International Religious Freedom can be reauthorized.

#### TRIBUTE TO SPECIALIST JOHN O. BERRY, JR.

Mr. McCONNELL. Mr. President, I stand today to honor an outstanding Kentucky hero and patriot, SPC John O. Berry, Jr. SPC Berry is a veteran of the Vietnam war who has received numerous awards and commendations for his heroism and bravery in serving his country.

John O. Berry, Jr., of Wayne County, KY, grew up a typical kid—he spent his time hanging out with friends, listening to music, and enjoying time spent with his brothers and sisters. On September 18, 1968, however, John answered a call to duty, and his life was forever changed when he joined the U.S. Army.

John received his introduction to the Army and basic training at Fort Knox, KY, before being sent to Fort Leonard Wood, MO, to complete his advanced training. Four short months later, John had achieved the honor of combat demolition specialist with Company A, 299th Engineer Battalion, and was sent to a fire base in North Vietnam.

John's job was especially dangerous. He was responsible for ensuring the roads were free of the many deadly land mines that were strategically placed by the Viet Cong. Although scores of Americans were killed by these mines, John and other courageous demolition engineers were responsible for saving thousands of additional lives by dismantling the mines throughout the war.

Over the years John has received many distinguished awards and honors for his bravery and service to our country. Included in these honors are two Purple Hearts, two Army Commendation Medals for heroism and exceptionally meritorious achievement in the Republic of Vietnam, two National Defense medals, and the Republic of Vietnam Gallantry Cross with Palm, which was awarded by the Republic of Vietnam to those who display valor and heroic conduct in combat.

These awards only represent a small portion of the gratitude we owe John for his selflessness and courage. According to the Department of the Army's account of a rescue mission in which John's unit was sent to aid an ambushed team, "John distinguished himself by exceptionally valorous action. . . . He demonstrated admirable courage and devotion to duty as he unflinchingly performed his task without regard to personal safety. His actions were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army."

Mr. President, I would ask that my Senate colleagues join me in thanking SPC John O. Berry, Jr. for his sacrifice

and service. John's heroism is truly inspiring, and the people of our great Commonwealth are grateful for his selflessness and service. The Wayne County Outlook recently published an article thanking Specialist Berry and highlighting his accomplishments. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Wayne County Outlook, Nov. 9, 2011]

**BERRY RECEIVED MEDALS FOR SERVICE TO HIS COUNTRY**

(By Harlan Ogle)

Here's the way the Department of the Army tells the story: He "distinguished himself by exceptionally valorous action . . . while serving as a member of a reactionary force sent to aid the mine sweep team which had been ambushed. . . . When he and other members of the reaction force dismounted their vehicle they immediately came under heavy enemy fire. With complete disregard for his own safety, [he] formed one line with the other members of the force and moved towards the front. He and the others laid down a base of fire which enabled the trapped mine sweep to break contact. The reaction force then advanced still further into the kill zone to continue firing while Delta Company's casualties were carried out. [He] demonstrated admirable courage and devotion to duty as he unflinchingly performed his tasks without regard to his personal safety. His cool-headedness in the face of conditions which would unnerve a weaker man served to inspire his comrades to follow suit. [His] actions were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army."

Could these words be a description of the bravery demonstrated by such heroes as Sergeant Alvin York, who is probably the most recognized veteran of World War I? Maybe these words describe Audie Murphy, the most decorated American of World War II?

No!

These words describe the man who could be Wayne County's most decorated soldier of the Vietnam War.

These are words that depict the extreme bravery of a veteran who still lives in our midst. These words describe one of our country's real heroes.

These are words contained in General Order 847 that officially awarded the Army Commendation Medal for Heroism to John O. Berry, Jr., who presently lives in the Gap of the Ridge community of Wayne County. John is the son of Willie Lee (Sloan) Berry and Johnny Berry.

He spent his childhood as most any other boy would—going to school, hanging out with his friends, listening to music, growing up with his brothers and sisters: Ted, Fred, George, Stella, Mae, Maggie, and Alene, and just generally enjoying life.

Until.

Until September 18, 1968. That's when John became a soldier in Uncle Sam's Army.

He took his basic training at Fort Knox and advanced training at Fort Leonard Wood in Missouri. Just four short months after entering the Army, he was sent to a fire base in North Vietnam.

He had become a combat demolition specialist with Company A, 299th Engineer Battalion.

His was a dangerous job because he had the responsibility of clearing the roads of the deadly mines placed by the Viet Cong.

Thousands of American service men were killed by these mines. However, because of the sacrifice and courage of soldiers like John O. Berry, Jr., thousands of lives were saved as these demolition engineers dismantled the mines.

Specialist Four John O. Berry, Jr., served his country with dedication and commitment. That service was continually recognized as he received numerous awards and commendations. Some of those distinguished awards include:

—Two Purple Hearts (a combat decoration awarded to members of the Armed Forces who are wounded by an instrument of war in the hands of the enemy).

—An Army Commendation Medal with first oak leaf cluster "for exceptionally meritorious achievement in support of the United States' objectives in the counterinsurgency effort in the Republic of Vietnam . . . . Through his outstanding professional competence and devotion to duty he consistently obtained superior results. Working long and arduous hours, he set an example that inspired his associates to strive for maximum achievement. The loyalty, initiative and will to succeed that he demonstrated at all times materially contributed to the successful accomplishment of the mission of this command."

—A second Army Commendation Medal with "V" device "for heroism in the Republic of Vietnam" distinguishing himself by meritorious achievement and service.

—Two National Defense medals.

—Republic of Vietnam Gallantry Cross w/ Palm awarded by the Vietnam Government to military personnel who have accomplished deeds of valor and displayed heroic conduct while fighting the enemy.

Eventually John was discharged from the Army, and when he returned to Monticello, he continued serving his country by joining the local National Guard.

Today, John lives in the Gap of the Ridge community and walks among us as one of our nation's heroes. More especially, John is one of Wayne County's heroes!

He shares that role with two of his brothers who also served in the military during the Vietnam War: Ted in the Navy and Fred in the Army.

A grateful community proudly recognizes John O. Berry, Jr., and salutes him and all the other men and women who have sacrificed more than the average citizen will ever know.

Specialist Four John O. Berry, Jr., we salute you and thank you from the bottom of our hearts for your service to our country!

On Veterans Day 2011, we pray that you will be able to accept the fact that you are, indeed, an American hero!

You are our hero!

#### TRIBUTE TO HELEN HIERONYMUS

Mr. McCONNELL. Mr. President, I stand today to pay tribute to an exceptional Kentuckian, Helen Hieronymus of Somerset, KY. Helen, who recently celebrated her 85th birthday, has lived a full and successful life and still exhibits youthfulness far beyond her years.

On October 20, 2011, her birthday, Helen decided to celebrate in a rather unconventional way—she went sky-

diving. For those who know her, however, her great leap wasn't all that surprising. Over the years, Helen has been a vibrant member of the local community—she has served as director of the local United Way, Cub Scout den mother, and president of the Junior Women's Club, all while always entertaining her adventurous appetite. Her travels have taken her fishing in Alaska, to the Great Wall of China, and to 80 different countries around the world.

Going skydiving has been an unfulfilled desire of Helen's for many years. As a child, Helen dreamed of being able to fly. Then, about 9 years ago, Helen was further inspired after witnessing a collection of paratroopers make their way to the ground while on a trip to Paris. "I thought it would be fun," she says. And so it was.

After ascending to 12,000 feet, Helen successfully completed a tandem jump followed by a safe landing. "No problem at all," she explained. "When you come out of the plane, you do a free fall. You see the earth below you, and it's amazing down there. I would do it again."

Mr. President, Ms. Helen Hieronymus is a courageous woman who has experienced a lifetime of excitement and fulfillment. Helen's community involvement and adventurous spirit serve as an inspiration to Kentuckians everywhere, and it is my hope that she have many more adventures to come. The Commonwealth Journal, a Somerset-area publication, recently published an article highlighting Helen's life of journeys and daring parachute jump. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Commonwealth Journal, Oct. 30, 2011]

**SOMERSET WOMAN CELEBRATES 85TH BIRTHDAY BY TAKING PLUNGE OUT OF AN AIRPLANE**

(By Chris Harris)

How does a woman who has traveled the world, ripped the roadway on a Harley, and hunted big game celebrate her 85th birthday?

By jumping out of an airplane, naturally.

Helen Hieronymus has lived a big life, no question about it. Her name is familiar to many in Pulaski County, having touched the community in many different ways—director of the local United Way, Cub Scout den mother, president of the Junior Women's Club, and so much more.

You could say she's lived a full life . . . yet she's always looking for ways to make it even more full.

"Of course," said Hieronymus. "Why waste it?"

Hieronymus turned 85 on October 20. She had a yen to try her hand at skydiving.

Why?

"God only knows," quipped her daughter, Janie Hail, known to many Somerset High School alumni as their former English teacher, now retired. "Mine was the voice in the background saying, Mother, are you sure you want to do this?"

In actuality, Hieronymus was inspired by a trip to Paris, France, about nine years ago,

where she witnessed a collection of paratroopers descend to the earth from three different heights, landing in a circle.

Hieronymus's reaction? "I thought that would be fun."

In fairness, Hieronymus had dreamed of being able to fly since she was only a child. Of course, she was smart enough not to try it herself without a little experimentation first.

"I tried to teach my brother to fly by tying a sheet to his ankles and wrists and having him jump off the porch railing," she recalled. "I was just testing it in that one (case)."

By the time she reached her 85th birthday, she'd done nearly everything else. Hieronymus reported having done a "bit of traveling." That's only if you consider visiting 80 different countries to be "a bit." She's fished in Alaska, hunted wild beasts in the field, and walked on the Great Wall of China. Even recently, friend Tommy Cate took her for a ride on a Harley-Davidson motorcycle.

Hieronymus kept her adventurous spirit her whole life, but wasn't able to fully explore it until years down the road.

"I had responsibilities to take care of, like three children and a husband and things like that," she said. "Now they're big enough to take care of themselves."

Flying like a bird in the air, however, continued to elude her. Hieronymus had mentioned to her granddaughter that she would like to do a parachute jump. As a result, all of her grandchildren decided to chip in and buy "Granny" an opportunity to "jump out of a perfectly good airplane," as Hail put it.

Hail wasn't a fan of the idea. She constantly tried to talk her mother out of the idea, given the danger that falling to earth from 12,000 feet in the air could present.

"I'd think I had her talked out of it, but then it would come up again," said Hail, who characterized herself whimsically as the coolly pragmatic complement to her mother's free-spirited daredevilery.

"I suggested doing a zipline instead. She said that sounded like fun, that she hadn't thought of that before," added Hail, "and she calls up the next day and says she's going to jump the next day."

Hail decided that if she couldn't beat 'em, as the saying goes, that she would join 'em—on the ground as moral support, at any rate. So earlier this month, she accompanied her mother to the site of the Start Skydiving organization's site in Middletown, Ohio, where the big jump would take place.

What Hail saw when she got there didn't exactly bolster her confidence. She and Hieronymus watched as a group of skydivers went earlier in the day.

"The wind caught the chute of the last one coming in and rolled her over; it looked like a disaster waiting to happen," said Hail. "I point that out to my mother, and said, 'Did you see that?' and she responded, 'Well, she got up.'"

"I said, 'Mom, she's 20!'"

The winds picked up throughout the day; as the hours rolled along, it looked more and more like Hieronymus wouldn't be able to make the jump, but she refused to leave. After all, if she wanted to use the coupon her grandchildren had given her as a gift, it would have to be by Thanksgiving; that time in mid-October might have been her last opportunity to do so.

Hieronymus held on to be in the last group to go up into the sky that day. The plane climbed to 12,000 feet before she was able to make the tandem jump with her instructor

(they were connected to each other, but he was wearing the parachute).

"They put a jumpsuit on you and zip you up," Hieronymus explained. "Then they put the harness on you. Janie was there coaching."

Hieronymus took no apprehension with her into the airplane and left no regrets floating in the air. She made a successful jump and landed on the earthen floor no worse for the wear.

"No problems at all," she said. "I would do it again."

For Hieronymus, this was a "bucket list" item: Something she wanted to make sure and experience before she passed away, as referenced in the film called "The Bucket List." It certainly lived up to the expectations.

"When you come out of the plane, you do a free fall," said Hieronymus. "You see the earth below you, and it's amazing down there."

Her thoughts upon landing? "Oh shucks, I'm back on land."

Hieronymus laughed as she noted that she had a video of the event that she would show at her place of worship, First United Methodist Church, to entertain her friends there.

And despite Hail's skeptical nature, her mother's exploits have managed to serve as an inspiration.

"Oh my gosh, I felt younger," said Hail. "If an 85-year-old can do that, surely I'm not that old."

#### TRIBUTE TO EARL DEVANEY

Mr. COBURN. Mr. President, I rise today to give tribute to Mr. Earl Devaney, who will be retiring from 42 years of public service at the end of this year.

In an era when the American people have a record-level of distrust in government, Mr. Devaney has risen above partisanship as a staunch defender of taxpayers and champion of government transparency.

Devaney started his career as a cop on the beat in Massachusetts. Then, Devaney went to work for the U.S. Secret Service until 1991, where he was the Special Agent-in-Charge of the agency's fraud division. In 1999, President Clinton appointed Devaney the inspector general of the Interior Department. There, he gained wide renown for overseeing the public corruption investigations that helped lead to the convictions of Jack Abramoff, a Washington superlobbyist and major beneficiary of the congressional earmark favor factory that polluted our politics for several decades. He also presided over the landmark investigation of the royalties program in the Minerals Management Service, finding a "culture of ethical failure" among public officials there, involving illegal gifts, illegal drug abuse, sexual misbehavior and more.

In his role as the chief watchdog of the Department of Interior, I got to know Earl and spent significant time visiting with him. What I have learned to appreciate about him was his honesty, integrity and forthrightness.

In February 2009, President Obama named Devaney to head the Recovery

Board, which is charged with overseeing the American Recovery and Reinvestment Act, ARRA. In this position, he was integral to making sure that the spending in the stimulus was as transparent as possible.

At the end of the year, Mr. Devaney will be resigning from three posts: the Chair of the Recovery Board, inspector general for the Department of the Interior, and Chairman of the Government Accountability and Transparency Board, the position that Vice President BIDEN appointed him to for managing the administration's efforts to reduce government waste and to provide "concrete methods" for improving oversight and transparency of Federal funds.

I can't think of a tougher defender of the interests of citizens and taxpayers in the Federal Government than Mr. Devaney. As one of the best inspectors general, his dogged pursuits of corruption and waste in government will be missed.

In his resignation letter to President Obama, Mr. Devaney thanked the President for the "opportunities you have given me to serve my country, and I will always look fondly on my decades as a public servant."

Mr. Devaney, the American people will also look fondly on years of public service. Thank you for all you have done.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING ORONO MIDDLE SCHOOL

• Ms. SNOWE. Mr. President, today I wish to offer my heartfelt and warm congratulations to Orono Middle School in my State of Maine on being named a National Blue Ribbon School by the U.S. Department of Education earlier this year on September 14, especially as the school community gathers to celebrate this milestone next week.

Since the inception of the National Blue Ribbon School Program in 1982, the U.S. Department of Education has undergone a rigorous, selective process of identifying those exceptional schools nationwide where students attain and maintain high academic goals. Needless to say, the bestowal of this well-earned, prestigious award speaks volumes about Orono Middle School's exemplary student accomplishments—and is an accolade in which all RSU 26 school board members, administrators, faculty, staff, and students—not to mention our entire State—can certainly take enormous pride.

This distinguished recognition also affords Orono Middle School with an ideal platform to share its outstanding teaching models and approaches under the vision of Principal Robert Lucy with other schools—an opportunity which aligns with the larger effort of

the Department of Education to facilitate the robust exchange of the best school leadership and teaching practices.

Just as the Bangor region, where Orono is located, is the gateway to the natural wonders of the North Maine Woods and Acadia National Park, it is also a gateway to excellence in education. That is certainly the case at the university level at the University of Maine, my alma mater, as well as at the primary school level at Orono Middle School, where challenging and cultivating young minds is paramount; curiosity is prized; character is rewarded; enthusiasm is contagious; values are imparted; and an exuberant love of learning is palpable, even at times audible, and always ever-present.

Principal Lucy aptly characterized this spirit and energy when he wrote that "a visitor walking the halls hears parents conversing with teachers and students, actors exchanging lines, artists collaborating on projects, mathematicians solving team challenges, and coaches encouraging athletes. The sounds of our community make it clear that Orono Middle School thrives, largely because our students are connected to our school." And, thrive, it has, as Orono Middle School is exemplifying Maine's motto, "Dirigo" or "I Lead" and in doing so, ensuring that the seeds of hope for the next generation are firmly planted and taking root.

Orono Middle School is proof positive that our State's hallmark work ethic and can-do spirit are alive and well. Orono Middle School is a top-performing institution on State-required assessments, which teachers use to customize and improve instruction. Eighty percent of Orono Middle School's faculty have advanced degrees and its award-winning roster of teachers place a premium on professional development. The school goes the extra mile to ensure that 100 percent of the student body participates in co-curricular activities and that the pervading climate is one of trust, purpose, and dignity. This focus also helps create an atmosphere where consensus and collaboration are the order of the day and where parents are actively engaged in the learning process of their children.

I cannot underscore enough just how instrumental schools like Orono Middle School are to the overall progress of our tremendous State of Maine and indeed in brightening the horizons of this great land we love. What American and Maine political icon, U.S. Senator Margaret Chase Smith, once expressed in words Orono Middle School has demonstrated in action; namely, that "education is not a means to life but education is life and must not be ignored."

Orono Middle School has my very best wishes on receiving the National Blue Ribbon School designation this

year which could not be more well-deserved.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1264. An act to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson.

H.R. 2668. An act to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the "Brian A. Terry Border Patrol Station".

#### ENROLLED BILLS SIGNED

At 1:25 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 384. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

At 3:45 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 443. An act to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska.

H.R. 886. An act to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

H.R. 2719. An act to ensure public access to the summit of Rattlesnake Mountain in the

Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes.

H.R. 3659. An act to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2012, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 443. An act to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; to the Committee on Indian Affairs.

H.R. 2668. An act to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the "Brian A. Terry Border Patrol Station"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2719. An act to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes; to the Committee on Energy and Natural Resources.

H.R. 3659. An act to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2012, and for other purposes; to the Committee on Finance.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3094. An act to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4315. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Farm Loan Programs Loan Making Activities" (RIN0560-AI03) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4316. A communication from the Management Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Suspension of Delivery of Birds, Additional Capital Investment Criteria, Breach of Contract, and Arbitration" (RIN0580-AB07) received in the Office of the President of the Senate on December 13, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4317. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Standards and Specifications for Timber Products Acceptable for Use by Rural Utilities Service

Electric and Telecommunications Borrowers" (7 CFR Parts 1728 and 1755) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4318. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Butyl acrylate-methacrylic acid-styrene polymer; Tolerance Exemption" (FRL No. 9327-7) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4319. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances" (FRL No. 9327-7) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4320. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of two (2) officers authorized to wear the insignia of the grade of rear admiral (lower half), in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4321. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on December 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4322. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List; and Implementation of Entity List Annual Review Changes" (RIN0694-AP46) received in the Office of the President of the Senate on December 13, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4323. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC-4324. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to the Comprehensive Iran Sanctions Accountability and Divestment Act of 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4325. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Business Opportunity Rule" (RIN3084-AB04) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4326. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; Limited Access Privilege Program" (RIN0648-BA18) received in the Of-

fice of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4327. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans: Oregon" (FRL No. 9248-1) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC-4328. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL No. 9499-9) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC-4329. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Kentucky Portion of the Cincinnati-Hamilton, OH-KY-IN 1997 Annual Fine Particulate Matter Non-attainment Area to Attainment" (FRL No. 9506-3) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC-4330. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 9505-8) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC-4331. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances-Hydrocarbon Refrigerants" (FRL No. 9507-7) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC-4332. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Extension of the Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances" (FRL No. 9507-6) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC-4333. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Kentucky; Visibility Impairment Prevention for Federal Class I Areas; Removal of Federally Promulgated Provisions" (FRL No. 9507-3) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Environment and Public Works.

EC-4334. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "William and Sharon Norris v. Commissioner, T.C. Memo 2011-161" (AOD-2011-05) received in the Office of the President of the Senate on December 13, 2011; to the Committee on Finance.

EC-4335. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employer's Annual Federal Tax Return and Modifications to the Deposit Rules" (RIN1545-BK82) received in the Office of the President of the Senate on December 13, 2011; to the Committee on Finance.

EC-4336. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Targeted Populations Under Section 45D(e)(2)" (RIN1545-BE89) received in the Office of the President of the Senate on December 13, 2011; to the Committee on Finance.

EC-4337. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sample Plan Amendment for Section 436" (Notice 2011-96) received in the Office of the President of the Senate on December 13, 2011; to the Committee on Finance.

EC-4338. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the Evaluation of the Quality Improvement Organization (QIO) Program for Medicare Beneficiaries for Fiscal Year 2008"; to the Committee on Finance.

EC-4339. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0189—2011-0201); to the Committee on Foreign Relations.

EC-4340. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

EC-4341. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the 2009-2010 Committee on Equal Opportunities in Science and Engineering (CEOSE) Biennial Report to Congress; to the Committee on Health, Education, Labor, and Pensions.

EC-4342. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Correction of Administrative Errors; Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts" (5 CFR Parts 1605 and 1653) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4343. A communication from the Chief Financial Officer, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the requirements of the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978; to the Committee on Homeland Security and Governmental Affairs.



EC-4344. A communication from the Director of Administration, National Labor Relations Board, transmitting, pursuant to law, a report entitled "Performance and Accountability Report Fiscal Year 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-4345. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Blowing the Whistle: Barriers to Federal Employees Making Disclosures"; to the Committee on Homeland Security and Governmental Affairs.

EC-4346. A communication from the Vice President for Administration and Finance and Chief Financial Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the corporation's Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4347. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4348. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011 and the Compendium of Unimplemented Recommendations from the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4349. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the Bank's Annual Report for Fiscal Year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4350. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4351. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4352. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4353. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties Inflation Adjustment" (RIN1125-AA69) received in the Office of the President of the Senate on December 14, 2011; to the Committee on the Judiciary.

H.R. 789. A bill to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office".

H.R. 2422. A bill to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office".

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1236. A bill to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 1821. A bill to prevent the termination of the temporary office of bankruptcy judges in certain judicial districts.

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services:

\*Brad Carson, of Oklahoma, to be General Counsel of the Department of the Army.

\*Michael A. Sheehan, of New Jersey, to be an Assistant Secretary of Defense.

Air Force nomination of Col. Merle D. Hart, to be Brigadier General.

Air Force nomination of Lt. Gen. Frank Gorenc, to be Lieutenant General.

Air Force nomination of Col. Brian E. Dominguez, to be Brigadier General.

Air Force nomination of Col. John P. Currenti, to be Brigadier General.

Air Force nominations beginning with Colonel John D. Bansemer and ending with Colonel Sarah E. Zabel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011. (minus 1 nominee: Colonel Ricky J. Locastro)

Army nomination of Brig. Gen. Michael J. Lally III, to be Major General.

Army nominations beginning with Colonel John W. Baker and ending with Colonel Eric P. Wendt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 23, 2011. (minus 2 nominees: Colonel John H. Hort; Colonel Robert P. White)

Army nomination of Brig. Gen. Lynn A. Collyar, to be Major General.

Army nomination of Maj. Gen. Mary A. Legere, to be Lieutenant General.

Army nomination of Col. Jimmie O. Keenan, to be Major General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Christine L. Blicebaum and ending with Abner Perry V. Valenzuela, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 1, 2011.

Air Force nominations beginning with Joel O. Almosara and ending with Annette J. Williamson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 1, 2011.

Air Force nominations beginning with Keith Allen Allbritten and ending with Gregory S. Woodrow, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Air Force nominations beginning with Christon Michael Gibb and ending with Thad M. Reddick, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Michael S. Funk and ending with John W. Rueger, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Jarrod W. Hudson and ending with Charles B. Wagenblast, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nomination of Kari L. Crawford, to be Major.

Army nominations beginning with Henry H. Beaulieu and ending with Eric K. Little, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Donald B. Absher and ending with Irene M. Zoppi, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with James S. Aranyi and ending with Mark A. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Mitchell J. Abel and ending with Thomas M. Zubik, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Nancy L. Davis and ending with Sheila Villines, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nomination of Genevieve L. Costello, to be Major.

Army nominations beginning with Robert J. Newsom and ending with Richard Y. Yoon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Richard A. Daniels and ending with Stephen M. Langlois, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nominations beginning with Arthur E. Rabenhorst and ending with Steven J. Svabek, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

Army nomination of Harvey D. Hudson, to be Major.

Army nomination of William H. Carothers, to be Major.

Army nominations beginning with Todd S. Albright and ending with D001765, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 5, 2011.

Army nominations beginning with Larrington R. Connell and ending with Ricardo J. Vendrell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 5, 2011.

Navy nomination of Andrew K. Ledford, to be Lieutenant Commander.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

Navy nomination of Matthew R. Loe, to be Lieutenant Commander.

Navy nomination of Thomas P. English, to be Lieutenant Commander.

Navy nominations beginning with Richard A. Ackerman and ending with Adam I. Zaker, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 30, 2011.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources:

\*Arunava Majumdar, of California, to be Under Secretary of Energy.

By Mr. LEAHY for the Committee on the Judiciary:

Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. AYOTTE (for herself, Mr. RUBIO, and Mr. JOHNSON of Wisconsin):

S. 1996. A bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of legislation; to the Committee on the Budget.

By Mr. VITTER (for himself, Mr. CRAPO, Mr. JOHANNIS, Mr. TOOMEY, Mr. DEMINT, Mr. PAUL, Mr. RISC, Mr. CORNYN, and Mr. LEE):

S. 1997. A bill to prohibit the Secretary of the Treasury from providing extra support to the Federal Housing Administration; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Massachusetts (for himself, Mr. CARPER, and Mr. JOHNSON of Wisconsin):

S. 1998. A bill to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 1999. A bill to amend title XVIII of the Social Security Act to apply the frailty adjustment under PACE payment rules to certain specialized MA plans for special needs individuals; to the Committee on Finance.

By Mr. KOHL:

S. 2000. A bill to amend the copyright law to secure the rights of artists of works of visual art to provide for royalties, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 2001. A bill to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, to provide additional protections for Rogue River tributaries, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. SESSIONS, Mr. SCHUMER, and Mr. CORNYN):

S. 2002. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of Internet pharmacies; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. LEE, Mr. UDALL of Colorado, Mr. KIRK, Mrs. GILLIBRAND, Mr. PAUL, Mr. COONS, Mr. DURBIN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mr. UDALL of New Mexico, Mr. FRANKEN, and Mrs. McCASKILL):

S. 2003. A bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. INOUE, and Ms. LANDRIEU):

S. 2004. A bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Massachusetts (for himself and Mr. KIRK):

S. 2005. A bill to authorize the Secretary of State to issue up to 10,500 E-3 visas per year to Irish nationals; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 2006. A bill to amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 to authorize the Secretary of Transportation to permit Federal regulation and review of tolls and toll increases on certain surface transportation facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. KERRY, Mr. LUGAR, Mr. WYDEN, Mr. BLUNT, Mr. DURBIN, Mr. BROWN of Massachusetts, Mr. CARDIN, Mr. ISAKSON, Mr. COONS, and Mr. THUNE):

S. 2007. A bill to amend the African Growth and Opportunity Act to extend the third-country fabric rule, to add South Sudan to the list of countries eligible for designation under that Act, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE:

S. Res. 348. A resolution expressing the sense of the Senate that the Secretary of the Treasury should take actions to increase the transparency and accountability of the Small Business Lending Fund Program; to the Committee on Small Business and Entrepreneurship.

## ADDITIONAL COSPONSORS

S. 195

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 249

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr.

HELLER) was added as a cosponsor of S. 249, a bill to amend the Endangered Species Act of 1973 to provide that Act shall not apply to any gray wolf (*Canis lupus*).

S. 431

At the request of Mr. PRYOR, the names of the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. GRASSLEY), the Senator from Virginia (Mr. WARNER), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 750

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 750, a bill to reform the financing of Senate elections, and for other purposes.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1497

At the request of Ms. KLOBUCHAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1497, a bill to amend title

XVIII of the Social Security Act to extend for 3 years reasonable cost contracts under Medicare.

S. 1606

At the request of Mr. PORTMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1606, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1871

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1871, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1959

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1959, a bill to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

S. 1984

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1984, a bill to establish a commission to develop a national strategy and rec-

ommendations for reducing fatalities resulting from child abuse and neglect.

S. 1994

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1994, a bill to prohibit deceptive practices in Federal elections.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 2000. A bill to amend the copyright law to secure the rights of artists of works of visual art to provide for royalties, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Equity for Visual Artists Act of 2011. This bill would enable visual artists to benefit from their copyrights in a meaningful way similar to other creators of literary and artistic works such as authors, playwrights and composers. It provides for the payment of a copyright royalty long recognized in international law to be paid at the time a work of visual art is sold at auction in the United States. Half of this royalty payment will go directly to the artists or their estate and the other half will be made available to nonprofit American art museums as an endowment to be used by them to purchase the works of living American artists so that these works may be freely enjoyed by everyone.

Like all authors, the primary legal right of an artist in his or her work is the copyright. Yet, visual artists stand alone within America's creative community in their inability to gain any significant income under existing copyright law. As an example, creators of music will collect nearly \$2 billion in copyright royalty payments this year. By contrast, America's visual artists receive only a tiny amount of copyright income, primarily when their works are reproduced in publications such as museum catalogues. Visual art often generates money only when the original work itself is first sold. The vast majority of money-making sales are not by artists themselves but by collectors, dealers and auction houses who trade in their works after their first sale. Under current law artists receive no income from these sales.

For nearly 100 years international copyright law under the Berne Convention on Literary and Artistic Works, of which the United States is a party, has given artists a right to royalties each time their works are resold. However,

unlike other rights protected under the Convention, individual countries are not required to recognize the artists' resale right. While over 40 other countries, including all members of the European Union, provide their artists with income from resale of their works, the United States does not. Under the Convention's reciprocity rule, these countries will only pay royalties to artists from countries that also recognize the resale right. As a result, American artists receive no money from these sales.

In 1990, Congress enacted the Visual Artists Rights Act that asked the Copyright Office to study the issue of resale royalties and report back with recommendations. The Copyright Office reported back to Congress that creation of new artworks would be encouraged by adoption of the Berne Convention provisions on resale rights, but it recommended that we wait to see whether the European Union would first require all of its member countries to join those like France and Germany who had long provided their artists with such a right. In 2001, the European Union decided to make resale royalties mandatory throughout its territory, underpinning the Copyright Office's initial conclusions about the positive effects of introducing resale rights. In 2006, the United Kingdom was the last EU country to implement its law.

In order to make the administration of a resale right as simple as possible, the bill would take 7 percent of any sale \$10,000 or more from only the most public and easily accountable transactions, auction sales, and divide the amount by artists or their beneficiaries and non-profit museums to purchase American art. The legislation would apply only to sales by entities that have \$25 million per year of cumulative sales of visual art. It also excludes entities that solely conduct business in online auctions over the Internet. The bill gives primary responsibility for collecting and distributing royalties to non-governmental collecting societies with oversight by the Copyright Office and reporting requirements to Congress.

This legislation is a long overdue step in fulfilling our obligation under the Berne Convention to award visual artists the benefits derived from the resale of their works, a right that literary and musical artists have enjoyed for decades. Under current law, visual artists are denied royalties for lucrative sales of their art, and this bill is a meaningful start for providing them with just compensation. It is only fair that, as stipulated by international law, visual artists profit from the appreciation in value of their work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2000

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE.

This Act may be cited as the "Equity for Visual Artists Act of 2011".

## SEC. 2. DEFINITIONS.

Section 101 of title 17, United States Code, is amended by—

(1) inserting after the definition of "architectural work" the following:

"For purposes of section 106(b), 'auction' means a public sale run by an entity that sells to the highest bidder works of visual art in which the cumulative amount of such works sold during the previous year is more than \$25,000,000 and does not solely conduct the sale of visual art by the entity on the Internet."

(2) inserting after the definition of "proprietor" and prior to the definition of "pseudonymous work" the following:

"For purposes of section 106(b), 'price' is the aggregate of all installments paid in cash or in-kind by or on behalf of a purchaser for a work as the result of auction of that work."

(3) inserting at the end of the definition of "Publication" the following: "For purposes of section 106(b), in the case of a work of visual art as defined in this section, a publication does not include photographic reproductions or other images of the work, including castings of a sculptural work, made or distributed prior to January 1, 1978, in connection with the exhibition of such work by a gallery or museum, whether for purposes of sale of the original work, or in connection with any publication authorized by a gallery or museum in possession of the work regardless of whether such publication was with the consent of the author. In no other circumstances is a work of visual art considered to have been published prior to January 1, 1978, unless such publication has been authorized by the express written consent of the author of such work."

(4) inserting after the definition of "registration" and prior to the definition of "sound recordings" the following:

"For purposes of sections 106(b) and 701(b)(5), 'sale' means transfer of ownership or physical possession of a work as the result of the auction of that work"; and

(5) amending paragraph (1) of the definition of a "work of visual art" to read as follows:

"(1) a painting, drawing, print, sculpture, or photograph, existing either in the original embodiment or in a limited edition of 200 copies or fewer that bear the signature or other identifying mark of the author and are consecutively numbered by the author, or, in the case of a sculpture in multiple cast, carved, or fabricated sculptures of 200 or fewer that are consecutively numbered by the author and bear the signature or other identifying mark of the author; or"

## SEC. 3. EXCLUSIVE RIGHTS.

Section 106 of title 17, United States Code, is amended by—

(1) inserting "(a)" before "Subject to sections 107 through 122"; and

(2) adding at the end the following:

"(b)(1) In this subsection, the term 'net royalty' means the royalty amount collected less administrative expenses of the visual artists' collecting society. In no case shall the administrative expenses of the visual artists' collecting society subtracted from

the royalty amount collected exceed 18 percent."

"(2) Whenever a work of visual art is sold as the result of auction of that work by someone other than the artist who is the author of the work, the entity that collects the money or other consideration paid for the sale of the work shall, within 90 days of collecting such money or other consideration, pay out of the proceeds of the sale a royalty equal to 7 percent of the price. Such royalty shall be paid to a visual artists' collecting society. The collecting society shall distribute, no fewer than 4 times per year, 50 percent of the net royalty to the artist or his or her successor as copyright owner. After payment to the artist or his or her successor as copyright owner, the remaining 50 percent of the net royalty shall be deposited into an escrow account established by the collecting society for the purposes of funding purchases by nonprofit art museums in the United States of works of visual art authored by living artists domiciled in the United States. The right to receive such royalty and the obligation to deposit the remaining share of sale proceeds into the escrow account provided in this subsection may not be waived by the artist or his successor as copyright owner. Failure of the entity collecting the money or other consideration resulting from the sale of the work to pay the royalty provided under this section shall constitute an infringement of copyright. Any such infringement shall be subject to the payment of statutory damages under section 504.

"(3) Paragraph (2) shall not apply to the sale of a work for a gross sales price of less than \$10,000, or in exchange for property with a fair market value of less than \$10,000."

## SEC. 4. NOTICE OF COPYRIGHT.

Section 401 of title 17, United States Code, is amended by adding at the end the following:

"(e) NON APPLICABILITY TO WORKS OF VISUAL ART.—The provisions of this section shall not apply to a work of visual art."

## SEC. 5. COPYRIGHT OFFICE.

Section 701(b) of title 17, United States Code, is amended by—

(1) redesignating paragraph (5) as paragraph (6); and

(2) inserting after paragraph (4) the following:

"(5) Issue regulations governing visual artists' collecting societies pursuant to section 106(b), which shall, at a minimum—

"(A) establish a process by which entities would be determined to be and designated as visual artists' collecting societies;

"(B) require that a visual artists' collecting society authorized to administer royalty collections and distributions under this title shall have had prior experience in licensing the copyrights of authors of works of visual art in the United States, or have been authorized by no fewer than 10,000 authors of works of visual art, either directly or by virtue of reciprocal agreements with foreign collecting societies, to license the rights granted under section 106;

"(C) exclude any entity from being considered a visual artists' collecting society where, after having been designated a visual artists' collecting society, the royalties collected for at least 5 consecutive years have not been distributed directly to authors after deduction of administrative expenses;

"(D) establish the methodology and procedures pursuant to which visual artists' collecting societies shall make grants to nonprofit museums for the purchase of works with the escrow funds provided in this section, after notice and opportunity to comment, including—

"(i) the criteria to be used by the visual artists' collecting societies for application by nonprofit art museums for the purchase of works out of the funds held in escrow for that purpose by such societies;

"(ii) the amount of the maximum grant for the purchase of an individual work of visual art;

"(iii) the maximum amount that may be granted to a nonprofit museum; and

"(iv) criteria for the award of grants when the amounts requested exceed the total amount of funds held in escrow;

"(E) require that each such society provide the Register of Copyrights with an annual audit of royalty funds collected under section 106(b)(1) that includes the total amount received from the sales of works of visual art, the total amount paid in distributions to artists or, if deceased, to their successors as owners of copyright, and the total amount paid in grants to each nonprofit museum for the purchase of works of visual art; and

"(F) make publicly available an annual report to the Congress setting forth the total amount of royalties received by each visual artists' collecting society and the amount disbursed to each nonprofit art museum receiving a grant or grants from the escrow funds established by each visual artists' collecting society.

Except as necessary for the report to Congress required pursuant to subparagraph (F), the Register of Copyrights shall not disclose any confidential or proprietary information provided to it in the annual audits made available pursuant to this section."

## SEC. 6. COPYRIGHT OFFICE FEES.

Section 708(a) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively;

(2) by inserting after paragraph (9) the following:

"(10) for expenses associated with carrying out its responsibilities under section 701(b)(5), provided that such fees shall be paid out of the total royalty payments received by collecting societies pursuant to section 106(b), before deduction of such societies' administrative expenses; and provided further, that following the initial rule-making necessary to carry out its obligations under section 701(b)(5), such fees shall not exceed 5 percent of the total annual amount of royalties received by such collecting societies"; and

(3) in the matter following paragraph (12), as so redesignated, in the second sentence, by striking "(10) and (11)" and inserting "(11) and (12)".

## SEC. 7. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 1 year after the date of enactment of this Act.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 2001. A bill to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, to provide additional protections for Rogue River tributaries, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am pleased to introduce legislation to expand the Wild Rogue Wilderness Area and expand protections to Oregon's

iconic Rogue River and its tributaries. I am pleased that Senator MERKLEY is joining me in this effort, and that Congressman DEFAZIO has introduced similar legislation in the House of Representatives.

The Wild Rogue Wilderness and the Rogue River that runs through it embody one of the Nation's premier recreation destinations, famous for the free flowing waters which provide numerous rafting and fishing opportunities. The headwaters of the Rogue River start in one of Oregon's other great gems Crater Lake National Park, and the river ultimately empties into the Pacific Ocean, near Gold Beach on Oregon's southwest coast. Along that stretch, the Rogue River flows through one of the most spectacular canyons and diverse natural areas in the United States. The Rogue River is a world class rafting river, offering everything from one day trips to week long trips through deep forested canyons. On the land, the Rogue River trail is also one of Oregon's most renowned backpacking routes.

The legislation I introduce today, the Rogue Wilderness Area Expansion Act of 2011, would add 60,000 acres of new wilderness to the existing Wild Rogue Wilderness. The Wild Rogue Wilderness expansion would protect habitat for bald eagles, osprey, spotted owls, bear, elk, cougar, wild coho, wild Chinook, wild steelhead and many others. It would also ensure these treasured lands are protected for generations to come.

My legislation would also protect an additional 143 miles of tributaries that feed the Rogue River with cold clean water; 93 miles would be designated Wild and Scenic Rivers and an additional 50 miles would be protected from mining. The areas receiving protection include Galice Creek, Little Windy Creek, Jenny Creek, Long Gulch, and 36 other tributaries of the Rogue. The Rogue River is one of Oregon's most iconic and beloved rivers. It is a river that teems with salmon leaping up rapids to spawn, and finds rafters down those very same rapids at other times of the year. The Rogue River is home to runs of coho, spring and fall Chinook, winter and summer steelhead, and it has the special distinction of being one of only a handful of rivers in the country with runs of green sturgeon. In 2008, American Rivers named the Rogue and its tributaries as the second most endangered river in the U.S. I am hoping to change that today by introducing legislation to protect this river and its tributaries.

I previously introduced legislation to protect the Rogue River tributaries in the last two Congresses. Since that time, I have worked with the timber industry and conservationists to find a compromise that protects one of America's treasures with additional wilderness designations and more targeted protections for the Rogue's tributaries.

I am pleased that nearly 60 local businesses, and over 100 organizations and business in total, support protecting the Wild Rogue, and that support grows every day. Many of those businesses directly benefit from the Wild Rogue and the Rogue River. As I often say, protecting these gems is not just good for the environment, but also good for the economy. These protected landscapes are powerhouses of the recreation economy that draws visitors from around the world to this region and the Rogue River is one of Oregon's most important sport and commercial fisheries. The Wild Rogue is the second largest salmon fishery in Oregon behind the Columbia. The Wild Rogue provides the quality of life and recreational opportunities that create an economic engine that attracts businesses and brings in tourists from around the world. The Rogue River supports 450 local jobs in nearby communities like Grants Pass.

By protecting the Wild Rogue landscape and the tributaries that feed the mighty Rogue River, Congress will ensure that future generations can raft, fish, hike and enjoy the Wild Rogue as it is enjoyed today and that the recreational economy of this region remains strong.

I want to express my thanks to the conservation and business communities of southern Oregon, who have worked diligently to protect these lands and waters and enable the outdoor recreationists to use and enjoy these rivers. I look forward to working with my House colleagues and the bill's supporters to advance our legislation to the President's desk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2001

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Rogue Wilderness Area Expansion Act of 2011".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) MAP.—The term "map" means the map entitled "Wild Rogue Wilderness Additions" and dated December 8, 2011.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Oregon.

(5) WILDERNESS ADDITIONS.—The term "Wilderness additions" means the land added to the Wild Rogue Wilderness by section 3(a).

#### SEC. 3. EXPANSION OF WILD ROGUE WILDERNESS AREA.

(a) EXPANSION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 60,000 acres of Bureau of Land Management land, as generally depicted on

the map, is included in the Wild Rogue Wilderness, a component of the National Wilderness Preservation System.

(b) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the wilderness area designated by subsection (a), with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) ADMINISTRATION.—Subject to valid existing rights, the Wilderness additions shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(d) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(e) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this section creates any protective perimeter or buffer zone around the Wilderness additions.

(2) ACTIVITIES OUTSIDE WILDERNESS.—The fact that a nonwilderness activity or use on land outside the Wilderness additions can be seen or heard within the Wilderness additions shall not preclude the activity or use outside the boundary of the Wilderness additions.

(f) PROTECTION OF TRIBAL RIGHTS.—Nothing in this section diminishes any treaty rights of an Indian tribe.

(g) WITHDRAWAL.—Subject to valid existing rights, the Wilderness additions are withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

#### SEC. 4. WILD AND SCENIC RIVER DESIGNATIONS, ROGUE RIVER AREA.

(a) AMENDMENTS.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (5) and inserting the following:

"(5) ROGUE, OREGON.—

"(A) IN GENERAL.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge, to be administered by the Secretary of the Interior or the Secretary of Agriculture, as agreed to by the Secretaries of the Interior and Agriculture or as directed by the President.

"(B) ADDITIONS.—In addition to the segment described in subparagraph (A), there are designated the following segments in the Rogue River:

"(i) KELSEY CREEK.—The approximately 4.8-mile segment of Kelsey Creek from the

east section line of T. 32 S., R. 9 W., sec. 34, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(ii) EAST FORK KELSEY CREEK.—The approximately 4.6-mile segment of East Fork Kelsey Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 5, Willamette Meridian, to the confluence with Kelsey Creek, as a wild river.

“(iii) WHISKY CREEK.—

“(I) RECREATIONAL RIVER.—The approximately 0.6-mile segment of Whisky Creek from the confluence of the East Fork and West Fork to 0.1 miles downstream from road 33-8-23, as a recreational river.

“(II) WILD RIVER.—The approximately 1.9-mile segment of Whisky Creek from 0.1 miles downstream from road 33-8-23 to the confluence with the Rogue River, as a wild river.

“(iv) EAST FORK WHISKY CREEK.—

“(I) WILD RIVER.—The approximately 2.6-mile segment of East Fork Whisky Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11, Willamette Meridian, to 0.1 miles downstream of road 33-8-26 crossing, as a wild river.

“(II) RECREATIONAL RIVER.—The approximately 0.3-mile segment of East Fork Whisky Creek from 0.1 miles downstream of road 33-8-26 to the confluence with Whisky Creek, as a recreational river.

“(v) WEST FORK WHISKY CREEK.—The approximately 4.8-mile segment of West Fork Whisky Creek from its headwaters to the confluence with Whisky Creek, as a wild river.

“(vi) BIG WINDY CREEK.—

“(I) SCENIC RIVER.—The approximately 1.5-mile segment of Big Windy Creek from its headwaters to 0.1 miles downstream from road 34-9-17.1, as a scenic river.

“(II) WILD RIVER.—The approximately 5.8-mile segment of Big Windy Creek from 0.1 miles downstream from road 34-9-17.1 to the confluence with the Rogue River, as a wild river.

“(vii) EAST FORK BIG WINDY CREEK.—

“(I) SCENIC RIVER.—The approximately 0.2-mile segment of East Fork Big Windy Creek from its headwaters to 0.1 miles downstream from road 34-8-36, as a scenic river.

“(II) WILD RIVER.—The approximately 3.7-mile segment of East Fork Big Windy Creek from 0.1 miles downstream from road 34-8-36 to the confluence with Big Windy Creek, as a wild river.

“(viii) LITTLE WINDY CREEK.—The approximately 1.9-mile segment of Little Windy Creek from 0.1 miles downstream of road 34-8-36 to the confluence with the Rogue River, as a wild river.

“(ix) HOWARD CREEK.—

“(I) SCENIC RIVER.—The approximately 0.3-mile segment of Howard Creek from its headwaters to 0.1 miles downstream of road 34-9-34, as a scenic river.

“(II) WILD RIVER.—The approximately 6.9-mile segment of Howard Creek from 0.1 miles downstream of road 34-9-34 to the confluence with the Rogue River, as a wild river.

“(x) MULE CREEK.—The approximately 6.3-mile segment of Mule Creek from the east section line of T. 32 S., R. 10 W., sec. 25, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xi) ANNA CREEK.—The approximately 3.5-mile segment of Anna Creek from its headwaters to the confluence with Howard Creek, as a wild river.

“(xii) MISSOURI CREEK.—The approximately 1.6-mile segment of Missouri Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 24, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xiii) JENNY CREEK.—The approximately 1.8-mile segment of Jenny Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 28, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xiv) RUM CREEK.—The approximately 2.2-mile segment of Rum Creek from the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 9, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xv) EAST FORK RUM CREEK.—The approximately 1.3-mile segment of East Rum Creek from the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 10, Willamette Meridian, to the confluence with Rum Creek, as a wild river.

“(xvi) WILDCAT CREEK.—The approximately 1.7-mile segment of Wildcat Creek from its headwaters downstream to the confluence with the Rogue River, as a wild river.

“(xvii) MONTGOMERY CREEK.—The approximately 1.8-mile segment of Montgomery Creek from its headwaters downstream to the confluence with the Rogue River, as a wild river.

“(xviii) HEWITT CREEK.—The approximately 1.2-mile segment of Hewitt Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 19, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xix) BUNKER CREEK.—The approximately 6.6-mile segment of Bunker Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xx) DULOG CREEK.—

“(I) SCENIC RIVER.—The approximately 0.8-mile segment of Dulog Creek from its headwaters to 0.1 miles downstream of road 34-8-36, as a scenic river.

“(II) WILD RIVER.—The approximately 1.0-mile segment of Dulog Creek from 0.1 miles downstream of road 34-8-36 to the confluence with the Rogue River, as a wild river.

“(xxi) QUAIL CREEK.—The approximately 1.7-mile segment of Quail Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 1, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xxii) MEADOW CREEK.—The approximately 4.1-mile segment of Meadow Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxiii) RUSSIAN CREEK.—The approximately 2.5-mile segment of Russian Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 20, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xxiv) ALDER CREEK.—The approximately 1.2-mile segment of Alder Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxv) BOOZE CREEK.—The approximately 1.5-mile segment of Booze Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxvi) BRONCO CREEK.—The approximately 1.8-mile segment of Bronco Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxvii) COPSEY CREEK.—The approximately 1.5-mile segment of Copsey Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxviii) CORRAL CREEK.—The approximately 0.5-mile segment of Corral Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxix) COWLEY CREEK.—The approximately 0.9-mile segment of Cowley Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxx) DITCH CREEK.—The approximately 1.8-mile segment of Ditch Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 5, Willamette Meridian, to its confluence with the Rogue River, as a wild river.

“(xxxi) FRANCIS CREEK.—The approximately 0.9-mile segment of Francis Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxxii) LONG GULCH.—The approximately 1.1-mile segment of Long Gulch from the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 23, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

“(xxxiii) BAILEY CREEK.—The approximately 1.7-mile segment of Bailey Creek from the west section line of T. 34 S., R. 8 W., sec. 14, Willamette Meridian, to the confluence of the Rogue River, as a wild river.

“(xxxiv) SHADY CREEK.—The approximately 0.7-mile segment of Shady Creek from its headwaters to the confluence with the Rogue River, as a wild river.

“(xxxv) SLIDE CREEK.—

“(I) SCENIC RIVER.—The approximately 0.5-mile segment of Slide Creek from its headwaters to 0.1 miles downstream from road 33-9-6, as a scenic river.

“(II) WILD RIVER.—The approximately 0.7-mile section of Slide Creek from 0.1 miles downstream of road 33-9-6 to the confluence with the Rogue River, as a wild river.”

(b) MANAGEMENT.—Each river segment designated by subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subsection (a)) shall be managed as part of the Rogue Wild and Scenic River.

(c) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated under subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subsection (a)) is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

#### SEC. 5. ADDITIONAL PROTECTIONS FOR ROGUE RIVER TRIBUTARIES.

(a) LICENSING BY COMMISSION.—The Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works on or directly affecting any stream described in subsection (d).

(b) OTHER AGENCIES.—

(1) IN GENERAL.—No department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project on or directly affecting any stream segment that is described in subsection (d), except to maintain or repair water resources projects in existence on the date of enactment of this Act.

(2) EFFECT.—Nothing in this subsection prohibits any department or agency of the United States in assisting by loan, grant, license, or otherwise, a water resources project—

(A) the primary purpose of which is ecological or aquatic restoration; and

(B) that provides a net benefit to water quality and aquatic resources.

(c) WITHDRAWAL.—Subject to valid existing rights, the Federal land located within a ¼ mile on either side of the stream segments described in subsection (d), is withdrawn from all forms of—



(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(d) DESCRIPTION OF STREAM SEGMENTS.—The following are the stream segments referred to in subsection (a):

(1) KELSEY CREEK.—The approximately 4.5-mile segment of Kelsey Creek from its headwaters to the east section line of T. 32 S., R. 9 W., sec. 34.

(2) EAST FORK KELSEY CREEK.—The approximately 0.2-mile segment of East Fork Kelsey Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 5.

(3) EAST FORK WHISKY CREEK.—The approximately 0.9-mile segment of East Fork Whisky Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11.

(4) LITTLE WINDY CREEK.—The approximately 1.2-mile segment of Little Windy Creek from its headwaters to the west section line of T. 33 S., R. 9 W., sec. 34.

(5) MULE CREEK.—The approximately 5.1-mile segment of Mule Creek from its headwaters to the east section line of T. 32 S., R. 10 W., sec. 25.

(6) MISSOURI CREEK.—The approximately 3.1-mile segment of Missouri Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 24.

(7) JENNY CREEK.—The approximately 3.1-mile segment of Jenny Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 28.

(8) RUM CREEK.—The approximately 2.2-mile segment of Rum Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 9.

(9) EAST FORK RUM CREEK.—The approximately 0.8-mile segment of East Fork Rum Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 34 S., R. 8 W., sec. 10.

(10) HEWITT CREEK.—The approximately 1.4-mile segment of Hewitt Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 19.

(11) QUAIL CREEK.—The approximately 0.8-mile segment of Quail Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 1.

(12) RUSSIAN CREEK.—The approximately 0.1-mile segment of Russian Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 20.

(13) DITCH CREEK.—The approximately 0.7-mile segment of Ditch Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 5.

(14) LONG GULCH.—The approximately 1.4-mile segment of Long Gulch from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 10 W., sec. 23.

(15) BAILEY CREEK.—The approximately 1.4-mile segment of Bailey Creek from its headwaters to the west section line of T. 34 S., R. 8 W., sec. 14.

(16) QUARTZ CREEK.—The approximately 3.3-mile segment of Quartz Creek from its headwaters to its confluence with the North Fork Galice Creek.

(17) NORTH FORK GALICE CREEK.—The approximately 5.7-mile segment of the North Fork Galice Creek from its headwaters to its confluence with Galice Creek.

(18) GRAVE CREEK.—The approximately 10.2-mile segment of Grave Creek from the confluence of Wolf Creek downstream to the confluence with the Rogue River.

(19) CENTENNIAL GULCH.—The approximately 2.2-mile segment of Centennial Gulch from its headwaters to its confluence with the Rogue River.

(20) GALICE CREEK.—The approximately 2.2-mile segment of Galice Creek from the confluence with the South Fork Galice Creek downstream to the Rogue River.

By Mrs. FEINSTEIN (for herself,  
Mr. SESSIONS, Mr. SCHUMER,  
and Mr. CORNYN):

S. 2002. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of Internet pharmacies; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will help stop criminals from exploiting the Internet to illegally sell prescription drugs. I am pleased to be joined in this effort by Senator SESSIONS, Senator SCHUMER, and Senator CORNYN.

I first became concerned about the issue of illegitimate online pharmacies in 2001, when one of my constituents, high school student Ryan Haight, died from an overdose of the controlled substance Vicodin. He had purchased the Vicodin from a rogue online pharmacy after simply filling out an online questionnaire in which he described himself as a 25-year-old male suffering from chronic back pain. The doctor prescribing the drug never met or personally examined Ryan.

Ryan's death was a terrible tragedy. He was a remarkable young man, an honors student and an athlete. He looked forward to going to college. Instead, his life was cut short.

In response, I introduced legislation, beginning in 2004, to better regulate the online sale of prescription drugs that are controlled substances.

In 2008, the Ryan Haight Online Pharmacy Consumer Protection Act, Ryan Haight Act, was enacted into law, and it became effective in April 2009. Senator SESSIONS was the lead cosponsor on that legislation.

The Ryan Haight Act makes it a violation of the Controlled Substances Act to dispense a prescription for a controlled substance by means of the Internet without a practitioner having conducted at least one in-person medical evaluation of the purchaser. The act also requires online pharmacies to register with the Drug Enforcement Administration, DEA, and comply with DEA regulations.

The Ryan Haight Act has helped to prevent illegitimate online sales of prescribed controlled substances. However, illegitimate online sellers continue to sell other types of prescription drugs, and stronger laws are needed to stop them.

The sale of prescription drugs online by web sites acting unlawfully is a dangerous and widespread problem. The National Association of Boards of Pharmacy and other non-profit organi-

zations that monitor the Internet have consistently found that about 96 percent of all Internet pharmacies don't require a prescription, aren't appropriately licensed, and sell unregulated drugs.

These illegitimate online pharmacies continue to cause serious harm. The National Association of Boards of Pharmacy reports that from the start of its Internet Drug Outlet Identification Program in April 2008, it has received 509 customer inquiries about online prescription drug sellers, and 21 of those customers have reported injuries. Some of these injuries were very serious leading to hospitalization, with customers suffering worsening symptoms caused by the ailment the medications were intended to treat, as well as severe side effects.

The easy accessibility of prescription drugs through illegitimate online drug sellers also contributes to a growing prescription drug abuse problem. A study published in the May 2011 edition of the Journal of Health Affairs suggests that the growth in high-speed Internet access has fueled prescription drug abuse. Conducted by investigators from Massachusetts General Hospital and the University of Southern California, the study found that, over a 7-year period, States with the greatest expansion in high-speed Internet access also had the largest increase in admissions for treatment of prescription drug abuse.

We should be particularly concerned about this problem when it comes to young people, who are frequently online unsupervised and vulnerable to rogue drug sellers on the Internet.

Not surprisingly, there is also a significant amount of fraud associated with illegitimate online drug sellers. Some of these websites simply take money without providing anything in return.

Web sites that dispense counterfeit drugs are an even more dangerous problem. These counterfeit drugs are frequently manufactured in unsanitary conditions and may contain contaminated ingredients, or the wrong ingredients. A recent CBS News story found that counterfeit drugs can contain paint, floor wax, and boric acid. So, instead of the appropriate medicine needed for their health problem, online consumers are receiving substances that may harm or even kill them.

The legislation I am introducing today will address these problems, and help stop illegitimate online drug sellers.

There are two main components to the legislation. First, it amends the Food, Drug, and Cosmetic Act to add a definition of "valid prescription," requiring at least one in-person medical evaluation of the patient. This is the same approach taken in the Ryan Haight Act with prescription drugs that are controlled substances. It will

prevent illegitimate online pharmacies from selling drugs over the Internet with sham prescriptions.

The second critical element is the establishment, by the Food and Drug Administration, of a registry of legitimate online pharmacy websites. This will protect consumers who will know that they are dealing with lawful online pharmacies and help law enforcement crack down on the illegitimate websites.

The exploitation of the Internet by rogue online drug sellers continues to be a dangerous and deadly problem and we should not wait for more lives to be lost or ruined before we act.

Consumers deserve access to safe and legitimate online pharmacies and protection from illegitimate websites that sell counterfeit or otherwise illegitimate medication, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2002

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Online Pharmacy Safety Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) consumers in the United States are targeted by organized international crime networks that use Internet websites to sell illegal and often dangerous drugs under the guise of being legitimate online pharmacies;

(2) illegal online drug sellers offer products that do not meet the safety standards established by United States laws, and recent reports from the National Association of Boards of Pharmacy show that 92 to 95 percent of Internet websites offering to sell prescription medications online are illegitimate and operate in clear violation of United States laws enacted to protect patients;

(3) criminals are attracted to the high profit margin of business through illegitimate online drug sales, as counterfeit drug sales alone are estimated to have generated \$75,000,000,000 in 2010, an increase of 92 percent from 2005;

(4) the World Health Organization estimates that 50 percent of the prescription medicines sold online by Internet websites that hide their physical address are counterfeit;

(5) research by The Partnership at Drugfree.org found that 1 in 6 consumers in the United States, a total of about 36,000,000 Americans, has bought or currently buys prescription medication online without a valid prescription;

(6) the prevalence of illegal online drug sellers, and their sale of counterfeit or otherwise illegitimate medicines, is a growing public health threat;

(7) people have been seriously injured or killed by products sold by illegal online drug sellers;

(8) the accessibility of controlled substances and other drugs without a valid prescription by illegal online drug sellers contributes to a growing prescription drug abuse

problem in the United States that is endangering teenagers and public health;

(9) the anonymous and unregulated nature of the Internet contributes to the counterfeit drug trade and enables counterfeit medicines to reach United States consumers through illegitimate online drug sellers posing as legitimate pharmacies;

(10) counterfeit drugs that are sold through illegal online drug sellers are manufactured by criminals who deliberately and fraudulently misrepresent the product in order to trick consumers into thinking they are purchasing a legitimate and safe medicine;

(11) these counterfeit drugs are frequently manufactured in unsanitary conditions and may contain the wrong ingredients, lack active ingredients, have insufficient or contaminated active ingredients, or contain too many active ingredients;

(12) counterfeit drugs obtained from illegal online drug sellers have been found to contain harmful ingredients including arsenic, boric acid, brick dust, cement powder, chalk dust, floor polish, leaded road paint, nickel, shoe polish, and talcum powder;

(13) United States citizens deserve access to safe and legitimate online pharmacies and protection from illegal Internet websites that sell counterfeit or otherwise illegitimate medication;

(14) while the Ryan Haight Online Pharmacy Consumer Protection Act of 2008 (Public Law 110-425) has helped to prevent illegitimate online sales of prescribed controlled substances, illegal online sellers continue to sell other types of prescription drugs and stronger laws are needed to stop them; and

(15) greater education and awareness regarding illegal online drug sellers will help to protect the United States drug supply chain from infiltration by unregulated and counterfeit products.

#### SEC. 3. VALID PRESCRIPTIONS.

Section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)) is amended—

(1) in paragraph (1), in the matter following subparagraph (B), by striking "shall be dispensed" and all that follows through "the pharmacist," and inserting the following: "shall be dispensed only pursuant to a valid prescription that is (i) a written prescription of a practitioner licensed by law to administer such drug; (ii) an oral prescription of such practitioner which is reduced promptly to writing by the pharmacist; (iii) an electronic prescription issued by a practitioner licensed by law to administer such drug; or (iv) the refill of any such written, oral, or electronic prescription if such refilling is authorized by the prescriber either in the original prescription, electronic prescription, or by oral order which is reduced promptly to writing by the pharmacist."; and

(2) by adding at the end the following:

"(6) In this paragraph:

"(A) The term 'valid prescription' means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by—

"(i) a licensed practitioner who has conducted at least 1 in-person medical evaluation of the patient, subject to paragraph (7);

"(ii) a covering practitioner; or

"(iii) a practitioner engaged in the practice of telemedicine.

"(B)(i) The term 'in-person medical evaluation' means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.

"(ii) Nothing in clause (i) shall be construed to imply that 1 in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

"(C) The term 'covering practitioner' means, with respect to a patient, a licensed practitioner who conducts a medical evaluation (other than an in-person medical evaluation) at the request of a licensed practitioner who—

"(i) has conducted at least 1 in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine, within the previous 24 months; and

"(ii) is temporarily unavailable to conduct the evaluation of the patient.

"(D) The term 'practice of telemedicine' has the meaning given that term in section 102 of the Controlled Substances Act.

"(7) For purposes of paragraph (6), an in-person medical evaluation of the patient is not required if—

"(A) the prescribing practitioner is issuing a prescription or dispensing a legend drug in accordance with the Expedited Partner Therapy in the Management of Sexually Transmitted Diseases guidance document issued by the Centers for Disease Control and Prevention; or

"(B) the prescription, administration, or dispensing is through a public health clinic or other distribution mechanism approved by the State health authority in order to prevent, mitigate, or treat a pandemic illness, infectious disease outbreak, or intentional or accidental release of a biological, chemical, or radiological agent.

"(8) The Secretary may by regulation establish exceptions to the requirements described in paragraph (6) with respect to a drug, based on criteria established by the Secretary."

#### SEC. 4. REGISTRY OF LEGITIMATE ONLINE PHARMACY WEBSITES.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 510 the following:

##### "SEC. 510A. REGISTRY OF LEGITIMATE ONLINE PHARMACY WEBSITES.

"(a) DEFINITIONS.—In this section:

"(1) DISPENSING PHARMACY.—The term 'dispensing pharmacy' means a pharmacy that dispenses, distributes, or supplies prescription drugs pursuant to orders made on, through, or on behalf of, an online pharmacy website.

"(2) DOMAIN NAME.—The term 'domain name' has the meaning given that term in section 45 of the Lanham Act (15 U.S.C. 1127).

"(3) FINANCIAL TRANSACTION PROVIDER.—The term 'financial transaction provider' has the meaning given that term in section 5362(4) of title 31, United States Code.

"(4) INTERNET WEBSITE.—The term 'Internet website' means the collection of digital assets, including links, indexes, or pointers to digital assets, accessible through the Internet that are addressed relative to a common domain name.

"(5) LEGITIMATE ONLINE PHARMACY WEBSITE.—The term 'legitimate online pharmacy website' means an online pharmacy website that is included in the Registry pursuant to a designation by the Secretary under this section.

"(6) ONLINE PHARMACY WEBSITE.—The term 'online pharmacy website' means an Internet website that offers, sells, dispenses, or distributes, or facilitates the sale, dispensing, or distribution of prescription or other drugs to consumers.

“(7) PRESCRIPTION DRUG.—The term ‘prescription drug’ means a drug that is subject to section 503(b)(1).

“(b) ESTABLISHMENT OF REGISTRY.—The Secretary shall establish a Registry of Legitimate Online Pharmacy Websites (referred to in this section as the ‘Registry’) for the purpose of educating consumers and promoting public health and safety.

“(c) CRITERIA.—The Secretary shall designate an online pharmacy website as a legitimate online pharmacy website, and include such legitimate online pharmacy website on the Registry, if the Secretary determines that—

“(1) the online pharmacy website is accredited by the United States National Association of Boards of Pharmacy Verified Internet Pharmacy Practice Sites program; or

“(2) the online pharmacy website meets each of the following requirements:

“(A) Prescription drugs ordered, sold, dispensed, distributed, supplied, or provided through or by the online pharmacy website are sold, dispensed, distributed, supplied, or provided solely by dispensing pharmacies that are domiciled in the United States and that maintain pharmacy licensure, a permit, or registration in good standing in all United States jurisdictions where such dispensing pharmacies provide services or are required to maintain such licensure, permit, or registration.

“(B) Each dispensing pharmacy affiliated with, or that dispenses, distributes, supplies, or provides prescription or other drugs on behalf of the online pharmacy website, maintains a valid Drug Enforcement Administration registration, unless such registration is not required by Drug Enforcement Administration regulations.

“(C) Each dispensing pharmacy affiliated with, or that dispenses, distributes, supplies, or provides prescription drugs on behalf of the online pharmacy website, dispenses, distributes, supplies, provides, or offers or attempts to dispense, distribute, supply, or provide, prescription drugs only pursuant to a valid prescription (as defined in section 503(b)).

“(D) Each dispensing pharmacy affiliated with, or that dispenses, distributes, supplies, or provides prescription drugs on behalf of the online pharmacy website, complies with applicable Federal and State laws and regulations applicable to pharmacy practice.

“(E) Each dispensing pharmacy affiliated with, or that dispenses, distributes, supplies, or provides prescription or other drugs on behalf of the online pharmacy website, does not dispense, distribute, supply, provide, offer or attempt to dispense, distribute, supply, or provide, advertise, or promote prescription or other drugs that have not been approved by the Food and Drug Administration.

“(F) The online pharmacy website prominently displays the following information:

“(i) An accurate United States street address of each dispensing pharmacy or the corporate or other legal business entity headquarters of each dispensing pharmacy.

“(ii) An accurate, readily accessible, and responsive telephone number or other secure accurate means that allows the consumer to contact or consult with the pharmacist about his or her prescription drug.

“(G) The online pharmacy website does not make any statements, regarding the nature of any dispensing pharmacy or product offered via the website, that are materially misleading or fraudulent.

“(H) The domain name registration information applicable to the online pharmacy

website is accurate, not anonymous, and has a logical nexus to each dispensing pharmacy or the corporate or other legal business headquarters of each dispensing pharmacy.

“(I) The online pharmacy website, including any operator, content owner, or domain name registrant of the online pharmacy website, is not affiliated with, and does not own or control any other online pharmacy website that violates the requirements under this paragraph.

“(J) The online pharmacy website, including any operator, content owner, or domain name registrant of the online pharmacy website, is not affiliated with, and does not own or control any other online pharmacy website that violates Federal or State law.

“(K) Information that would be considered protected health information under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (commonly referred to as the ‘HIPAA Privacy Rule’) is transmitted by the online pharmacy website and each dispensing pharmacy affiliated with, or that dispenses, distributes, supplies, or provides prescription drugs on behalf of the online pharmacy website, in accordance with the requirements of such Act, including the use of Secure-Socket Layer or equivalent technology for the transmission of protected health information, and the online pharmacy website displays its privacy policy and that such policy complies with the requirements of the HIPAA Privacy Rule.

“(L) The online pharmacy website complies with other requirements as determined appropriate by the Secretary, in consultation with other Federal and State agencies responsible for regulating the practice of pharmacy.

“(d) PROCESS.—

“(1) APPLICATION.—The Secretary shall develop an application process through which an interested operator, content owner, or domain name registrant of an online pharmacy website may apply for inclusion on the Registry. Such an application shall be submitted in such form and manner as required by the Secretary and shall include, at a minimum, information to determine whether the online pharmacy website satisfies the criteria described under subsection (c). The Secretary shall not charge a fee for submission of an application.

“(2) IDENTIFICATION WITHOUT APPLICATION.—

“(A) IN GENERAL.—The Secretary shall take reasonable steps to identify online pharmacy websites for which no application has been submitted under paragraph (1) and evaluate whether these online pharmacy websites satisfy the criteria described under subsection (c).

“(B) COMPLIANCE CONFIRMED.—In cases where satisfaction of the criteria described under subsection (c) can be verified without the receipt of an application, an online pharmacy website that the Secretary determines to satisfy such criteria may be designated as a legitimate online pharmacy website and included on the Registry and the operator, content owner, or domain name registrant of such online pharmacy website shall be notified of such placement.

“(C) ADDITIONAL INFORMATION REQUIRED.—In cases where satisfaction of the criteria described under subsection (c) cannot be verified without additional information or some corrective action by the online pharmacy website operator, content owner, or domain name registrant, the online pharmacy website shall not be designated as a legitimate online pharmacy website or placed on the Registry until the additional informa-

tion is received by the Secretary and the Secretary determines that all applicable and necessary corrective actions have been taken.

“(3) REGULATIONS REGARDING APPLICATION PROCESS.—

“(A) IN GENERAL.—The Secretary shall promulgate regulations—

“(i) to establish the timeframes applicable to informing online pharmacy website operators, content owners, or domain name registrants that submit an application under paragraph (1) of the acceptance or denial of such application;

“(ii) to address what information may be shared with or withheld from online pharmacy website operators, content owners, or domain name registrants that submit such an application regarding corrective actions that would need to be taken to establish compliance with the Registry requirements;

“(iii) to establish an appeal process giving online pharmacy website operators, content owners, or domain name registrants that submit such an application the ability to request a second review of the application to determine compliance with the Registry requirements; and

“(iv) to address other procedural matters regarding the receipt and evaluation of applications submitted under paragraph (1) as the Secretary determines necessary.

“(B) LIMITATION REGARDING APPEALS PROCESS.—The appeals process established under subparagraph (A)(iii) shall in no case require the Secretary—

“(i) to disclose information that may impede an ongoing or potential criminal or regulatory investigation; or

“(ii) to provide an opportunity for appeal in cases where the Secretary determines, in the Secretary’s sole discretion, that the violation of a Registry requirement is materially significant, such a violation is not likely to be curable, or the applicant has engaged in a pattern of violations of Federal or State law.

“(4) AUTHORITY AND PROCESS FOR REMOVAL FROM REGISTRY.—

“(A) IN GENERAL.—The Secretary shall have the authority to remove an online pharmacy website from the Registry—

“(i) upon determination that the online pharmacy website is not in compliance with the criteria as established by this section;

“(ii) upon determination that the online pharmacy website was mistakenly included in the Registry; or

“(iii) for good cause as determined by the Secretary based on credible evidence.

“(B) PROCESS.—If the Secretary determines that an online pharmacy website shall be removed from the Registry under subparagraph (A), the Secretary shall provide notice to the operator, content owner, or domain name registrant of the online pharmacy website of the determination, the date of the removal of the website from the Registry, and the reasons for removal.

“(C) REGULATIONS FOR APPEAL PROCESS.—

“(i) IN GENERAL.—The Secretary shall promulgate regulations that provide the operator, content owner, or domain name registrant of an online pharmacy website removed from the Registry the ability to appeal the removal and to provide information to correct matters that served as basis for removal from the Registry. Such regulations shall provide a reasonable time period to correct the grounds for removal.

“(ii) LIMITATION REGARDING APPEALS PROCESS.—The appeals process established under clause (i) shall in no case require the Secretary—

“(I) to disclose information that may impede an ongoing or potential criminal or regulatory investigation; or

“(II) to provide an opportunity for appeal in cases where the Secretary determines, in the Secretary’s sole discretion, that the violation of a Registry requirement is materially significant, such a violation is not likely to be curable, or the applicant has engaged in a pattern of violations of Federal or State law.

“(e) **CONTRACTS WITH PRIVATE ENTITIES.**—

“(1) **IN GENERAL.**—The Secretary may enter into contracts with the United States National Association of Boards of Pharmacy or other private entities to—

“(A) review applications submitted under subsection (d)(1) and evaluate whether the online pharmacy website satisfies the criteria described under subsection (c);

“(B) on an ongoing basis, review and identify online pharmacy websites for which no application has been submitted under subsection (d)(1) and evaluate whether these online pharmacies satisfy the criteria described under subsection (c);

“(C) make recommendations to the Secretary as to whether an online pharmacy website, either through application or through identification under subparagraph (B), satisfies the criteria under subsection (c);

“(D) notify the Food and Drug Administration of online pharmacy websites that do not to satisfy such criteria; and

“(E) provide services to maintain the Registry.

“(2) **CONTRACTING.**—In contracting with entities under this subsection, the Secretary—

“(A) may waive such provisions of the Federal Acquisition Regulation, except for provisions relating to confidentiality of information, as necessary for the efficient implementation of this subsection and for selecting such entities; and

“(B) shall select entities that have demonstrated a history of competency in reviewing, evaluating, and determining the legitimacy of online pharmacy websites, based on standards approved by the United States National Association of Boards of Pharmacy.

“(3) **TERMS OF CONTRACT.**—A contract with an entity under this subsection shall include such terms and conditions as specified by the Secretary, including the following:

“(A) The entity shall monitor the Internet on an ongoing basis in order to sufficiently maintain a current list of legitimate online pharmacy websites for consideration by the Secretary.

“(B) On at least a monthly basis, the entity shall submit to the Secretary an updated list of legitimate online pharmacy websites recommended for inclusion on the Registry.

“(f) **USE OF REGISTRY.**—

“(1) **PUBLIC AVAILABILITY.**—The Secretary shall—

“(A) make the Registry available to Internet advertising services, financial transaction providers, domain name registries, domain name registrars, other domain name authorities, information location tool service providers, and others as determined necessary and appropriate by the Secretary to promote public health and safety;

“(B) make the Registry available to consumers and other interested persons through publication on the Internet website of the Food and Drug Administration; and

“(C) specify the Registry criteria used to designate legitimate online pharmacy websites on the Internet website of the Food and Drug Administration.

“(2) **CONSUMER EDUCATION.**—The Secretary shall—

“(A) engage in a campaign to educate consumers on the availability and use of the Registry to promote public health and safety through means as determined appropriate and necessary by the Secretary, which may include radio, television, print media, and Internet public service announcements; and

“(B) make consumer education materials available, on the Internet website of the Food and Drug Administration and in a consumer-friendly form and manner, regarding how to safely purchase drugs over the Internet.

“(g) **REFUSAL OF SERVICE; IMMUNITY.**—

“(1) **REFUSAL OF SERVICE.**—A domain name registry, domain name registrar, other domain name authority, financial transaction provider, information location tool service provider, or Internet advertising service, acting in good faith based on the Registry, may cease or refuse to provide services to an online pharmacy website that is not included on the Registry.

“(2) **IMMUNITY FROM LIABILITY.**—An entity described in paragraph (1), including the directors, officers, employees, or agents of such entity, that, acting in good faith, ceases or refuses to provide services to an online pharmacy website that is not listed on the Registry shall not be liable to any party under any Federal or State law for such action.

“(3) **IMMUNITY FROM SUIT.**—No cause of action shall lie in any court or administrative agency against any entity described in paragraph (1), including the directors, officers, employees, or agents of such entity, that, acting in good faith, ceases or refuses to provide services to an online pharmacy website that is not included on the Registry.”

#### SEC. 5. FUNDING.

There is authorized to be appropriated such sums as may be necessary to carry out this Act (and the amendments made by this Act).

#### SEC. 6. EFFECTIVE DATE.

This Act (and the amendments made by this Act) shall take effect on the date that is 180 days after the date of enactment of this Act.

By Mr. UDALL of New Mexico  
(for himself, Mr. BINGAMAN, Mr.  
INOUE, and Ms. LANDRIEU).

S. 2004. A bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II; to the Committee on Banking, Housing, and Urban Affairs.

Mr. UDALL of New Mexico. Mr. President, last week we marked the 70th anniversary of the attack on Pearl Harbor, an event that led to the U.S. into the Second World War. But that wasn’t the only important 70th anniversary commemorated last week. Seventy years ago, on December 8, 1941, the day after the attack on Pearl Harbor, halfway across the world the long battle for control of the strategically important country of the Philippines began.

This is a battle that began in the air and on the sea, but would ultimately see the surrendered American and Filipino troops forced on a brutal death march, languishing in substandard POW camps, and in many cases, succumbing to malnourishment, mistreatment, and disease.

It is on behalf of all of these soldiers that I introduce legislation to honor the Defenders of Bataan, a peninsula on the island of Luzon where the battle ended, but the hellish journey began, with a Congressional Gold Medal. They are most deserving and this honor is, I believe, long overdue.

Soon after the air and naval battle for the Philippines began, the Japanese would land a sizable force to take control of Luzon. Ten days later the Japanese began their main offensive into the island.

On Christmas Eve, 1941, General MacArthur put War Plan Orange 3 into effect. This plan called for some troops to delay the Japanese advance as the greater force withdrew into Bataan. According to historical documents, the purpose of the plan was to keep Manila Bay from Japanese control until the U.S. Navy could reopen the supply lines that had been cut off after the attack on Pearl Harbor.

With the supply lines cut off, troops also had no hope of reinforcements. Despite this logistical nightmare, they valiantly fought to defend the Philippines. For months, against all odds, they held back the enemy advance. The Japanese, hoping for a swift victory, were forced to slow the pace of their Pacific strategy. The delay enabled U.S. and allied forces the chance to regroup in the Pacific and prepare for the eventual liberation of occupied Pacific islands and the Philippines.

But by April of 1942, the defenders of Bataan were malnourished and exhausted. With no hope of overcoming the overwhelming conditions, they were ordered to surrender. While many followed the order to lay down their arms, others still fought to disrupt the Japanese by forming guerrilla units to maintain the opposition.

One such guerrilla leader was Oklahoma native and Choctaw Warrior Lt. Colonel Edward McClish, who, according to the U.S. Navy’s historical website, “had an organization of more than 300 soldiers, with four machine guns, 150 rifles, and six boxes of ammunition.”

Following capture, the defenders of Bataan suffered three years of intense hardship. Many would not survive. They would be forced to endure what became known as the horrendous 65-mile Bataan Death March. They would languish in substandard POW camps, where their malnourishment worsened and disease was rampant. Many others would be shipped to Japan on the dreaded hell ships. One such ship, the *Arisan Maru*, claimed nearly 1,800 American lives.

For us New Mexicans, the events of Bataan strike home particularly hard. Eighteen hundred men from New Mexico’s 200th and 515th regiments left their homes to fight. Approximately half returned. These soldiers, largely of Hispanic origin, earned the honor of

being the first to fire and defend the Philippines on December 8. A special group, they were successors to the New Mexico National Guardsmen who made up part of Teddy Roosevelt's famed "Rough Riders" from the Spanish-American war.

One of these men, Eliseo Lopez, a Bataan defender who was born in Springer, NM, endured all the horrors Bataan had to offer. A member of the 200th Coast Artillery Regiment he trained at Ft. Bliss and was deployed to Manila before war broke out. He fought the Japanese on Bataan. He survived the Death March to Camp O'Donnell and was moved to Cabanatuan prison camp. He was taken on a hell ship to Japan, and was forced to labor in a copper mine until he was rescued in September of 1945. Mr. Lopez died this past November at the age of 92. His obituary alone is a record of the tremendous service to the United States given by the Bataan defenders.

In New Mexico, we continue to honor and respect our Bataan Defenders. We remember their suffering. We take pride in their heroism. Every year we commemorate their sacrifice with a march at White Sands Missile Range. Other States, such as Missouri, have similar marches. In April, Missouri will honor their Bataan veterans with a march on the Katy Trail State Park.

The people of the United States and Philippines are forever indebted to Eliseo Lopez and the other men who served with him and endured the similar horrors. They represented the best of America. They hailed from diverse locales, but were united in their valor and in their devotion to their country. Their courage and tenacity during the first four months of World War II, and their perseverance during 3 years of imprisonment truly deserves the recognition of a Congressional Gold Medal. I urge my colleagues to join me in supporting this legislation.

#### SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 348—EXPRESSING THE SENSE OF THE SENATE THAT THE SECRETARY OF THE TREASURY SHOULD TAKE ACTIONS TO INCREASE THE TRANSPARENCY AND ACCOUNTABILITY OF THE SMALL BUSINESS LENDING FUND PROGRAM**

Ms. SNOWE submitted the following resolution; which was referred to the Committee on Small Business and Entrepreneurship:

S. RES. 348

Whereas the Government Accountability Office published a report in December 2011 entitled "Small Business Lending Fund: Additional Actions Needed to Improve Transparency and Accountability" (GAO-12-183) (referred to in this preamble as the "GAO Report");

Whereas the GAO Report highlighted that "Federal government internal control standards state that management should ensure that the agency has adequate means of communicating with and obtaining information from external stakeholders when such information could have a significant impact on the agency's achieving its goals.";

Whereas the GAO Report found that the Secretary of the Treasury's "lack of clarity in explaining program requirements and decisions created confusion among applicants";

Whereas the GAO Report expressed the following: "Internal control standards for the federal government state that internal control activities are a major part of efficiently and effectively managing a program. Control activities, such as (1) proper execution of transactions and events, (2) accurate and timely recording of transactions and events, (3) and establishing and reviewing performance measures, are an integral part of an agency's planning, implementing, reviewing, and accountability for stewardship of government resources and achieving effective results. Establishing performance measures and developing a process for monitoring participating financial institutions will be critical to identifying and addressing any potential problems in these institutions' compliance with program requirements. Until Treasury finalizes its plans for monitoring compliance and assessing impact in a timely manner, it will not be positioned to anticipate and manage payment problems and other program risks.";

Whereas the GAO Report concluded that the Secretary of the Treasury has not finalized plans for assessing the impact of the Small Business Lending Fund Program on small business lending or procedures for monitoring recipients for compliance with requirements of the Small Business Lending Fund Program; and

Whereas the GAO Report concluded that, until the Secretary of the Treasury finalizes plans for monitoring compliance with and assessing the impact of the Small Business Lending Fund Program in a timely manner, the Secretary will not be positioned to anticipate and manage payment problems and other program risks: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that, as recommended by the Comptroller General of the United States in the December 2011 report entitled "Small Business Lending Fund: Additional Actions Needed to Improve Transparency and Accountability" (GAO-12-183)—

(1) to promote transparency and improve communication with participants in the Small Business Lending Fund Program and other interested stakeholders, such as Congress and the appropriate Federal banking agencies (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the Secretary of the Treasury should apply lessons learned from the application review phase of the Small Business Lending Fund Program to help improve the communication strategy of the Secretary; and

(2) to enhance the transparency and accountability of the Small Business Lending Fund Program, the Secretary of the Treasury should finalize—

(A) procedures for monitoring participants in the Small Business Lending Fund Program, including procedures to ensure that the Secretary is receiving accurate information on small business lending by such participants; and

(B) plans for assessing the performance of the Small Business Lending Fund Program,

including measures that can isolate the impact of Small Business Lending Fund Program from other factors that affect small business lending.

#### AMENDMENTS SUBMITTED AND PROPOSED

**SA 1464.** Mr. DURBIN (for Mrs. FEINSTEIN (for herself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1612, to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity.

#### TEXT OF AMENDMENTS

**SA 1464.** Mr. DURBIN (for Mrs. FEINSTEIN (for herself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1612, to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Targeting Transnational Drug Trafficking Act of 2011".

##### SEC. 2. POSSESSION, MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATIONS.

Section 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 959) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a), by striking "It shall" and all that follows and inserting the following: "It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or flunitrazepam or a listed chemical intending, knowing, or having reasonable cause to believe that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

"(b) It shall be unlawful for any person to manufacture or distribute a listed chemical—

"(1) intending or knowing that the listed chemical will be used to manufacture a controlled substance; and

"(2) intending, knowing, or having reasonable cause to believe that the controlled substance will be unlawfully imported into the United States."

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 15, 2011, at 10:30 a.m. in room 328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public

Works and the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on December 15, 2011, at 10 a.m. in room 406 of the Dirksen Senate Office Building to conduct a joint hearing entitled, "Review of the NRC's Near-Term Task Force Recommendations for Enhancing Reactor Safety in the 21st Century."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on December 15, 2011 at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled "Prescription Drug Shortages: Examining a Public Health Concern and Potential Solutions" on December 15, 2011, at 10 a.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 15, 2011, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 15, 2011, at 2:15 p.m., to hold an African Affairs subcommittee hearing entitled, "Improving Governance in the Democratic Republic of Congo."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 15, 2011, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Environmental Risks of Genetically Engineered Fish."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 15, 2011, at 11 a.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, "The U.S.-Caribbean Shared Security Partnership: Responding to the Growth of Trafficking Narcotics in the Caribbean."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that Patrick Norton and Will Frey, interns in Senator PAUL's office, be granted floor privileges for the remainder of the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that MAJ James Long, an Air Force fellow in Senator THUNE's office, be granted floor privileges during today's and tomorrow's sessions of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that LTC John Novak, a legislative fellow in my office, be granted floor privileges during the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FALLEN HEROES OF 9/11 ACT

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to H.R. 3421.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3421) to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3421) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The Senator from Michigan.

CORRECTING THE ENROLLMENT OF H.R. 2845

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H. Con. Res. 93, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 93) providing for a correction to the enrollment of the bill H.R. 2845.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 93) was agreed to.

TARGETING TRANSNATIONAL DRUG TRAFFICKING ACT OF 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1612 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1612) to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activities.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the Feinstein substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1464) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Targeting Transnational Drug Trafficking Act of 2011".

SEC. 2. POSSESSION, MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATIONS.

Section 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 959) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a), by striking "It shall" and all that follows and inserting the following: "It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or



flunitrazepam or a listed chemical intending, knowing, or having reasonable cause to believe that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

“(b) It shall be unlawful for any person to manufacture or distribute a listed chemical—

“(1) intending or knowing that the listed chemical will be used to manufacture a controlled substance; and

“(2) intending, knowing, or having reasonable cause to believe that the controlled substance will be unlawfully imported into the United States.”.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1612), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### RECOGNIZING THE 40TH ANNIVERSARY OF THE NATIONAL CANCER ACT OF 1971

Mr. DURBIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 347 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 347) recognizing the 40th anniversary of the National Cancer Act of 1971 and the more than 12,000,000 survivors of cancer alive today because of the commitment of the United States to cancer research and advances in cancer prevention, detection, diagnosis, and treatment.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent to be added as cosponsor of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I further ask that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 347) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 347

Whereas 40 years ago, with the passage of the National Cancer Act of 1971 (Public Law 92-218; 85 Stat. 778), the leaders of the United States came together to set the country on a concerted course to conquer cancer through research;

Whereas the passage of the National Cancer Act of 1971 led to the establishment of the National Cancer Program, which significantly expanded the authorities and responsibilities of the National Cancer Institute, a

component of the National Institutes of Health;

Whereas the term “cancer” refers to more than 200 diseases that collectively represent the leading cause of death for people in the United States under the age of 85, and the second leading cause of death for people in the United States overall;

Whereas cancer touches everyone, either through a direct, personal diagnosis or indirectly through the diagnosis of a family member or friend;

Whereas, in 2011, cancer remains one of the most pressing public health concerns in the United States, with more than 1,500,000 people in the United States expected to be diagnosed with cancer each year;

Whereas the National Institutes of Health estimated the overall cost of cancer to be greater than \$260,000,000,000 in 2010 alone;

Whereas approximately 1 out of every 3 women and 1 out of every 2 men will develop cancer in their lifetimes, and more than 570,000 people in the United States will die from cancer this year, which is more than 1 person every minute and nearly 1 out of every 4 deaths;

Whereas the commitment of the United States to cancer research and biomedical science has enabled more than 12,000,000 people in the United States to survive cancer, 15 percent of whom were diagnosed 20 or more years ago, and has resulted in extraordinary progress being made against cancer, including—

(1) an increase in the average 5-year survival rate for all cancers combined to 68 percent for adults and 80 percent for children and adolescents, up from 50 percent and 52 percent, respectively, in 1971;

(2) average 5-year survival rates for breast and prostate cancers exceeding 90 percent;

(3) a decline in mortality due to colorectal cancer and prostate cancer; and

(4) from 1990 to 2007, a decline in the death rate from all cancers combined of 22 percent for men and 14 percent for women, resulting in nearly 900,000 fewer deaths during that period;

Whereas the driving force behind this progress has been support for the National Cancer Institute and its parent agency, the National Institutes of Health, which funds the work of more than 325,000 researchers and research personnel at more than 3,000 universities, medical schools, medical centers, teaching hospitals, small businesses, and research institutions in every State;

Whereas the commitment of the United States to cancer research has yielded substantial returns in both research advances and lives saved, and it is estimated that every 1 percent decline in cancer mortality saves the economy of the United States \$500,000,000,000 annually;

Whereas advancements in understanding the causes and mechanisms of cancer and improvements in the detection, diagnosis, treatment, and prevention of cancer have led to cures for many types of cancers and have converted other types of cancers into manageable chronic conditions;

Whereas continued support for clinical trials to evaluate the efficacy and therapeutic benefit of promising treatments for cancer is essential for translating new knowledge and discoveries into tangible benefits for patients, especially because all standard cancer therapies began as clinical trials;

Whereas, despite the significant progress that has been made in treating many cancers, there remain those cancers for which the mortality rate is extraordinarily high,

including pancreatic, liver, lung, multiple myeloma, ovarian, esophageal, stomach, and brain cancers, which have a 5-year survival rate of less than 50 percent;

Whereas research advances concerning uncommon cancers, which pose unique treatment challenges, provide an opportunity for understanding the general properties of human cancers and curing uncommon cancers as well as more common cancers;

Whereas crucial developments have been achieved in cancer research that could provide breakthroughs necessary to address the increasing incidence of, and reduce deaths caused by, many forms of cancer;

Whereas research into the effect of certain forms of cancer on different population groups offers a significant opportunity to lessen the burden of the disease, because many population groups across the country suffer disproportionately from certain forms of cancer; and

Whereas a sustained commitment to the research of the National Institutes of Health and the National Cancer Institute is necessary to improve the entire spectrum of patient care, from cancer prevention, early detection, and diagnosis, to treatment and long-term survivorship, and to prevent research advances from being stalled or delayed: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 40th anniversary of the National Cancer Act of 1971 (Public Law 92-218; 85 Stat. 778); and

(2) celebrates and reaffirms the commitment embodied in the National Cancer Act of 1971, specifically, that support for cancer research continues to be a national priority to address the scope of this pressing public health concern.

#### MEASURE READ THE FIRST TIME—H.R. 3094

Mr. DURBIN. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

Mr. DURBIN. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

#### ORDERS FOR FRIDAY, DECEMBER 16, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., on Friday, December 16, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in morning business until 12 p.m., with Senators permitted to speak therein for up

to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. DURBIN. Mr. President, we continue to work on an agreement to consider the omnibus spending bill and a payroll tax compromise. Senators will be notified when votes are scheduled.

The majority leader filed cloture on the motion to proceed to H.R. 3630 this evening. Unless an agreement is reached, that vote will be Saturday morning.

### ADJOURNMENT UNTIL 10 AM TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Friday, December 16, 2011, at 10 a.m.

### NOMINATIONS

Executive nominations received by the Senate:

#### DEPARTMENT OF STATE

MICHAEL A. RAYNOR, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUN-

SELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

JACOB WALLE, OF DELAWARE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TUNISIAN REPUBLIC.

#### NATIONAL LABOR RELATIONS BOARD

SHARON BLOCK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE CRAIG BECKER.

RICHARD F. GRIFFIN, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016, VICE WILMA B. LIEBMAN, TERM EXPIRED.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. HARRIS J. KLINE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. RICHARD M. ERIKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIG. GEN. ROBERT G. KENNY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIGADIER GENERAL GARY M. BATINICH  
BRIGADIER GENERAL RICHARD S. HADDAD  
BRIGADIER GENERAL ROBERT M. HAIRE  
BRIGADIER GENERAL MICHAEL D. KIM  
BRIGADIER GENERAL MARK A. KYLE  
BRIGADIER GENERAL KEVIN E. POTTINGER  
BRIGADIER GENERAL ROBERT D. REGO  
BRIGADIER GENERAL GEORGE F. WILLIAMS

#### PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

RACHEL L. BRAND, OF IOWA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2017. (NEW POSITION)

DAVID MEDINE, OF MARYLAND, TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVER-

SIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2012. (NEW POSITION)

DAVID MEDINE, OF MARYLAND, TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2018. (REAPPOINTMENT)

PATRICIA M. WALD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2013. (NEW POSITION)

#### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

RONALD P. VERDONK, OF MARYLAND  
BRUCE J. ZANIN, OF CALIFORNIA

#### IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be brigadier general*

COL. STEVEN FERRARI

### CONFIRMATION

Executive nomination confirmed by the Senate December 15, 2011:

#### THE JUDICIARY

MORGAN CHRISTEN, OF ALASKA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

### WITHDRAWAL

Executive message transmitted by the President to the Senate on December 15, 2011 withdrawing from further Senate consideration the following nomination:

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE DENNIS P. WALSH, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

## HOUSE OF REPRESENTATIVES—Thursday, December 15, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. ELLMERS).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.  
December 15, 2011.

I hereby appoint the Honorable RENEE L. ELLMERS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### UNEQUAL BANKRUPTCY LAWS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, James Surowiecki outdid himself in the current issue of *The New Yorker's* financial page as he contrasted the decision of American Airlines to take bankruptcy versus the expectation of American business for how homeowners should behave. It wasn't that American Airlines couldn't pay its bills with its \$4 billion in cash. It's just that it would be in a stronger position if it took advantage of the bankruptcy laws, where working with a bankruptcy judge, it could restructure union contracts, pension plans, and bank loans to its advantage.

For example, it's perfectly acceptable and legal for a judge to reset the current value of an asset and to permit loans with higher interest rates to be set at lower current market rate. Unfair as it may seem to people who made the loans, it was part of the principle of bankruptcy, to allow people to not be mired hopelessly in debt but to start again under existing market condi-

tions. It's part of what keeps our economy vital, keeping people not tethered to mistakes of the past or bad luck, even if those mistakes were self-inflicted.

Contrast this with what business expects from the 25 percent of homeowners whose mortgages are underwater, where the financial institutions have argued about the responsibility of homeowners to avoid the stigma of defaulting, that it was their duty and obligation to pay, even if it was financially irrational and extraordinarily difficult. He pointed out that the Mortgage Bankers Association, at the same time it was exhorting homeowners to hang in there and keep paying their loans even if their mortgage was underwater, that it walked away from a loan on its headquarters, sticking the lender with a \$34 million loss on a short sale.

But he missed the real outrage: The expectation where homeowners, under bankruptcy, simply cannot do what American Airlines and other American businesses can do. Homeowners under law cannot take bankruptcy and have a judge reset the loan value of their residence to conform to what the current value is and to reduce the interest rates to reflect today's record low rates. That would have been the onerous "cram-down provision" so vigorously resisted by banks and financial institutions when we were discussing bankruptcy reform. Do as we say, not as we do.

As a result, we have what I think is truly an insane situation where a speculator could buy six units in a condominium building and have a bankruptcy judge reduce the loan's amount and interest rate on each one of the speculator's six units, but the poor soul who bought his unit just to live in it cannot have that same privilege.

If there was bankruptcy equality for homeowners, I don't think we ever would have had the financial bubble in the first place. You can bet that the masters of the universe that poured billions of dollars into securitized mortgage instruments would have been more careful if they knew that homeowners would have been treated the same way as businesses and could have had onerous provisions modified under bankruptcy.

This is one of the reasons why the Occupy Wall Street people are so outraged, this dual standard, telling homeowners to stay the course while large businesses don't, fighting for change of the law under the guise of reform which made it impossible for home-

owners to be treated as well as speculators.

If some of our friends on Wall Street are perplexed about the frustration and the outrage, they might look in the mirror. Maybe, just maybe, this is something that the Occupy Wall Street and Tea Party advocates can agree upon.

### BILL OF RIGHTS' 220TH ANNIVERSARY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. BROUN) for 5 minutes.

Mr. BROUN of Georgia. Madam Speaker, today I rise to commemorate the 220th anniversary of the adoption of the Bill of Rights to our U.S. Constitution. Some of our most basic freedoms and governing principles are laid out in this precious document. The amendments listed were meant to protect our individual liberties and our private property. They serve as a constant reminder that our Nation was meant for its citizens to have liberty, with very little government intrusion into their lives.

Today's modern government has, sadly, strayed very far away from the vision that our Founding Fathers had when they ratified the Bill of Rights. It seems like every day we lose a little bit more of our freedom to the ideals of Big Government and to the standards of socialism.

In Hosea 4:6, God says, "My people are destroyed from a lack of knowledge."

We have a tremendous lack of knowledge in this Nation about the principles that our Founding Fathers gave us in the U.S. Constitution and the Bill of Rights, and we are being destroyed because those foundational principles are being eroded day by day here in Congress, by Presidents, and by the Federal court system.

Please read the U.S. Constitution. Read the Bill of Rights. Teach them to our children and to our grandchildren so that we can come together and demand a constitutionally limited government, as our Founding Fathers intended. We need to begin to rebuild the principles that have made this Nation the greatest in history, the greatest political experiment in the history of mankind. Those principles are what have made this country so great, so powerful, and so successful; and the only way that we will retain that is if we become knowledgeable and start demanding a constitutionally limited

government, as our Founding Fathers meant it.

So please read the Constitution. Please read the Bill of Rights. Read what our Founding Fathers said about it. Demand that kind of governance from our elected representatives all across this country, at all levels of government. Our freedom and liberty depend upon it.

Thank you. God bless you. God bless America.

□ 1010

#### REAUTHORIZE NEW MARKETS TAX CREDIT PROGRAM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. NEAL) for 5 minutes.

Mr. NEAL. Madam Speaker, I want to talk about a program that is set to expire at the end of the year if Congress does not act, and it's the New Markets Tax Credit program. I have fought for this program since its enactment in 2000 because it's a cost-effective way to create jobs and drive investment in communities with high rates of poverty and unemployment. I've seen the amazing results of this initiative first hand back home in Massachusetts, and today I want to highlight one of those Massachusetts projects, the Colonial Theater in Pittsfield, Massachusetts.

Let me tell you a little about the New Markets Tax Credit. The program was designed to stimulate investment and economic growth in low-income communities that are traditionally overlooked by conventional capital markets. The New Markets Tax Credit program attracts capital to low-income communities by providing private investors with a 39 percent Federal tax credit for investments made in businesses or economic development projects located in certain areas where the individual poverty rate is at least 20 percent or where median family income is low.

According to the Government Accountability Office, 88 percent of the New Markets Tax Credit investors said they would not have made the investment in a low-income community without New Markets Tax Credits.

Every project or business financed by New Markets Tax Credits is located in a low-income community and/or benefits low-income individuals. The vast majority, over 90 percent of investment dollars generated through New Markets, has gone to communities with levels of economic distress that far exceed the minimum requirements of the law; and 60 percent has gone to communities with very high unemployment rates that are at least 1.5 times the national average.

Through 2009, New Markets cost the Federal Government, in terms of lost

revenue, less than \$4 billion. That \$4 billion should be treated as a government investment because it has resulted in \$50 billion in capital projects in those low-income communities and created or retained an estimated 500,000 jobs. According to the Treasury Department, every \$1 of foregone tax revenue under New Markets leverages \$12 of private investment in distressed communities. That's results, in my opinion.

Unfortunately, New Markets is a temporary program and unless Congress acts this month, it will expire on December 31. I am, and have been, the lead Democratic sponsor of legislation to extend this program for 5 years; and I have been leading the charge for years to make this a permanent initiative. I once again call on our colleagues to extend New Markets.

Let's talk about the success of New Markets in Massachusetts. Over 170 businesses in Massachusetts have received New Markets financing: Hot Mama's Foods in Springfield; the River Valley Market in Northampton; the Holyoke Health Center; and now the High Performance Computing Center in Holyoke as well.

But I want to focus today on the Colonial Theater in Pittsfield, Massachusetts. Pittsfield is a city in western Massachusetts with a population of about 42,000 people. It's the largest community in that region of the State. It has struggled with unemployment and urban blight. The Colonial Theater is a rare architectural gem and one of the greatest acoustical houses in the world, located in the heart of Pittsfield. It was built at the turn of the century, and it was closed for more than 50 years. Periodic attempts to redevelop the theater failed for lack of money and sustained public support.

However, thanks to New Markets Tax Credit, financing of \$16.7 million of a total project cost of \$21 million, this 70,000 square foot theater and adjacent building were magnificently restored. With 823 seats, the theater reopened in 2006 and now features an impressive lineup of plays and musical shows. James Taylor is currently performing at the Colonial Theater as part of the cast of "A Christmas Carol." Since its renovation, the theater has hosted Arlo Guthrie, the Four Tops, and Bob Weir of the Grateful Dead will perform this spring. Recent musicals and plays at the Colonial Theater include "The Who's Tommy," "The Producers," "The Wizard of Oz," and "Rent."

After the first 2 years of operation, the independent research firm Center for Creative Community Development estimated that the Colonial Theater sustains a direct economic impact of \$4 million annually and 100 full-time jobs in the Berkshire area.

The Colonial Theater is a symbol of the re-emergence of Pittsfield as an economic and cultural center of the

Berkshires. Anchoring the city's comprehensive strategy for downtown revitalization, the restored and vibrant Colonial Theater—along with six-screen Beacon Cinema Complex, also financed with New Markets Tax Credits—has created jobs, attracted new businesses, spurred residential development, and added vitality to this city. Widespread street-level vacancies in downtown Pittsfield has been virtually eliminated and 45 new businesses and restaurants have opened. The restoration has helped attract an estimated 400,000 new visitors to the downtown Pittsfield area each year.

Let's rejuvenate the New Markets Tax Credit program.

#### WELCOME HOME, COMPANY C

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MCKINLEY) for 5 minutes.

Mr. MCKINLEY. Madam Speaker, today I am happy to announce that Company C, 150th Aviation United of the West Virginia National Guard is on the way home to their families and should arrive this afternoon after serving our Nation for the past 12 months in Kosovo. Truly, there could not be a better Christmas present.

Company C is based in the First District of West Virginia in my hometown of Wheeling and was deployed 1 year ago to Kosovo on a peacekeeping mission. While overseas, the unit was responsible for all aerial operations within their area of responsibility. Company C soldiers logged 2,899 flight hours in 951 missions, they ran multiple mechanical inspections and refueling missions, and dispensed 246,260 gallons of fuel.

The West Virginia National Guard plays a key role in the defense of our country and interests around the world. America could not be prouder to have these men and women as our representatives.

Today I am thrilled to say, Welcome home, Company C.

#### SUPPORT AMERICA'S CIVIL SERVANTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Madam Speaker, yesterday we passed a Defense authorization bill. That Defense authorization bill had a 1.6 percent increase for our military personnel. That was an appropriate thing for us to do.

However, at the same time we are looking at reducing very substantially the pay and benefits available to our civilian Federal employees. Madam Speaker, I rise out of a deep concern that this Congress continues to ask one group to sacrifice to bring down our Nation's deficit while not asking others to contribute as well.

That one group are average working Americans. Now, they work for the Federal Government, some perhaps the State and local governments. And there is an antipathy towards government by many, many of the public, many Members of this House. That antipathy is, therefore, focused on the workers. But we have substantially fewer Federal employees today than we had 20 years ago, not only in terms of real numbers but in terms of per capita, where the population has substantially expanded and the number of Federal employees per person to be served has been substantially reduced.

With all of the challenges we face today on a national scale, we ought to ensure that those who help devise solutions and carry them out receive the recognition they are due. We talk a good game on this floor; but, very frankly, we turn it over to employees to carry out our policies. We don't do that. They do it.

They should not be constantly subjected to the kind of verbal attacks and legislative assaults we have seen over the last couple of years and that are included in the bills that have passed this House just this past week. I am speaking, of course, about America's public servants.

Those who work in civilian government positions are no less important to our safety, health, prosperity, and general well-being than their military counterparts who protect our freedom.

I honor our troops. I will be wearing a yellow ribbon later today to welcome home those troops who have fought to protect country, defeat terrorists, and stabilize the international community. They have blessed America with their courage and their commitment and their service.

□ 1020

But Federal civilian employees make certain that the products we buy and the prescription drugs we use are safe. They perform critical research to advance the fight against cancer and other diseases. They help our farmers and ranchers access new markets for their goods. They see millions of passengers travel safely across our skies and keep watch over our ports and border crossings. They ensure a fair playing field for banks and businesses and enforce the rules we have in place to preserve the health of our air and water from pollution.

So many of the public functions we often take for granted are the purview of the hardworking men and women who constitute our Federal workforce. They're middle class Americans, working Americans, who have, in many cases, chosen to serve their country by lending their talents and skills—some for a short time, others for their entire careers.

As an American, I am proud of the work they do, and as a Member of Con-

gress from Maryland, I am proud to represent a great number of them in this House. But for those who believe that most or even a significant number of our Federal workers live here in Washington, Maryland and Virginia, let me set the record straight. Eighty-five percent of Federal employees live and work somewhere other than the Washington metropolitan area—85 percent. They provide essential services to neighbors and communities in all 50 States and every single one of our districts.

Everything must be on the table when addressing the budget. And by the way, I put on the table a zero COLA adjustment 2 years ago sitting in the White House around the table, having talked to leaders of our Federal employees. I said, look, we need to tighten our belt. Americans are having trouble, we have a lot of our neighbors out of work, we need to tighten our belt, and we took a zero percent. We have taken it 2 years in a row, a \$60 billion contribution already by Federal employees—\$60 billion. We say we can't raise a nickel of additional taxes from the most well off in America, but we can take \$60 billion from average working men and women in this country. Everything must be on the table.

I'm deeply disappointed, however, that we continue to attack these public servants unfairly and single them out. Now when I say "we," I mean the Republican bills that have been offered on this floor and have been discussed.

When middle class families across the country are struggling to make ends meet, Federal employees have already accepted a 2-year pay freeze. That was appropriate. That was acceptable. But continuing assault on just one segment is not. This comes on top of salaries that are already lower than those for comparable private-sector jobs. Let me repeat that because there is a prejudice that somehow Federal employees are vastly overpaid. In fact, the Federal Salary Council's annual report last month found that Federal workers are paid, on average, 26.3 percent less than comparable private sector jobs.

Now some people don't understand that because what we ask our Federal employees to do requires for the most part high skills. We have a lot of engineers, scientists, and doctors at NIH, at Goddard NASA and in the FBI, highly skilled, highly educated people, a 26.3 percent differential in pay for comparable work that is done in the private sector.

Now most of you who, many of you are sitting there, and perhaps our viewers, are saying, oh, no, that's not true, I know it's not true, because I see what the average salaries are. What they don't see are the average requirements for skills.

Madam Speaker, America's public servants are already making a con-

tribution because they loved this country and recognized that when times are tight, everyone—everyone—everyone has to pitch in, even the best off in America. A belief in smaller government does not grant one license to diminish the contribution made by those who serve in government. If we cut government and need less people to run it, that makes sense.

But what does not make sense is to undermine the ability to recruit and retain the quality of people that we need to continue to make this country, in partnership with the private sector, the greatest country on the face of the Earth. We must always remember that we are blessed, as Lincoln said, with a government of the people, by the people and for the people, that this is us together, the one who serves and the one who benefits from that service. It is the bond of a neighbor and that of a fellow American. Let us remember that. Yes, we need to tighten the belt in a notch. We need to make sure that we are on a fiscally sustainable path. But let us do so in a way that has everybody contribute, not just an unfavored few who serve us well.

#### FIXING THE PAYROLL TAX

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, one of the items of unfinished business remaining to this Congress is extending the payroll tax cut of last year that funds Social Security. It is an inframarginal tax cut, meaning that it doesn't change economic incentives and therefore it doesn't produce lasting economic growth. But it does provide great relief to working families, allowing them to keep more of their earnings at a time of declining incomes, shriveling assets, and rising prices, and it should be extended. But it must be extended responsibly to avoid doing further damage either to the economy or to the Social Security system that this tax supports.

That means we have to make up the lost revenue. Now the Democrats have said, well, no problem, just tax the rich. In fact, they say that a lot. The problem is that the tax increases they propose are marginal tax increases, precisely the kind of tax increase that does enormous damage to the overall economy. Remember, more than half of net small business income would be subject to their tax increase—at precisely the moment when we're depending upon those small businesses to create two-thirds of the new jobs that our people desperately need.

Now the measure passed out of the House this week also does far more harm than good. Unfortunately, the House added \$167 billion to this year's already crushing deficit, mostly to pay

for the payroll tax cut, purporting to repay 1 year's tax relief over the next 10 years. How does it do that? Well, in part, it tacks on additional fees to mortgages backed by Fannie Mae and Freddie Mac. This shifts the burden to home buyers, who will end up paying far more in new taxes that are now hidden in their mortgage payments than they will ever get back from the tax cut. True, under the House version, the average family will save over \$1,000 in payroll taxes, but if that family takes out a \$150,000 mortgage backed by Fannie or Freddie, they'll end up paying an extra \$3,000 as a result of this bill—\$1,000 of tax cuts for \$3,000 of extra mortgage payments.

Put more bluntly, the House version kicks the housing market when it's already down, making it that much more expensive for home buyers to re-enter that market and adding to the pressures that have chronically depressed our home values. Worse, the House version would turn Fannie and Freddie into tax collectors for the general fund. If the House bill is enacted, we will have constructed a cash machine for government with an adjustable knob. And given the insatiable appetite of this government, the odds are far greater that that knob will be turned up and not down in coming years.

Ironically, one of the reasons to continue the payroll tax cut is because of shrinking family assets—mainly the value of their homes. The House version adds to the downward pressure on their home values while telling them we're doing them a favor. Some favor.

Fortunately, there is a way to extend the payroll tax cut, protect the Social Security system, and avoid doing further harm to the economy, and that's the measure offered by Mr. LANDRY of Louisiana, H.R. 3551. That bill was given short shrift in the House last week, and that's a shame.

Mr. LANDRY's bill would give every American the choice to receive the year of tax relief in exchange for delaying their retirement by a month. According to the Social Security chief actuary, this would pay for itself. It would give every family in America the choice of deciding for itself whether the benefits of the tax cut are worth the cost of working a month longer. It would provide tax relief for those families that need it without doing harm to the Social Security system that the tax supports and without shifting the burden to pay for it to home buyers, as the House version does, or to job creators, as the Senate version would have done.

It's not too late to fix this problem the right way. And I would strongly urge the House to take Mr. LANDRY's bill more seriously in the closing days of this session.

□ 1030

#### BILL OF RIGHTS DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Madam Speaker, today is the 220th anniversary of the passage of the Bill of Rights. It was declared Bill of Rights Day by Franklin Roosevelt back in the forties and it's an anniversary that's too often overlooked.

Ken Paulsen, the President of the First Amendment Center in Nashville, Tennessee, at Vanderbilt University's campus and the American Society of News Editors, recently wrote that the Bill of Rights is "a document that guarantees core personal liberties, including freedom of expression and faith, a fair judicial process, the right to bear arms, and protection against unreasonable government seizures . . . yet almost no one takes time to reflect on the importance of December 15th and the anniversary of these fundamental freedoms," and particularly what they really are. That's why I wanted to come to the well today and spend a few minutes reflecting on this amazing document and the freedoms that we derive from it.

It's easy to take our Bill of Rights for granted. Of course we have the right to speak our minds. We don't live in fear that the police will break down our doors without exigent circumstances or a warrant. It would be ridiculous to imagine a church of America to which we all must belong and to which we must worship according to its dictates; but you only need to look across the globe to the Arab Spring and elsewhere to see millions of people protesting and risking their lives just to have a taste of the freedoms we take for granted, and you realize how fortunate we are.

When the Constitution was ratified, there were very few individual rights guaranteed. It was mostly about setting up the structure of government. But Thomas Jefferson and others argued that the Bill of Rights was necessary to protect individuals from their government. Think about how wise the Founders were to ensure that the very government they were establishing would not encroach on certain fundamental liberties of the people. As Jefferson wrote in letter to James Madison, "a bill of rights is what the people are entitled to against every government on Earth."

Since Jefferson was not part of that Constitutional Convention, James Madison took up the task of drafting a bill of rights. After much debate and compromise, 10 amendments were approved and added to the Constitution. Right at the very beginning, we find the bedrock of the Bill of Rights, the great five freedoms of the First Amendment: religion, freedom of speech,

press, to peacefully assemble, and petition of government. Those are the most basic freedoms we have, but they're not always without controversy.

From the so-called "War on Christmas" to government-led prayer in school, we continue to debate what the free exercise of religion and the establishment clause meant. And that is not new.

Thomas Jefferson found himself deep in the war over religious liberty as well. In response to attacks that he was insufficiently religious, he wrote in a letter to Benjamin Rush, "For I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man." He went on to explain in his famous letter to the Danbury Baptists that there is "a wall of separation between church and State" since "religion is a matter which lies solely between man and his God."

But that does not put the issue to rest. We continue to wrestle with these issues today. But the Bill of Rights, particularly the First Amendment, is what enables us to work our differences out peacefully through the democratic process.

We have the right to speak our mind without fear that the government will stifle dissent. We have the ability to hold our government accountable with a vibrant free press because an informed citizenry is what keeps democracy strong. And we have the right to protest when we're dissatisfied with our government.

Whether it's actions by the Tea Party or the Occupy movements, the people are exercising their right to assemble and petition their government for redress of grievances. As elected officials, it's up to us to consider their causes while also protecting their rights.

I remember back in 1993 when I was a Tennessee State senator, in one week I stood on the legislative plaza and I defended the Second Amendment urging the passage of Tennessee's right to carry bill, and the next week I was on the plaza supporting a woman's right to choose, which comes through the Ninth Amendment. No two people of either of those rallies were the same; they were indeed very different. But what they were advocating was both in the Bill of Rights, and both supported such and the Bill of Rights supported them.

I have devoted much of my career to fighting for fairness in our criminal justice system. It's the Bill of Rights that builds fundamental fairness into that system, particularly the Fifth, Sixth, and Eighth Amendments. It guarantees that we'll have a reasonable bail, a fair chance to prove our innocence, have a lawyer, be able to question witnesses, and, if convicted, we won't be subject to torture or other cruel and unusual punishments.



The Bill of Rights embodies the core values of this Nation: freedom, fairness, justice, and equality.

We need to remember, though, that we have not always upheld those values. For example, the Fifth Amendment guarantees that we won't be deprived of life, liberty, or property without due process of law. But many of the same people who drafted the Bill of Rights and the Constitution owned slaves, treated them as property, and gave them no rights whatsoever. It took almost 100 years to abolish slavery and almost another 100 years to get beyond the Jim Crow laws that continued such.

We must honor the Bill of Rights and respect it for what it has done and recognize it today.

I thank Thomas Jefferson and James Madison and others who gave us the Bill of Rights; and I swore upon the altar of God, eternal hostility toward all forms of tyranny over the mind of man.

We must always strive toward that "more perfect union" discussed in the preamble of the Constitution.

That's why we should be thankful for the organizations that fight each day to defend the Bill of Rights and our freedoms.

You may not always agree with them, but groups like the ACLU, People for the American Way, and the Freedom Forum, are on the front lines defending our rights, even when it means taking unpopular positions.

Every day, we're touched by the Bill of Rights, but too often we fail to recognize its importance.

I hope my colleagues, and all Americans, will take time today to think about the Bill of Rights and how lucky we are to live in a country that guarantees us the liberty and freedoms enshrined in that document.

#### GUNS AND MONEY SENT TO CARTELS BY U.S. GOVERNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Madam Speaker, when most people think of smuggling, they envision outlaws in the dark of night lawlessly shuffling around guns and money to other outlaws. Most people would never imagine that the government of the greatest nation of the world would be engaged in a stealth smuggling operation by sending guns and money to narcoterrorists.

It appears a group of people in the ATF and the DEA, all under the supervision of the Department of Justice, facilitated trafficking of guns and money to the drug cartels—the national enemy of Mexico and of the United States. These vicious cartels have inflicted terror on both sides of the border. They are literally at war with the Mexican people, the people to the south of us, our neighbors.

First we learned that the Justice Department, with the help of the ATF,

apparently facilitated smuggling of over 2,000 weapons to the drug cartels. These guns included semiautomatic weapons and sniper rifles. People have died because of this activity. These weapons were used to kill at least 200 Mexican nationals and two U.S. agents.

The Attorney General admitted to me in the Judiciary Committee last week, more people are going to die, all because our government is helping the drug cartels in Mexico obtain automatic weapons.

Of the 2,000 weapons smuggled to Mexico, most are still unaccounted for. We don't know where they are.

The Attorney General is the chief lawyer and law enforcement officer in the country, but he claimed last week in the Judiciary Committee he didn't know about Fast and Furious until recently. He either didn't read the memo or he didn't get the memo. What is more remarkable, Madam Speaker, he claims he doesn't know who authorized the smuggling ring. To coin a phrase from Secretary of State Hillary Clinton, the idea that Eric Holder, the head of the Department of Justice that oversaw this operation, was not involved or was unaware of what took place requires a "willing suspension of disbelief."

The question is: Is there a rogue group of moles operating stealth activity in the Department of Justice? Apparently, no one really knows. The Attorney General also admitted last week that this operation was in fact reckless.

It's worth noting, Madam Speaker, when a person recklessly causes the death of another person, it's the crime of manslaughter. If people under the Attorney General violated U.S. or international law, they need to be accountable for their actions.

It's been almost 1 year since Agent Brian Terry was murdered and when we first learned about this foolish operation we now know as Fast and Furious. Terry was killed by one of these smuggled guns to Mexico, but yet no one claims to know who is responsible.

The second part of the rogue operation was the apparent laundering of money to the Mexican narcoterrorists facilitated, once again, by the United States Government.

According to a New York Times report last week, undercover American narcotics agents from the DEA laundered or smuggled millions of dollars in drug money to the drug cartels. How many millions, no one knows. They allegedly handled the money on its path to the hands of the drug lords. This failed operation, like with the guns, was an effort to track the money and bring down the cartels. Of course, the cartels are as strong as ever.

The administration claimed in a statement last week that it was working with the Mexican Government on the operation on "joint investigations

to detect and dismantle money laundering networks." However, according to a spokesperson for President Calderon of Mexico, they had no idea the DEA was involved in this drug money laundering operation.

The DEA and the ATF are under the control of the Justice Department. These disturbing operations facilitated the worst kind of result: They have resulted in people dying. And millions of money and hundreds of guns are unaccounted for.

□ 1040

The drug cartels are the narcoterrorists. They are the enemy of Mexico and the U.S. They exist to obtain money and guns, and the United States helped them get both. Somebody needs to go to jail.

We need an independent counsel to investigate the Justice Department and the ATF. The Justice Department cannot be trusted to investigate themselves because the agency has lost credibility. Even Washington insiders responsible for Fast and Furious and money laundry smuggling cannot hide from the long arm of the American justice system because, Madam Speaker, justice is what we do in this country.

And that's just the way it is.

#### IN GOD WE TRUST, BUT CAN HE TRUST US?

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. I rise, Madam Speaker, to share with the House the importance of extended unemployment insurance, increasing disposable income, and to try desperately hard to shatter the myth that some of the opponents of extended unemployment have expressed, and this is that Americans don't want to work and would prefer to receive a check and that receiving this check is a deterrent for them to go out and search for jobs.

I can't believe that this is a Republican doctrine because, outside of these Halls, most Americans don't wear on their sleeves whether they're Republican or Democrats or liberals or conservatives. Most Americans just want to be a part of this wonderful American Dream.

And while we work in order to have wages, so much a part of having a job is self-esteem. That's what our great country is about. Not since the Depression have Americans felt so embarrassed because their kids are being asked questions as to did your daddy and mom lose their job.

People who thought they made it into the middle class, which is the economic heartbeat of this great Nation, moved into communities with higher rents or higher expenses in terms of their homes; and then they were hit by this economic nightmare. Through no

fault of their own, they lost their jobs, their homes, their savings, their hope. And they are out there, and we are saying that they don't want to work, that they enjoy being unemployed?

You know, this great Nation has the Constitution as its foundation, but there's something that's not written there, and that is, if you can make your way to America, you can improve, not just your status, but the status of your kids and your grandkids.

Something has happened with this dream as it becomes a nightmare, and it has to do with disparity of the income because if you are born into poverty, chances of getting out of it in the United States of America is far less than in some other countries. That's not us. That's not what we believe in.

And no one is asking for a class war. We're talking about a class in understanding the economy of this great Nation. Less than 1 percent of Americans own 42 percent of America's wealth. And worse than being poor, more Americans who thought they reached the middle class wake up each and every day and find out that they're back into poverty.

Can't we find some way to realize that this is not a party issue, that these are the principles of the United States of America?

Don't we know that these debates that we're having as to who can be the meanest and most ridiculous is causing us, as a Nation, to lose the principles? And aren't these principles how do we treat the lesser of our brothers and sisters in this country? Isn't the question of how we treat our children, is that gone out of the window? Our aged, our sick and those in poverty?

Isn't there something when middle class people have to watch the cash register when they're paying out at the counter to make certain that they didn't pick up more than they can pay for?

What about having your possessions put in the street for nonpayment of rent?

They're looking for unemployment compensation checks as a way of life? They have to explain this?

No, we have to get back our dignity as a Nation, and it doesn't include the gridlock that we have in the House of Representatives. Sure, getting elected is important. But fulfilling the American Dream is far more important than anything this Nation's based on.

Yes, God bless America. Yes, in God we trust. Let's hope that God trusts us.

#### PLANNED PARENTHOOD INVESTIGATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Madam Speaker, last week, seven former Planned Parenthood employees wrote a joint letter to

the Energy and Commerce Committee detailing the facts that many of my colleagues and I have long believed to be true. Planned Parenthood is grossly misusing taxpayer funds.

These former employees revealed that clinic staff failed to properly follow correct billing procedures to prevent Federal tax dollars from being used to fund abortion services as demanded by law. They outlined other horrific violations, including failure to properly notify parents when a vulnerable young girl may have been a victim of rape and is seeking an abortion.

These former employees also wrote that abortion is indeed offered as a means of family planning, in blatant violation of Federal law. For years, we feared that Planned Parenthood was engaged in several of these abuses, and now we have the inside information from brave folks who have confirmed these fears.

In an effort to shed light on how much taxpayer money is at stake and to keep a promise I made to the people of Texas 22 when I was first elected, I requested a GAO report to give the public a full accounting of exactly how much Federal money is sent to organizations that perform abortions each year. We learned that over a 7-year period, the taxpayer price tag to these organizations is almost \$1 billion.

And last week I was further sickened to learn that, according to the former Planned Parenthood employees, between Federal and State contributions, Planned Parenthood alone receives roughly \$1 million per day of taxpayer funds. And yet they're accountable to no one, including the taxpayers who morally oppose these funds being used to end an innocent life.

I thank my Energy and Commerce colleague, Subcommittee Chairman CLIFF STEARNS, for launching an investigation into this matter. And I'm confident that the full committee will do a thorough audit of this corrupt organization. An investigation is sorely overdue.

Madam Speaker, behind me is a picture of one of the largest Planned Parenthood clinics ever built. Tragically, it's located right outside of the district I represent in Houston, Texas. It's surrounded by four low-income minority neighborhoods, Planned Parenthood's target audience.

This massive building has an entire floor dedicated to abortion services and rumored late-term abortions. And because of the seven former Planned Parenthood employees, we know doctors and clinic employees have illegally encouraged young girls to abort an unborn child as a means of family planning, all on the taxpayer dime.

Americans should be outraged to learn of this horrific and possibly illegal use of their tax dollars. Planned Parenthood must be held accountable.

I will continue to fight to cut off every single tax dollar that Planned

Parenthood and similar organizations receive. We can never tire. We can never rest in our moral obligation to protect our Nation's unborn children.

□ 1050

Federal tax dollars are legally prohibited from being used for abortions. Under our Constitution, the Obama administration has a duty to enforce these laws. Under the same Constitution, the Congress has a duty to ensure that the executive branch follows the law of the land. I applaud those Americans who bravely raise their voices on behalf of innocent children who don't have one and maybe never will.

#### BILL OF RIGHTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. McDERMOTT) for 5 minutes.

Mr. McDERMOTT. Madam Speaker, today we celebrate an action that took place 220 years ago when we passed the Bill of Rights. But I rise today to express my dismay at the passage of the National Defense Authorization Act yesterday. Not only did this bill curb our ability to keep America safe, it made a mockery of our constitutionally protected rights.

But there is a larger point about the state of this country which is worth noting. Over the past several months, this body has wasted precious time writing a defense authorization bill with so many unsavory provisions the President threatened to veto it.

National security officials from all political spectrums condemned it as dangerous and unnecessary. In the end, the bill was watered down in response to many of the serious concerns about the bill, though it did not go nearly as far as it should. The final bill still contains restrictions on transfer of Guantanamo detainees and grants the President the power to indefinitely detain without trial American citizens in military custody. It shows just how far along the slippery slope our country has moved since 9/11 in authorizing sweeping powers to the President at the expense of our civil liberties.

Let's be clear. The over-militarization of our counterterrorism efforts goes against American values and civil liberties, though some people continue to justify it through fearmongering. We saw this after the horrific events of 9/11 when President Bush signed into law the Patriot Act that dramatically expanded law enforcement agencies' ability to search telephone, email, and financial records without a court order in the name of intelligence gathering.

One section of the Patriot Act even allows the FBI to review library records, to look at which books you're reading.

In short, what we've done over the past decade is embrace national secrecy over national security. And the

NDA bill took the Patriot Act to a whole new radical level. What the advocates of this bill don't seem to realize is that the American public is already paying a price in the name of keeping our Nation safe.

In September the Center for Investigative Reporting and NPR conducted a joint investigation into private security at the Mall of America in Minneapolis. They found that the mall security personnel stopped an average of 1,200 people a year. Nearly two-thirds of those people belong to racial and ethnic minorities. Personal information from the suspicious activity reports from the mall were sent to the FBI. So they've got an FBI file. Some of these people were reported for looking at the security guard in a "suspicious" way.

An Army veteran was questioned for nearly 2 hours about a video he made inside the mall. One man left his cell phone on a table in the food court, and an FBI agent showed up at his family's home asking if they knew anyone who might want to hurt the United States.

These intrusions create a chilling effect that causes law-abiding Americans to think twice about exercising their basic constitutional rights to speech and assembly.

James Madison, as you heard, wrote the Constitution and the Bill of Rights, and he once said, "The means of defense against foreign danger historically have become instruments of tyranny at home."

That could not ring truer than yesterday. This is a sad day for our liberty and freedom when we give to the President—we may like the President, we may think he's a great man—but to give that office the power to hold Americans without trial in military custody indefinitely is eroding our right to a free trial and an ability to confront our accuser. Those things that are in that Bill of Rights are being taken away from all of us.

Now, we think it won't happen to me. Be careful. That's what people thought in a lot of other places in the world. And suddenly, as Martin Niemöller said in the German prison camps, "And then they came for me, and there was no one to stand up."

#### SUDAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, I was pleased this morning that The Washington Post did a story on a shameful development here in Washington; namely, that Bart Fisher, a Washington lawyer, was granted a license by the Office of Foreign Assets Control, OFAC, at Treasury, to represent the genocidal government of Sudan. I submit a copy of the Post article for the RECORD.

The Sudanese people have long been brutalized, marginalized, and terrorized by their own government. Yet, unbelievably, it seems the same regime has been afforded the privilege of legal representation in Washington by the Obama administration.

According to a news report earlier this week in Africa Intelligence, Mr. Fisher was hired with the express purpose of trying to "lift American sanctions against it." In documentation posted on the Department of Justice Web site, it appears that Mr. Fisher was granted a license by the Office of Foreign Assets Control at Treasury to provide this representation, and that he plans to engage in political activities, among them "representations, including petitions to U.S. government agencies regarding sanctions."

I'm appalled that this has been permitted and someone or Mr. Fisher's political contributions were a factor. The administration should reverse this approval.

Martin Luther King famously said, "In the end, we will remember not the words of our enemies, but the silence of our friends." The Obama administration should remember the words "the silence of our friends."

What must the people of Sudan be thinking at this particular juncture when the administration struggles to find its voice on their behalf, while at the same time seemingly empowering the voice of their oppressors?

Sudanese President Omar al-Bashir's crimes are well known and documented. This is the same man that is accused by the International Criminal Court of five counts of crimes against humanity, including murder, rape, torture, extermination, and two counts of war crimes.

I've been to Sudan five times, including in July of 2004, when Senator Sam Brownback and I were the first congressional delegation to go to Darfur. We spoke with women who had been raped just days earlier. The Arab Janjaweed militias, armed by Khartoum, the government of Khartoum of Sudan, told these women that they wanted to make "lighter-skinned babies."

In addition to horrific human rights abuses and crimes committed by Bashir and his National Congress Party, Sudan remains on the State Department's list of State sponsors of terrorism. It is well known that the same people currently in control in Khartoum gave safe haven to Osama bin Laden in the early 1990s. Moreover, Khartoum was a revolving door for Hamas and other designated terrorist groups.

But Bashir's crimes are not merely a thing of the past. At the recent Tom Lantos Human Rights Commission hearing on the crisis in Southern Kordofan and Blue Nile states in Sudan, a former Member of Congress

and President of United to End Genocide, Tom Andrews, spoke about his experiences while visiting the region.

He said there were reports of "Sudanese armed forces and their allied militias going door to door targeting people based upon their religion and based upon the color of their skin." And yet the Obama administration gives them the right to have somebody in this town represent them.

□ 1100

A recent delegation from the U.S. Commission on International Religious Freedom visited Sudan and met with refugees in Yida camp. They returned with similar reports. All of the pastors with whom they spoke said they fled southern Kordofan after learning that the Sudanese military was undertaking house searches for Christians and SPLM-North supporters.

We stand just blocks from a museum that cries out, "Never again." Meanwhile, it appears that this administration is complicit in allowing a genocidal government to have an advocate in Washington.

The people who have the authority and the power to stop this from happening are President Obama, Secretary of State Clinton, Secretary of the Treasury Geithner, Adam Szubin, who is the head of the office of OFAC, and David Cohen, the Under Secretary for Terrorism and Financial Intelligence at Treasury.

History will be the judge if they fail to act.

[From the Washington Post, Dec. 15, 2011]

SUDAN HIRES WASHINGTON LAWYER

(By Dan Eggen)

The Obama administration has allowed the Republic of Sudan to hire its first U.S. lawyer in years, prompting strong objections from human rights groups and some members of Congress.

Bart S. Fisher, a veteran international trade lawyer, is being paid \$20,000 a month by Sudan to help the strife-torn African nation in its attempts to have U.S. economic sanctions lifted and be removed from the State Department's list of terrorism-sponsoring governments, according to federal registration documents.

The hiring has angered U.S. human rights activists and some lawmakers because of the Sudanese regime's history of alleged genocide and other atrocities against its citizens during a decades-long civil war. Fighting has flared again this year along the border with newly independent South Sudan, displacing an estimated 400,000 people and prompting new accusations of indiscriminate bombing and illegal killings by the Khartoum government.

Rep. Frank R. Wolf (R-Va.), a longtime critic of the Sudanese regime, attacked Fisher in the House and during a news conference this week for agreeing to work for "a genocidal government" that "has blood on its hands." He also said he suspected the administration may have issued a license to Fisher because of the lawyer's past campaign contributions to President Obama, Secretary of State Hillary Rodham Clinton and other Democrats.

"I don't know how Mr. Fisher sleeps at night," Wolf said on the House floor Tuesday, adding later: "If he has received one

penny from the government of Sudan, he should return it immediately."

An alliance of activists, Act for Sudan, plans to picket Fisher's Washington offices on Friday. "Our government should not be seeing this as the time to reward the government of Sudan," said Act for Sudan spokesman Eric Cohen.

Fisher said in an interview Wednesday that the objections are misplaced and based on the erroneous idea that he is working as a lobbyist. Under the terms of the license issued by the Treasury Department, which enforces sanctions against Sudan, Fisher may only represent the Khartoum government in legal matters and is forbidden from lobbying or engaging in public relations, records show.

"I am not a lobbyist," Fisher said. "I am a lawyer, and the Embassy of the Republic of Sudan is my client."

The State Department has designated Sudan a state sponsor of terrorism since 1993, when the United States imposed sanctions on the country for harboring terrorists such as Osama bin Laden. The restrictions remained amid persistent allegations of genocide and other crimes during a 20-year civil war. A fragile peace agreement in 2005 led to the formation this year of the new nation of South Sudan.

The Khartoum regime has long sought ways to persuade the U.S. government to lift its restrictions, including the hiring of a Washington lobbyist in 2005, who was later prosecuted for working on behalf of the country in violation of sanctions.

The Washington Post reported in 2009 that the regime had worked through the nation of Qatar to enlist the help of former Reagan administration official Robert "Bud" McFarlane, who is now an adviser to Newt Gingrich's presidential campaign.

Documents filed with the Justice Department under the Foreign Agents Registration Act show that Fisher was hired Nov. 1 to "counsel and assist the Republic of the Sudan in satisfying appropriate U.S. conditions to reduce and eliminate the Sudanese Sanctions Regulations and related U.S. laws." A license allowing the deal was issued by Treasury on Nov. 16, records show.

The fee is \$20,000 per month, paid quarterly. Fisher's wife also received a gift of a purse and two candlestick holders from the republic on Nov. 2, disclosure records show.

A Treasury official, speaking on background, said that the agreement adheres to sanction guidelines because legal representation, but not lobbying or public relations, is allowed.

"Recognizing the importance of due process and opportunity for redress, our regulations ensure that even the worst actors have the opportunity to challenge the blocking of their property before U.S. government agencies and courts," the official said in a statement.

Fisher said Sudan's government needs legal representation to continue implementing the 2005 peace accord, which includes complex negotiations over transportation and other infrastructure issues with South Sudan.

"Is it controversial? Yes. But is it improper to have counsel under the Sixth Amendment of the U.S. Constitution? I don't think so," Fisher said. "Why would they not have a right to counsel like anyone else?"

#### A "NO" VOTE ON NDAA: LET'S PROTECT AMERICA BY SHOWING OUR COMPASSION AND HONOR

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from

California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Madam Speaker, now that the war in Iraq is drawing to a close, this is the perfect moment to reset our national security strategy, to change our underlying approach to protecting America.

Unfortunately, on the very day that the President visited Fort Bragg to affirm our full military withdrawal from Iraq, this body approved—without my vote—the National Defense Authorization Act, which will continue to dedicate billions upon billions of taxpayer dollars to warfare and weaponry.

While it's true that the bill represents some modest attempt at cuts, authorizing less than current law spending and less than the President requested, we're still talking about \$662 billion in defense programs. \$662 billion is a lot of money. It is particularly a lot of money at a time when the House majority won't part with a thin dime to create jobs and is committed to scaling back unemployment benefits.

The NDAA includes funding for the continued prosecution of the war on Afghanistan—a disastrous policy that proves to be a bigger failure with each passing day. We continue to spend enormous amounts of the American people's money on a war the American people don't support, and in so doing, more young Americans are either killed or maimed.

And to what end? For what benefit? For a policy that has emboldened the insurgents, inflamed anti-Americanism, and done little to bring peace, security, and stability to Afghanistan.

The authorization of military spending flies through the Congress while the domestic investments we need to put our people back to work are dead on arrival on the other side of the aisle. The authorization of war spending—exorbitant, excessive amounts of war spending—is rubber-stamped by this body when we could be spending pennies on the dollar to protect America more effectively with diplomacy, development, and other SMART Security tools.

To make matters even worse, the National Defense Authorization Act includes unacceptable provisions relating to the handling of detainees. It grants the President—any President—and the military broad powers to throw a U.S. citizen in jail indefinitely for suspected terrorist ties; without a swift civilian trial, without full rights of due process, without the proper presumption of innocence.

I emphatically reject the idea, Madam Speaker, that defending the Nation requires an assault on civil liberties and the rule of law. Madam Speaker, it makes no sense to say we are defending freedom by undermining freedom, to say we're going to defeat authoritarian forces by adopting authoritarian tactics of our very own.

Just the opposite, in fact.

We protect American interests and values by showing our Nation's compassion and honor—the better angels of our nature and not our darkest instincts.

United States security depends on winning hearts and minds around the world, but we'll never do it with military occupations and repressive detention policies. We'll do it by bringing our troops home and by immediately adopting the principles of a smarter security policy.

#### ISRAEL, TOGETHER WE STAND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. A few months ago, Prime Minister of Israel Benjamin Netanyahu addressed a joint session of Congress in this very Chamber.

He was welcomed by Members with a standing ovation. Several times during his speech, Congress responded with applause. When a person in the gallery attempted to disrupt his speech, the entire House stood and applauded to show support for the Prime Minister over the disruption.

The Prime Minister noted that people can speak out in a democracy that supports free speech. We all know what happens when citizens challenge their governments in Syria, Iran, Libya, and other repressive countries. The Prime Minister clearly laid out his concerns for the Middle East, support for a two-state solution and a clear and unequivocal message against Iran's nuclear weapons development.

And following his speech, the joint session of Congress gave the Prime Minister a closing standing ovation.

Recently, New York Times columnist Thomas Friedman commented on Congress' response to the Prime Minister.

He said: "I sure hope that Israel's Prime Minister, Benjamin Netanyahu, understands that the standing ovation he got in Congress this year was not for his politics. That ovation was bought and paid for by the Israel lobby."

Now, Madam Speaker, I don't know if Mr. Friedman was in the Chamber at the time, and I do not know if he interviewed Members of Congress following the Prime Minister's speech. I certainly know he did not speak with me nor many of my colleagues before he came to this wrong conclusion. So for the record, I wanted to make it clear why I and others stood when the Prime Minister of Israel addressed the joint session of Congress.

I rose for the Prime Minister because he is a leader of state. We always show respect for such leaders—but in this case, there were greater reasons for our action.

I also rose because Prime Minister Netanyahu is the leader of a nation I

respect, of a people I admire, and of a culture that I cherish.

I stood up in support of a nation that protects religious freedom for all religions even when they are surrounded by other nations that will not permit Christian churches nor synagogues to be built and are surrounded by those whose people burn down Coptic Christian churches.

For Israel's tenacity, courage, intelligence, creativity, inventiveness, and endurance over thousands of years, I stood in respect.

When Iranian leader Mahmoud Ahmadinejad said Israel must be "wiped off the map" and "the uniform shout of the Iranian nation is forever 'death to Israel'" and that the Western powers "launched the myth of the Holocaust . . . They lied; they put on a show and then they support the Jews," I stood up in support of Israel and stood against these hostile and hateful and false comments.

While Iran continues to develop nuclear weapons and openly threatens Israel and the Middle East and Europe, while some may cower in fearful silence, we will stand against nuclear proliferation by these rogue nations. That is why we passed strong sanctions against Iran and why we support all options to protect our friends.

We stood in support of Israel's continuous support of the safety and security of the people of the United States. When we were attacked by terrorists, Israel stood by us and continues to stand by us, and they take personal risks in doing so. We stood to show our gratitude to the people of Israel.

Now, like any relationship, ours is not perfect nor without differing thoughts and opinions. To be sure, there are times when we honestly disagree. That is the nature of governments elected by the people. There will be debate, but we must use these as opportunities to learn from each other, to reaffirm our promises, and to grow. All of that strengthens our bonds because we put respect, true resolution and a commitment to peace above all else.

Mr. Friedman would do well to understand the true issues behind our support. We are jointly committed to peace, to a two-state solution, to fighting terrorism, to supporting the tolerance of other religions, to supporting democracy, to standing up against those who would rain thousands of rockets on an innocent people.

We will not be silent. We will speak out against terrorism, and we will stand together.

So, for all of these things, I and others stood in respect, in support, and in an open show of our joint commitment to peace and civility.

And together we will stand again.

□ 1110

#### TRIBUTE TO STAFF SERGEANT VINCENT J. BELL

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SCHIFF) for 5 minutes.

Mr. SCHIFF. Madam Speaker, I rise today to honor the memory of Staff Sergeant Vincent J. Bell, United States Marine Corps. He was 28 years old, the son of Pamela Alexander-Bell and James Bell, the husband of Karen Navarrete, and the brother of London Bell and Andrea Roe.

Staff Sergeant Bell enlisted in the Marine Corps on July 7, 2001, and became an artilleryman. During his career, Staff Sergeant Bell served his country with distinction and deployed in support of Operation Iraqi Freedom with Battalion Landing Team 2/1; 2nd Battalion, 11th Marine Regiment; Battalion Landing Team 2/4; and 5th Battalion, 11th Marine Regiment.

On October 31, 2011, Staff Sergeant Bell deployed with the 2nd Battalion, 11th Marine Regiment, where he served as a Howitzer section chief for a 10-man team in support of Operation Enduring Freedom. On November 30, Staff Sergeant Bell was in Kajaki, Helmand province, Afghanistan, when he stepped on an improvised explosive device while on a dismounted patrol. He succumbed to his wounds, making the ultimate sacrifice for his country.

Staff Sergeant Bell loved being a marine. He said that "the ability to serve is the greatest calling an American could do, even more so to be a United States marine." Staff Sergeant Bell was well respected by his seniors and subordinates alike. His company commander, Captain Joshua Kling, said he "can't remember one conversation with Staff Sergeant Bell where he wasn't smiling and telling me how great it was. To suffer hardness and adversity with good cheer is the quality of a fine man. He was a rocket man, a cannoneer, a platoon sergeant, an entrusted marine who always got the job done."

His platoon commander, First Lieutenant David Waters, said that all marines who served with Staff Sergeant Bell "understood his sacrifice and will miss him as a brother and friend. He faced the fear and danger of this profession with a true heart. He had the heart of a warrior and spirit of a true patriot. I know he will be in heaven guarding the way."

Staff Sergeant Bell loved his marines and being a mentor to them. Previously, he served as an instructor with the 11th Marine Regiment's Artillery Training School where he provided advanced training to the section chiefs for the regiment.

Upon returning to the 2nd Battalion, 11th Marines, Staff Sergeant Bell was excited that he was with a unit getting ready for deployment. Captain Kling

noted that he was "chomping at the bit to be challenged—for an opportunity to train, teach, and mentor marines." Sergeant Erick Granados described Staff Sergeant Bell as "an outstanding marine, a great leader, and most of all, a good man. Firm but fair, guidance was always there when we needed it, but he let us do our job. He empowered his marines to take responsibility and lead others."

Staff Sergeant Bell was devoted to his family, fellow marines, and friends. His brother said that "Vincent was an outstanding marine and a good man. He had courage, commitment, and strong values. He believed in following orders, loved our country, and served our country with pride. He believed in doing the right thing for the right reason. Vincent had an amazing sense of humor, even in tough times. He had a very caring and nurturing personality and was a mentor to young people since he was a young man."

Staff Sergeant Bell told his mother that it was a privilege to serve under both President George Bush and President Barack Obama. In 2009, Vincent called his mother from Iraq and told her that he had reenlisted because he wanted to have the privilege to serve under the first African American President of the United States.

Staff Sergeant Bell's wife Karen said that "Vincent was a kind, giving man. I'll miss my husband every day of my life, but his spirit will remain alive with me, his family, and his marines." Karen's brother and sisters considered Vincent to be their big brother. Her parents shared a mutual respect for Vincent. They knew how much he loved and cared for her. In addition to his family and friends, Staff Sergeant Bell was also devoted to the family's wonderful dogs Nala and Nemo.

Staff Sergeant Bell's personal decorations include the Purple Heart, posthumously; the Navy and Marine Corps Achievement Medal with one gold star; the Good Conduct Medal with two bronze stars; and the Combat Action Ribbon with one gold star.

Since Staff Sergeant Bell's death was announced, his unit has received condolences from marines across the globe who served with him. This reflects his professionalism, leadership, and the lives he touched as a United States Marine. Our Nation has lost a good man—a son, brother, husband, and a marine—who gave his life in defense of freedom. He will be missed, and his sacrifice will not be forgotten.

#### LEAVE NO MAN BEHIND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. NUGENT) for 5 minutes.

Mr. NUGENT. Madam Speaker, I rise today to remind all Americans that we still have troops in harm's way. As the Iraqi war comes to a close and we prepare to draw down in Afghanistan, we

cannot forget those who serve us, the men and women. We cannot forget those that are still being held captive in those foreign lands. And these are our volunteers. These are young men and women that went to the fight and volunteered to go there willingly because America calls.

Several weeks ago, I sent a letter to the President, asking him for his continued commitment for those that we have left behind, those that have been held against their will in Iraq and Afghanistan. Unfortunately, I never got a response. I never received a response.

And recently, if you read the British tabloids, one of the British papers talked about PFC Bowe Bergdahl who escaped from his Taliban captors in Afghanistan and was on the run for 3 days. Unfortunately, he was recaptured. It shows you that we have those that are still in harm's way as we pull out from Iraq and start to withdraw from Afghanistan.

But we can never forget—we should never forget—the sacrifice that these young men and women have given to this country. They truly are the 1 percent that need to be talked about because they have volunteered at great risk to themselves and to their families.

I have three sons that are currently serving in the United States Army. And I know what it's like to have a son go to war. On numerous occasions now, my sons have been called. And one still is in Iraq today. So we can never forget about the sacrifice not only of the men and women in our armed services but how about their families and loved ones that they leave behind.

The warrior ethos says, We never leave a man behind. And I call upon the President and I call upon this great body to make that same statement, that we will never leave a man behind, that we will do everything within our power to make sure that we get these kids back home. And I call them kids because I have three sons, and I still call them kids, even when they're 30 years old. It is about doing the right thing.

So today we're putting forth a resolution, this resolution, asking for the House to exert its will, to talk about our unending commitment to those that have given up their freedoms to protect us.

In this season of Christmas, we need to think about the families that are out there whose loved one is being held captive, either in Iraq or Afghanistan. We cannot forget them. We should not forget them. And this great country should stand up for those that have stood up for us. We should express our outrage and our feeling that we will never leave a man behind on the battlefield, ever.

Madam Speaker, I just want to implore this body to stand up and vote for this resolution, talking about the sense

of this Congress and supporting those men and women who have given so much and have asked for so little.

God bless America.

□ 1120

#### AMERICA WELCOMES TROOPS HOME

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today to join some of the calls of my colleagues and to indicate that I thought this a very special day, December 15, 2011. A few hours ago in Iraq, Secretary Leon Panetta performed the Casing of the Colors Ceremony, which is to acknowledge the colors—the red, white, and blue—that our brave men and women fought under in Iraq.

We have soldiers still fighting around the world, and I was just speaking to my constituency. We know that one brave soldier from North Carolina even lost his life in the waning hours of the ending of this war.

And so at the beginning of December, in Houston, I called for the Yellow Ribbon Campaign and for America to wrap herself in yellow ribbons, both in respect of our returning soldiers, to acknowledge a job well done, and to welcome them home to an unsilent America.

I would like to thank Speaker BOEHNER, Leader PELOSI, Whip HOYER, and Majority Leader CANTOR for joining and indicating that they would support the wearing of yellow ribbons by our Members today and tomorrow, both in celebration and in recognition of the heroism of our troops and, yes, acknowledgment of our fallen heroes.

This war was almost 9 years, one of the longest wars that America has ever fought. It was a war that used \$800 billion, moneys that I hope we will invest in our returning troops and their families and all Americans as we go forward.

The loss of life was very painful, the idea of the burden on families. So I believe these yellow ribbons, although meager, will symbolize this Congress being unified as Americans, saying thank you to our troops. And, frankly, we have many other challenges that we should be addressing and making sure that our troops come home to a place that is welcoming.

This morning, our whip made a very important point about the maturity of America. Many remember the days of the Vietnam War. We know the passion in that war. But, unfortunately, it appeared that those who were called to battle by the Commander in Chief were the ones who received the ire of those who had a different opinion. America has now matured, and we recognize that whenever our soldiers accept the

call of battle, they are for all of us. The treasure that they shed, the blood that they shed, has no respecting of anyone's political affiliation.

So I am grateful to have the opportunity to call upon us in a bipartisan manner to wear these ribbons that were put together by the Young Scholars Academy in Houston. The founding principal is Dr. Anella Coleman. They worked very hard on these ribbons, and I think it is important to teach our children early on to appreciate the democracy that they live in and appreciate the freedom that they have and to recognize those who are on the front lines.

I call upon the Iraqi Government as well. My point is that the soldiers have left them a gift—a gift which they can build on or they can undermine. A gift of democracy, freedom, the understanding of friendship, taking care of children, even in spite of what may be violent outbursts. Will they have a democratic government? Will they allow those who are in Camp Ashraf, who are stated to be in a camp that will close by December 31, will they resettle the refugees in this camp non-violently, peacefully, Iranian exiles who fled to Iraq? They are concerned about their refugees in many countries, as they do these refugees. I will be calling upon countries to treat the Iraqi refugees fairly, as we all would. But it is a burden on the present Government of Iraq to live peacefully, to accept religious differences and promote religious freedom and the First Amendment and the right to the dignity of life.

And so let me thank the leadership for joining us. Members will find these ribbons in their Cloakroom, each Cloakroom. Let us join together and say: Thank you. Welcome home to our troops, a job well done. God bless you, and God bless America.

#### ENERGY SECURITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Madam Speaker, what does the Iranian nuclear threat to Keystone XL pipeline and the payroll unemployment insurance, doc fix, and jobs bill all have in common? Well, I'm going to use this 5 minutes to tie them together.

Yesterday on the floor, we addressed a concern of the Iranian nuclear threat. We did so with two pieces of legislation: H.R. 1905, the Iranian Threat Reduction Act; and H.R. 2105, the Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act.

Why did we bring these bills to the floor? We brought these bills to the floor because of our concern of a nuclear Iran that has threatened its neighbors and one of our closest allies, Israel.



So what's the Iranian response? Well, I would turn your attention, Madam Speaker, to an article published yesterday, December 13, from FOXNews.com, with the title, "Iranian Official Threatens Military Drill Sealing Off the Strait of Hormuz."

I will read the first two paragraphs:

"A high-ranking Iranian official has said Iran's military will practice sealing off the Strait of Hormuz, the world's most important oil transport channel, in a provocative move that illustrates Iran's capability of disrupting the world's oil supply."

"The announcement Monday by Parviz Sarvari sent oil prices up about \$3 to \$100 a barrel based on the speculation of a disruption during the military drills."

Sarvari, a member of the Iranian Parliament's National Security Committee, is quoted as saying, "Soon we will hold a military maneuver on how to close the Strait of Hormuz," in a statement reported by Reuters. "If the world wants to make the region insecure, we will make the world insecure."

So the Keystone XL pipeline—which is the second part of this discussion—we heard on the floor yesterday, and it was acknowledged by both sides that, at a minimum, 20,000 jobs would be created, maybe up to 110,000 jobs. We also heard about organized labor being all in on the Keystone XL pipeline. I quoted a couple of members of organized labor. One would be Brent Bookers, director of the construction department at the Laborers' International Union of North America. He said, "For many members of the Laborers, this project is not just a pipeline; it is a lifeline."

But what doesn't get told about Keystone XL pipeline enough is its importance for energy security.

Now, look. If Iran can shut down the Strait of Hormuz, why do you think we're in the gulf? Why is the Middle East so important? We all know why it is; because that's where all of the crude oil is.

So why would we not access the third largest oil supply to the Earth from our northern neighbor, Canada?

The map is right here. Right up here you have the great Canadian oil sands in Alberta. The red line is already a pipeline called the Keystone pipeline. What is being proposed is the Keystone XL pipeline, which would help bring Canadian crude to the oil refineries in Texas.

□ 1130

Now, I already have Keystone crude oil coming to my refinery in Wood River, to the terminal in Patoka, and to the Marathon refinery in Robinson, Illinois, and that crude oil, once refined through pipeline, goes to Cleveland, goes to Detroit, goes to Chicago and goes all over the country. There

can be no more secure route for crude oil for this country than the Keystone Pipeline and the Keystone XL Pipeline. Do we dare as a country still have to fret over threats by a member of the Iranian parliament because they want to shut down the Strait of Hormuz? We will have to continue to worry about this unless we continue to build and work with our Canadian allies on the Keystone XL Pipeline.

We know it's a jobs issue, we know it's an organized labor issue, and we know it's an energy security issue. And I just thought this story was timely with respect to our vote to hold Iran accountable. So we're on the record: We need energy security and we need the Keystone XL Pipeline.

#### RAPE IN THE MILITARY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Madam Speaker, I rise again today to highlight the epidemic of rape and sexual assault in the military. This is the 14th time that I will stand on this floor to tell the story of yet another victim. Each has proudly served their country, each was violently attacked, and each was subjected to a system of justice that protects the perpetrators and punishes the victims.

Make no mistake, the United States military is the finest in the world. But even the Department of Defense recognizes that there is a deep-rooted problem of military sexual trauma that must be addressed. DOD estimates that there are some 19,000 soldiers who are sexually assaulted or raped each year in the military. It's a staggering figure. Sexual assault in the military is a cancer that is undermining readiness, unit cohesion and morale, and fixing this broken system will strengthen our military, not weaken it, as some have argued.

Today, I want to tell the story of Specialist Andrea Neutzling. Originally from a small town on the banks of the Ohio River, Specialist Neutzling served in the Army from 2000 to 2004 and then served in the Army Reserves from August 2004 until April 2010. She has served her country in Korea and twice deployed to Iraq.

In 2002, while serving in Korea, Specialist Neutzling was sexually assaulted by an intoxicated colleague outside the latrine. She decided to report the assault to her command, and her assailant was sentenced—sentenced to 5 days of base restriction. That was it.

In August of 2005, Specialist Neutzling was deployed to Iraq, and again one of her fellow soldiers sexually assaulted her. But after learning what "justice" meant for a previous perpetrator and not wanting to be seen as a troublemaker, she decided not to

report the sexual assault to command. Instead, she simply slept on a cot, her rifle pointed toward the door for days. Several months later, she was deployed again to Iraq. After being in the country for 2 weeks, Specialist Neutzling was brutally raped and physically assaulted by two soldiers. The two soldiers were from a unit that was scheduled to depart Iraq, and their unit was being replaced by Specialist Neutzling's unit. The soldiers were drunk when they raped her and threatened to beat her if she struggled. Specialist Neutzling suffered serious bodily injuries from the rape.

Again learning what "justice" meant from her previous perpetrator, Specialist Neutzling decided not to report the rape to command. She didn't say a word about her rape for a week until another woman in her unit informed her that her perpetrators were showing a video of the rape and bragging about it. After learning this, Specialist Neutzling reported the rapes to her command.

So what happened this time? Her command told Specialist Neutzling that they did not believe that she had been raped because she "didn't act like a rape victim" and "did not struggle enough." Her unit commander also told her that he decided not to disclose Specialist Neutzling's allegations of rape to the investigative services because he didn't want the men separated from their unit. If the men were charged, they would have to stay in Iraq or would have to go to Kuwait.

Additionally, Specialist Neutzling's command unilaterally downgraded her complaint of rape to sexual harassment. Her assailants were scheduled to leave in 2 weeks, and they left on time facing no charges.

In the current military chain of command structure, the commander did nothing wrong. Commanders can issue virtually any punishment, or in this case, no punishment at all. Command has complete authority and discretion over how a degrading and violent assault or rape under their command is handled. They are the judge and jury.

We need to end this unjust and horrific pattern, and we need to end it now. That's why I have introduced H.R. 3435, the STOP Act, because it's time. It's time to stop this horrific culture in the military.

#### AMERICA IS NOT BROKE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Connecticut. Madam Speaker, I have listened to a lot of Republicans here on the House floor and back in Connecticut talk about how they think that the only way to build up America is to tear down government

and start divesting from our public institutions. That's simply not the history of this country. Over the last 100 years, we've become the world's leader by layering massive private investment on top of massive public investment. And yet day after day, I listen to the right wing come down to this floor and tell the American people that we can no longer afford to make these kinds of investments that we used to make in roads, in rails, in schools, and in new technologies.

And, so, it's time that the rest of us stood up here and told them that they're simply wrong, that America is not broke. We have all of the resources and all of the willpower necessary to make the investments we need in order to regain our global competitive edge, but only if we start dealing with facts rather than just with political rhetoric.

So, over the next few minutes, I want to show you four pretty simple charts that debunk this myth that our Nation is broke and that we can't muster the resources necessary to meet the challenges of a global century.

Let's start here. The United States is still the richest country in the world. In fact, our GDP ranks us at the top of the list among G-20 countries. And for all of the talk about the rise of China, India, and Brazil, our country is still wealthier than all three of those nations combined on a population-adjusted basis.

And, so, we have wealth in this Nation. What we have done, though, is make a conscious choice to make our government poor. We are going to spend about a million dollars a year more than we actually take in in revenue. And it's important to talk about why that is. First of all, the notion that discretionary spending is out of control, which is the popular belief, just isn't true. In fact, discretionary spending since 1980 has remained pretty static. If you don't believe that, then think about this statistic for a second. If you thought that government spending was running amok, you would expect that Federal employees were increasing, as well. Well, that's not true either. Since 1970, we actually have 16,000 less Federal workers than we did then.

Now, this doesn't mean that the government can't get leaner and that it can't get meaner. It just means that there's another culprit at work when we talk about why our government is so broke, even if our Nation is not, and that's revenue. Today, as a fraction of GDP, this country is collecting less taxes than it has in 60 years. In fact, today, we are collecting only about 15 percent of taxes as it relates to GDP. Now, we're spending more, but the bigger problem is that we're collecting less revenue.

So, if the problem is that the government is broke but that our Nation

isn't, why does it feel like so many people are out there that are broke? Well, let's explore that with the last chart. Here is the essential problem. Over the last 30 years, the incomes of the bottom 90 percent of Americans have remained virtually flat while the incomes of the top 1 percent of Americans have grown by 300 percent.

□ 1140

This is a recipe for economic disaster because, if the bottom 90 percent of Americans don't have enough money to spend, then pretty soon they're not going to be able to buy what the top 1 percent are selling. Everybody fails if this economic equation continues.

And the economic history of the last 100 years tells us one thing—that government has a pretty important role to play in helping to create wealth among the bottom 90 percent. We create real, widespread wealth when we invest in education to move more kids more quickly through quality higher education. We create real, widespread wealth by investing in businesses that create technologies before they become commercially viable. And we create real, widespread wealth by investing in infrastructure so that once again people and goods in this country can move from economic center to economic center without delay.

Yes, these investments cost money, but this country isn't broke. Prosperity in this Nation has never appeared out of thin air. It's never come from gutting consumer protection or environmental regulation, it's never come through slashing taxes for the wealthiest Americans, and it's never come from government just sitting by on the sidelines and letting other countries eat our technological lunch. It's come through an innovative partnership between public investment and private ingenuity.

Now, America can recommit ourselves to this partnership, but only if we wake up to the reality that we are not broke.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 41 minutes a.m.), the House stood in recess until noon.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Loving and Gracious God, we give You thanks for giving us another day.

We ask today that You bless the Members of the People's House to be the best and most faithful servants of the people they serve. May they be filled with gratitude at the opportunity they have to serve in this place.

We thank You for the abilities they have been given to do their work, to contribute to the common good. May they use their talents as good stewards of Your many gifts and, thereby, be true servants of justice and partners in peace.

As this first session of the 112th Congress draws near its end and pressing legislative business once again weighs heavily on this Hill and throughout our land, withhold not Your Spirit of wisdom and truth from this Assembly. Give each Member clarity of thought and purity of motive so that they may render their service as their best selves.

May all that is done this day in the People's House be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PALAZZO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PALAZZO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Connecticut (Mr. COURTNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. COURTNEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

# NATIONAL DEFENSE AUTHORIZATION ACT PROTECTS THOSE WHO SERVE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday the House passed legislation that supports and provides for servicemembers and their military families who have chosen to dedicate their lives to service in our Armed Forces to protect American families.

After victoriously fighting the global war on terrorism for over a decade, our military families deserve recognition for their service. This bill gives to our military families a 1.6 percent increase in basic pay and protects against the rising cost of health care fees.

Additionally, the National Guard Chief, General Craig R. McKinley, will be provided a seat on the Joint Chiefs of Staff, giving the Guard a voice in military discussions. As a Guard veteran and proud dad of three Guard members under the command of Adjutant General Bob Livingston, I am grateful for the recognition of Guard capabilities.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

## FACTS ARE STUBBORN THINGS

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, our third American President, John Adams, once said, "Facts are stubborn things; and whatever may be our wishes . . . or the dictates of our passions, they cannot alter the state of facts."

Well, Mr. Speaker, the facts are that the health care reform law is working for millions of young adults all across this country. Yesterday, the Department of Health and Human Services released figures which show that 2.5 million young Americans up to age 26 are now covered because of the Affordable Care Act's provision that allows age 26 coverage for families. Private and public employers all across America now provide this benefit at a cost of only, on average, 1 percent to health care costs. This is a plan which is working.

Last week, figures came out that showed that 2.7 million seniors are now getting relief from prescription drug costs—\$1.5 billion in reduced prescriptions drug costs because the Affordable Care Act is closing the doughnut hole.

Facts are stubborn things, and the facts show that the health care reform law is helping young Americans and older Americans.

## FUTURE FARMERS OF AMERICA

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, I rise today to recognize the Southside High School chapter of the Future Farmers of America from Batesville, Arkansas. Southside's FFA chapter, under the leadership of Mr. Chase Hilton, revitalized its animal science program 3 years ago. Since resuming the program, Southside has been a powerhouse in State and national competitions.

One hundred thirty-five students at Southside, many of whom have never been involved in livestock, are now working in the school's stockyard raising cattle, sheep, hogs, and horses. Recently, Blaine French and Trenton Tosh won honors at the Independence County Fair with Grand Champion Angus and Hereford cattle. Blaine had Grand Champion and Supreme Champion hogs, and also won Best of the Best Showmanship Award.

Trenton Tosh won Grand Champion Hereford Heifer and Grand Champion Hereford Bull at the Arkansas State Fair.

Southside's Livestock Evaluation Team, made up of Blaine French, Trenton Tosh, Jackson Mead, and Thomas Johnson, were named the Arkansas State Champions and went on to place eighth in Nationals.

More important than any medals or awards are the life lessons those students learn and are learning through State and national competitions.

I commend Southside Future Farmers of America and their instructor, Chase Hilton, for their outstanding achievements. I know they're watching now.

Congratulations. Great work.

## THANKING OUR RETURNING TROOPS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Members, thank you, and to my colleagues again, let me acknowledge the wearing of the yellow ribbon in a bipartisan way to say thank you to our troops.

But I do want to thank as well, again, the Young Scholars Academy and Dr. Anella Coleman, who were so kind to make these ribbons and to learn about our appreciation for the work of our troops coming home from Iraq. Over 100,000 have come home in the last 14 months, and I'm asking our Members to go home and yellow-ribbon your offices and your community, and have signs on your marquee that say, Welcome home to the troops, a job well done.

We never want our troops to come home from any battlefield, called to serve their Nation, to a silent America. And again, as we've supported or promoted better conditions for family and troops, we were able yesterday to give them a 1.9 percent increase in salary.

Now, as we go home for the holiday season, doing our work, let us say

thank you to our troops. Thank you, Members, for wearing a yellow ribbon today.

□ 1210

## PUT AMERICANS BACK TO WORK

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Ohio. Mr. Speaker, it's time for President Obama and HARRY REID's do-nothing Senate to work with House Republicans to get America back to work. To date, House Republicans have passed 28 jobs bills, most recently the Middle Class Tax Relief and Job Creation Act, a bill that ensures all hardworking Americans keep more of their pay, protects Social Security, ensures access to medical care for seniors, and creates jobs.

But President Obama's contempt for job creation through energy development is astonishing. Why would he stand in the way of almost 200,000 new jobs that come with the construction of the Keystone XL pipeline that has bipartisan support? President Obama says he wants to put America back to work, but, at the same time, he threatens to veto a bill that would do exactly that and take us one step closer to energy independence.

The American people can't wait any longer. I urge the Senate and the President to act on measures that will spur job creation and real economic growth.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WESTMORELAND). Members are reminded that remarks in debate may not engage in personality toward the Senate.

## PASS THE JOBS ACT

(Mr. REYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYES. Mr. Speaker, I'm proud to be here wearing this yellow ribbon to welcome home our troops from a job well done in Iraq. My thoughts go back to April of 1968 when I came back from Vietnam to a very different America, and I'm grateful that today our troops are coming back to a welcoming and thankful Nation.

In that vein, as we sit here today and think about the holiday season, the majority of us will be fortunate enough to spend this time being surrounded by family and friends; but we should never forget that, at the same time during this holiday season, there are many among us who are homeless, who are hungry, who are out of a job and simply do not know where their next meal will come from.

This should serve as an important reminder to all of us here as Members of Congress that we must work jointly in

a bipartisan manner to address the critical issues of our time. It is simply unacceptable that partisan politics prevent us from working for what's best in this country.

#### THE ULTRALIGHT SMUGGLING PREVENTION ACT OF 2011

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, the House will soon have the opportunity to approve the Ultralight Smuggling Prevention Act of 2011. This bill will make changes for those using or planning to use ultralight aircraft in cross-border smuggling similar to those using other aircraft. It will also continue ongoing cooperation between the Department of Defense and Homeland Security that is enhancing efforts to combat illicit cross-border trafficking.

As pressure has been applied to the border, Mexican organized crime has turned to a new and innovative smuggling approach—the use of ultralight aircraft. It's a pressing concern.

A similar bill introduced by my colleague from Tucson was overwhelmingly approved by this body in the last Congress, and those provisions were included in standalone legislation that I introduced in this Congress.

I congratulate the Senate for having passed S. 1974. I appreciate cooperation on both sides of the aisle to get this important matter to the President's desk.

#### VACANT AND ABANDONED HOMES

(Ms. FUDGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FUDGE. Mr. Speaker, I rise to address the large number of vacant and abandoned homes in my district and across the Nation.

Remnants of the foreclosure crisis still linger everywhere. Home values plummeted during the country's economic crisis and have continued to decline year after year due to the blighted and abandoned homes. Nationally, nearly 4.5 percent of mortgages are in foreclosure. More than a quarter of mortgage borrowers are underwater, and 11 percent of all homes are vacant.

City and State governments need our help. In the Cleveland area, 15,000 homes are vacant and in need of demolition. Demolishing these structures will cost approximately \$100 million.

Homeowners are depending on us to help stop the free-fall of their property values. It is time we develop and pass meaningful legislation that promotes the revitalization of our neighborhoods.

#### PICAYUNE 5A FOOTBALL STATE CHAMPIONS

(Mr. PALAZZO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALAZZO. The city of Picayune might be small, but its legacy is one of strength and power. In the early 1900s, trains out of New Orleans stopped in Picayune to pick up steam engines to power them northwards and uphill. This vision of a powerful locomotive steaming ahead is a good metaphor for this year's Picayune High School Maroon Tide football team.

According to Head Coach Dodd Lee, people who really like what they do usually do it pretty well, and if that's the case, Coach Lee's players must really like playing great football.

In a 38-21 win over Starkville, the Maroon Tide clenched the 5A win, bringing Picayune its first State title since 1986.

Aside from the obvious desire to win on both sides of the ball, Picayune has some secret weapons on their team, namely: quarterback, Ben Hickman; leading rusher, Deronte Magee; receiver, Justin Mark; kicker, Dalton O'Meara; and a small but mighty pair of linebackers, Troy Egana and Cody Smith.

Congratulations to the city of Picayune and to Picayune High School on their State championship.

#### PROTECTING WORKERS' RIGHTS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, it's no secret that my Republican colleagues really don't want to extend the payroll tax cuts and unemployment insurance. Republican Members have called it a gimmick. They've admitted the only reason they brought it up for a vote was that they didn't want to take the political heat for raising taxes on the middle class. But instead of coming up with an honest compromise designed to actually pass, Republicans have filed a bill with provisions that wind up actually hurting the middle class and many still struggling in this slow economy.

Playing risky political games with our clean air, our clean water, raising Medicare premiums on seniors, that's not the way Americans expect us to govern, and designing a bill that can't pass is the type of political games that my Missouri constituents are fed up with. We need an honest bill now.

I call on my Republican colleagues to stop the obstruction, stop the distraction, stop the games. Let's pass a real payroll tax bill now.

#### WE MUST DO BETTER

(Mr. JOHNSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in strong objection to the animosity and gridlock that's been the overarching theme of this first session of the 112th Congress.

I make dozens of calls and similar personal contacts directly with my constituents every day, probably more than any other Member of Congress. These people live in the real world beyond the beltway environment in which too many public officials live and work, sheltered from reality, by communication primarily with each other in a self-created climate that bears little similarity to the rest of America.

In my years in public office, I have never heard the level of anger I hear today. Our approval ratings are in the tank, and they should be. We are gripped in gridlock because people on both sides of the aisle in both Chambers and in the White House are more concerned with politics than progress.

As our economy continues to stagger, our attention should be focused on putting people to work and providing a stability in public policy. We can only do that through cooperation, compromise, and civility.

My message to leadership and membership, including myself, in both Chambers is this: We have to do the business the people expect us to do, efficiently and in an adult-like manner. Anything less is both irresponsible and unacceptable. We can and we should do vastly better than what we are.

#### TAXES

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. First of all, Mr. Speaker, I'd like to welcome our troops back; and as we welcome them back, let's make sure we take care of them while they're here in the United States as well and make their lives a lot better.

Mr. Speaker, it's time to stop showboating and get to work. If Congress does not act by the end of the year, 160 million Americans will face a tax hike next year and another 60 million people will lose unemployment benefits.

Failure to extend unemployment benefits has a real impact on men and women across every State, people like Norma Lopez from my district in Ontario. While Norma has been looking for work, her unemployment benefits have kept her from getting foreclosed and have helped her make car payments.

Unfortunately, the Republican proposal is full of poison pills and amendments that make the bill dead on arrival in the Senate. Republicans are

asking seniors to pay more for Medicare and they're leaving the unemployed out in the cold, yet they refuse to ask millionaires and billionaires to pay their fair share.

Stop the political games. People's lives are hanging in the balance. They deserve help. Let's work together on a compromise bill that will help all of us.

□ 1220

#### THE AMERICAN PEOPLE ARE WATCHING AND WAITING ON THE U.S. SENATE TO ACT

(Mr. BONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONNER. Mr. Speaker, with the American people looking on, Members of the House, once again, find ourselves in a waiting position—waiting and waiting and waiting on Senator REID and his Democrat majority in the U.S. Senate as they decide whether they are going to let the government shut down tomorrow night at midnight; whether they are going to let tax relief for millions of Americans, middle class families, expire at the end of this month; whether they are going to let long-term unemployment benefits expire; and whether they are going to keep America's doctors from being hammered with a 27 percent increase on their Medicare reimbursement.

Mr. Speaker, the people's House is doing the people's work. As you know, we've passed 28 bills, all aimed at creating new American jobs. Sadly, all the majority on the other side of the Capitol seem able to do is poke sticks at what we've done, but they haven't offered a realistic option or passed a single thing.

Mr. Speaker, the clock is ticking, and the American people are watching and waiting on the Senate to act.

#### STEM EDUCATION

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, I believe that one of the keys to keeping our country globally competitive is to increase the number of American students who are prepared to pursue careers in science, engineering and technology. So it is with special pride that I note that, last week, the White House honored Tamara Brown from Hamburg, New York, as a champion of change for her work with young women and their parents and teachers.

Seven years ago, Tamara founded Tech Savvy, a program using fun and innovation to inspire students to explore their talents in science and math and to pursue our Nation's careers of the future. In bringing together industry, academic and community leaders,

Tamara has helped so many young western New Yorkers discover their full potential. She has helped prepare them for some of our Nation's highest-paying and most competitive career fields.

I applaud Tamara Brown for helping girls from western New York train for careers in science, and I congratulate her on this wonderful recognition.

#### BIG GOVERNMENT IS THE TOP CONCERN FOR AMERICANS

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Some in this Chamber believe that the answer to our Nation's problems is more government, that we need more unchecked spending, more unelected bureaucrats, and more rules and regulation in our everyday lives.

Yet, in a Gallup Poll just this week, 64 percent of Americans across the political spectrum responded that their biggest fear and the greatest threat to our country is Big Government. They've seen, just as I've seen, that burdensome rules and regulation and out-of-control spending and debt bring us nothing but high unemployment and an uncertain future for our kids and our grandkids.

That's why the House Republicans have been working tirelessly this year to pass pro-growth, pro-jobs bills that will restore the confidence our Nation's job creators need to put Americans back to work again. Yet nearly 30 of these bills, which would restore reasonable regulation, reduce spending and create a smaller, less intrusive Federal Government, continue to languish over in the Senate, which still refuses to address the needs of unemployed Americans.

We can't wait. Pass these jobs bills so that Americans can start working again and so that America can move forward.

#### IN THE SPIRIT OF CHRISTMAS, CHANUKAH, AND KWANZA, LET'S PASS A CLEAN BILL

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. This year and every time the Democrats have tried to do the right thing for the American people, the Republicans say "no" unless they add their poison pills. In the past, that might have led to negotiations that might have ended in a bipartisan solution—but not so today.

Today, Republicans are trying to force us to accept the Keystone pipeline before we are sure it is safe for the communities it will traverse and won't make the air we breathe dirtier than it already is. The President is right to wait until those things are assessed. In

their zeal to kill the Affordable Care Act, they want to slash the Public Health and Prevention Fund and other programs that keep people healthy and reduce health care costs for families and our country.

Democrats have been calling for passing our Make It in America and other jobs bills, but the Republicans insist on jobs that damage the public health and on killing jobs in the only sector that is growing—health care. Because they have not helped the recovery, our fellow Americans still need the payroll tax deduction and unemployment insurance and a fix of doctors' Medicare reimbursements so that they can continue services to the millions of Americans on Medicare.

Let's do a clean bill in the spirit of Christmas, Chanukah and Kwanza.

A big "welcome home" to our troops. I thank them all for their service.

#### TROOPS RETURNING FROM IRAQ

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise to honor our brave men and women returning home from Iraq, especially Rhode Island's Company D, 126 TAC.

Thank you for your tremendous dedication, selfless efforts, and courageous service to our country.

Tragically, thousands of our servicemembers have made the ultimate sacrifice, and I join all Americans in honoring their service and sacrifice and those of their families.

It is because of you that we are able to enjoy the great freedoms, privileges, and rights we have here at home.

With the homecoming of our troops from Iraq, we must keep our promise to our veterans. On the battlefield, the military pledge is to leave no soldier behind. As a Nation, let it be our pledge that, when they return home, we leave no veteran behind. We must do everything we can to honor them by guaranteeing they have the help they need in finding employment, in securing housing, and in accessing quality health care.

The men and women who have served our country demonstrate the ideals of bravery and patriotism. Now let us work together to create a future worthy of their service.

#### REPUBLICAN EFFORTS TO CUT UNEMPLOYMENT INSURANCE

(Mr. PETERS asked and was given permission to address the House for 1 minute.)

Mr. PETERS. Mr. Speaker, I rise today to oppose Republican efforts to slash unemployment benefits.

Earlier this week, House Republicans passed legislation that would cut 40 weeks of unemployment benefits and impose new hurdles for Americans relying on this critical lifeline. With five

job seekers in the United States for every available job, the average time it takes an unemployed worker to find a new job is 10 months. Instead of passing the American Jobs Act and getting our Nation's long-term unemployed back to work, Republicans are cutting benefits which millions of Americans rely on for groceries, utilities, and rent.

The Republican plan would hurt workers who are having difficulty in finding new jobs and would pull billions of dollars out of our still-recovering economy. Poverty is at its highest level since 1993; but unemployment benefits kept over 3 million Americans, including 1 million children, out of poverty in 2010; and now Republicans are fighting to gut this necessary lifeline.

During this holiday season, when millions of Americans are worried about being able to pay their rent, I urge my colleagues to oppose slashing unemployment benefits.

#### BENNY COCKERHAM, III

(Ms. EDWARDS asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS. Mr. Speaker, I rise today to pay tribute to our service men and -women who end their mission in Iraq.

Like many, I woke this morning to the End of Mission ceremony, and I thought about Corporal Benny "Gray" Cockerham, III of North Carolina. He was the son of my good friends Ben and Jill Cockerham. He lost his life at age 21 in al-Anbar province in Iraq on October 21, 2005.

Like his father, he joined the Marine Corps in service to this Nation, and he is survived by Ben and Jill; his wife, Amanda; and his brother, Adam.

And like the 4,486 other men and women who lost their lives in Iraq, the mission has ended.

I want to pay tribute today to all of our service men and -women for their service and for their sacrifice and especially to my friends Ben and Jill for the loss of your son. I remember when he was born on June 28, as we shared a birthday, and I want you to know that the Nation is ever grateful for all your sacrifice and for your service.

#### HONORING UNILEVER NATIONAL PARKS CONGRESSIONAL INTERNSHIP PROGRAM

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I too rise in honor of our troops who served honorably not only in Iraq but who continue to serve throughout the world in protecting our freedoms. They've done a job well done.

In addition, I rise today to honor the Unilever National Parks Congressional Internship program in partnership with the Student Conservation Association.

For 11 years, this program has engaged the next generation of conservation leaders by facilitating internships in national parks and on Capitol Hill for 63 top-notch young professionals. The program has served as an important stepping stone in their public policy and conservation careers.

It is with great sadness that this program has come to an end; but I have had the privilege, along with my colleagues, in working with seven of the Unilever congressional interns in my office.

I commend the Unilever and Student Conservation Association for sponsoring such an innovative program, and I thank all of the interns for their dedication and service. I wish them all the best in their future careers as they add value to the fabric of our Nation.

□ 1230

#### REPUBLICAN OPPOSITION TO PROPOSED TAX CUT

(Ms. CLARKE of New York asked and was given permission to address the House for 1 minute.)

Ms. CLARKE of New York. Mr. Speaker, here we go again. For the third time this calendar year, we are facing the real likelihood of a government shutdown. And why? Because, Mr. Speaker, of all things, Republican opposition to a tax cut proposal. The Republican majority, which has spent the last 49 weeks of the American people's time protecting tax cuts for millionaires, multimillionaires, and billionaires, does not want to extend the same courtesy to the struggling middle class.

It's a shame, Mr. Speaker, that the people's House cannot agree to pass commonsense legislation that benefits the majority of the American people without including poison pills that ensure the air we breathe is clean, our water is safe to drink, and our seniors have access to quality health care.

Unfortunately, this should not come as a surprise to the American people who have watched the Republican-led 112th Congress unleash an all-out assault on our middle class and aspiring middle class and the most vulnerable amongst us.

Mr. Speaker, during these tough times, we cannot afford to pass partisan legislation that toys with and diminishes the livelihoods of the American people, that harms our economic recovery efforts, and removes environmental safeguards. We must put politics aside, pass commonsense legislation that helps the American people, and not use them as political bargaining chips.

I would like to take this opportunity to welcome home America's service-

women and -men and thank you for your service to our Nation.

#### EDUCATION

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, first, I certainly want to thank our troops and their families for their sacrifice as we exit from Iraq.

It is my honor now to continue to bring the voices of my constituents to this floor. And the following is from Howard Tenenbaum. He is a science teacher in La Jolla, and I believe his class is watching today. He sent me his opinion on education:

"Weighing a pig every day doesn't get you a fatter pig. And annual testing of all students in all subject areas, without it impacting their grade, has not resulted in smarter students. It has made our students lose their intrinsic desire to learn and added an expensive layer of bureaucracy to an already administratively top-heavy system.

"This is especially true for science education. It is clear that the current accountability system has failed. Our students, parents, and their teachers are being held hostage to this failed system. When was the last time you were forced to take an exam, asked to do your 'best,' and knew that the result wouldn't affect how you were being evaluated?"

Mr. Speaker, I want to thank Howard for bringing to the House his thoughts on education and this question to our floor.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 15, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 15, 2011 at 9:22 a.m.:

That the Senate passed with an amendment H.R. 1892.

That the Senate passed with amendments H.R. 515.

Appointments:  
National Advisory Committee on Institutional Quality and Integrity.

With best wishes, I am  
Sincerely,

KAREN L. HAAS.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair



declares the House in recess until 1:15 p.m. today.

Accordingly (at 12 o'clock and 33 minutes p.m.), the House stood in recess until 1:15 p.m.

□ 1315

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WESTMORELAND) at 1 o'clock and 15 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

#### WELFARE INTEGRITY AND DATA IMPROVEMENT ACT

Mr. PAULSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3659) to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2012, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3659

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Welfare Integrity and Data Improvement Act".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Extension of program.
- Sec. 4. Data standardization.
- Sec. 5. Spending policies for assistance under State TANF programs.
- Sec. 6. Technical corrections.

#### SEC. 3. EXTENSION OF PROGRAM.

(a) FAMILY ASSISTANCE GRANTS.—Section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (A), by striking "each of fiscal years 1996" and all that follows through "2003" and inserting "fiscal year 2012";

(2) in subparagraph (B)—

(A) by inserting "(as in effect just before the enactment of the Welfare Integrity and Data Improvement Act)" after "this paragraph" the 1st place it appears; and

(B) by inserting "(as so in effect)" after "this paragraph" the 2nd place it appears; and

(3) in subparagraph (C), by striking "2003" and inserting "2012".

(b) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—Section

403(a)(2)(D) of such Act (42 U.S.C. 603(a)(2)(D)) is amended by striking "2011" and inserting "2012".

(c) MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking "fiscal year" and all that follows through "2013" and inserting "a fiscal year"; and

(2) in subparagraph (B)(ii)—

(A) by striking "for fiscal years 1997 through 2012"; and

(B) by striking "407(a) for the fiscal year," and inserting "407(a)."

(d) TRIBAL GRANTS.—Section 412(a) of such Act (42 U.S.C. 612(a)) is amended in each of paragraphs (1)(A) and (2)(A) by striking "each of fiscal years 1997" and all that follows through "2003" and inserting "fiscal year 2012".

(e) STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) of such Act (42 U.S.C. 613(h)(1)) is amended by striking "each of fiscal years 1997 through 2002" and inserting "fiscal year 2012".

(f) CENSUS BUREAU STUDY.—Section 414(b) of such Act (42 U.S.C. 614(b)) is amended by striking "each of fiscal years 1996" and all that follows through "2003" and inserting "fiscal year 2012".

(g) CHILD CARE ENTITLEMENT.—Section 418(a)(3) of such Act (42 U.S.C. 618(a)(3)) is amended by striking "appropriated" and all that follows and inserting "appropriated \$2,917,000,000 for fiscal year 2012".

(h) GRANTS TO TERRITORIES.—Section 1108(b)(2) of such Act (42 U.S.C. 1308(b)(2)) is amended by striking "for fiscal years 1997 through 2003" and inserting "fiscal year 2012".

(i) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2012.—Expenditures made pursuant to the Short-Term TANF Extension Act (Public Law 112-35) or section 403(b) of the Social Security Act for fiscal year 2012 shall be charged to the applicable appropriation or authorization provided by the amendments made by this section for such fiscal year.

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 4. DATA STANDARDIZATION.

(a) IN GENERAL.—Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

"(d) DATA STANDARDIZATION.—

"(1) STANDARD DATA ELEMENTS.—

"(A) DESIGNATION.—The Secretary, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate standard data elements for any category of information required to be reported under this part.

"(B) REQUIREMENTS.—In designating the standard data elements, the Secretary shall, to the extent practicable—

"(i) ensure that the data elements are non-proprietary and interoperable;

"(ii) incorporate interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

"(iii) incorporate interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

"(iv) incorporate interoperable standards developed and maintained by Federal enti-

ties with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

"(2) DATA REPORTING STANDARDS.—

"(A) DESIGNATION.—The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate standards to govern the data reporting required under this part.

"(B) REQUIREMENTS.—In designating the data reporting standards, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Business Reporting Language. Such standards shall, to the extent practicable—

"(i) incorporate a widely-accepted, non-proprietary, searchable, computer-readable format;

"(ii) be consistent with and implement applicable accounting principles; and

"(iii) be capable of being continually upgraded as necessary."

(b) APPLICABILITY.—The amendments made by this subsection shall apply with respect to information required to be reported on or after October 1, 2012.

#### SEC. 5. SPENDING POLICIES FOR ASSISTANCE UNDER STATE TANF PROGRAMS.

(a) STATE REQUIREMENT.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

"(12) STATE REQUIREMENT TO PREVENT UN-

AUTHORIZED SPENDING OF BENEFITS.—

"(A) IN GENERAL.—A State to which a grant is made under section 403 shall maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any electronic benefit transfer transaction in—

"(i) any liquor store;

"(ii) any casino, gambling casino, or gaming establishment; or

"(iii) any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

"(B) DEFINITIONS.—For purposes of subparagraph (A)—

"(i) LIQUOR STORE.—The term 'liquor store' means any retail establishment which sells exclusively or primarily intoxicating liquor. Such term does not include a grocery store which sells both intoxicating liquor and groceries including staple foods (within the meaning of section 3(r) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(r))).

"(ii) CASINO, GAMBLING CASINO, OR GAMING ESTABLISHMENT.—The terms 'casino', 'gambling casino', and 'gaming establishment' do not include a grocery store which sells groceries including such staple foods and which also offers, or is located within the same building or complex as, casino, gambling, or gaming activities.

"(iii) ELECTRONIC BENEFIT TRANSFER TRANSACTION.—The term 'electronic benefit transfer transaction' means the use of a credit or debit card service, automated teller machine, point-of-sale terminal, or access to an online system for the withdrawal of funds or the processing of a payment for merchandise or a service."

(b) PENALTY.—Section 409(a) of such Act (42 U.S.C. 609(a)) is amended by adding at the end the following:

"(16) PENALTY FOR FAILURE TO ENFORCE SPENDING POLICIES.—

"(A) IN GENERAL.—If, within 2 years after the date of the enactment of this paragraph, any State has not reported to the Secretary

on such State's implementation of the policies and practices required by section 408(a)(12), or the Secretary determines, based on the information provided in State reports, that any State has not implemented and maintained such policies and practices, the Secretary shall reduce, by an amount equal to 5 percent of the State family assistance grant, the grant payable to such State under section 403(a)(1) for—

“(i) the fiscal year immediately succeeding the year in which such 2-year period ends; and

“(ii) each succeeding fiscal year in which the State does not demonstrate that such State has implemented and maintained such policies and practices.

“(B) REDUCTION OF APPLICABLE PENALTY.—The Secretary may reduce the amount of the reduction required under subparagraph (A) based on the degree of noncompliance of the State.

“(C) STATE NOT RESPONSIBLE FOR INDIVIDUAL VIOLATIONS.—Fraudulent activity by any individual in an attempt to circumvent the policies and practices required by section 408(a)(12) shall not trigger a State penalty under subparagraph (A).”.

(c) CONFORMING AMENDMENT.—Section 409(c)(4) of such Act (42 U.S.C. 609(c)(4)) is amended by striking “or (13)” and inserting “(13), or (16)”.

#### SEC. 6. TECHNICAL CORRECTIONS.

(a) Section 404(d)(1)(A) of the Social Security Act (42 U.S.C. 604(d)(1)(A)) is amended by striking “subtitle 1 of Title” and inserting “Subtitle 1 of title”.

(b) Sections 407(c)(2)(A)(i) and 409(a)(3)(C) of such Act (42 U.S.C. 607(c)(2)(A)(i) and 609(a)(3)(C)) are each amended by striking “403(b)(6)” and inserting “403(b)(5)”.

(c) Section 409(a)(2)(A) of such Act (42 U.S.C. 609(a)(2)(A)) is amended by moving clauses (i) and (ii) 2 ems to the right.

(d) Section 409(c)(2) of such Act (42 U.S.C. 609(c)(2)) is amended by inserting a comma after “appropriate”.

(e) Section 411(a)(1)(A)(ii)(III) of such Act (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PAULSEN) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

#### GENERAL LEAVE

Mr. PAULSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PAULSEN. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of H.R. 3659, legislation to extend Temporary Assistance For Needy Families and related programs through the end of this fiscal year, as well as to ensure that these funds are spent appropriately.

Now, before describing the legislation in greater detail, I note that these same provisions were already approved

by the House as part of H.R. 3630, the Middle Class Tax Relief and Job Creation Act, on Tuesday of this week. But given some of the uncertainty about that legislation, it makes sense to ensure that the TANF program continues to assist families past December 31, when its current authorization expires. That's the first and most important thing that this bill will do.

The TANF program has been generally successful at reducing welfare dependence and encouraging work. This success is partly evidenced by the fact that since it began in 1996, TANF caseloads have fallen by 56 percent through June of this year. And a key reason why this happened is because TANF is designed to promote and also support work. Unfortunately, it is one of the only anti-poverty programs that actually does so, focusing on helping move people from government checks to paychecks.

And especially, given that the focus and the fact that this program helps so many single parents with children, we need to continue TANF so low-income parents have the dignity of working and supporting their family.

But we also can't stop there. Extending TANF will also provide us the opportunity to develop long-term solutions to some of the problems revealed in a subcommittee hearing earlier this year, such as making sure that work requirements apply in all the cases that they should.

In discussing this issue with Subcommittee Chairman GEOFF DAVIS, I know that that remains a key focus of the Human Resources Subcommittee agenda in the coming year.

Aside from extending TANF and related programs, this bill contains two important and bipartisan program integrity provisions. First, it requires that States apply specific data standards to the TANF information they use when administering benefits and reporting data to the Federal Government. This will help ensure that States have reliable data to use in matching within TANF and across other programs, to ensure that the right people are receiving the right benefits.

Unfortunately, today that is not always the case. The absence of such data standards undermine program integrity and results in the waste of taxpayer funds; and that needs to end. This data provision is identical to provisions affecting child welfare programs signed into law by the President in September as part of the Child and Family Services Improvement and Innovation Act. And I know Subcommittee Chairman DAVIS and the gentleman from Texas, my colleague, Mr. DOGGETT, have worked together throughout the year on this effort.

□ 1320

The second program integrity provision closes what some have dubbed the

“strip club loophole.” This loophole currently allows individuals to access welfare benefits at ATMs in strip clubs, liquor clubs, and casinos. This provision insists that all States will take the necessary steps to end this abusive practice which has been highlighted in news stories across the country.

Some States have already implemented policies to close this loophole, ensuring that welfare benefits are spent to support children and families. This bill ensures that all States take action to close this loophole.

I note that this policy is the same as that introduced by Senators HATCH and BAUCUS, the ranking member and chairman, respectively, of the Senate Finance Committee, so it has strong bipartisan support in the other body as well.

Most importantly, Mr. Speaker, by continuing funding for TANF and related programs at their current levels, this bill does not add one penny to the deficit.

Again, this legislation continues TANF and related programs for 9 months, while making needed changes to improve program integrity. More does need to be done to further improve TANF, especially on how it helps parents go and get to work. This legislation will allow that process of reform to continue into next year, while ensuring that important TANF benefits remain available beyond their current December 31 expiration.

I want to thank Representative GEOFF DAVIS, the chairman of the Ways and Means Subcommittee on Human Resources, for his work and effort on this issue, as well as Dr. BOUTANY and Mr. SCHOCK for their important efforts and cosponsoring this measure that we're bringing forward to the House today.

I ask all my colleagues to support it and pass it.

I reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

I rise in reluctant support of this measure, asking for its approval, because without approval, Federal funding for Temporary Assistance for Needy Families will expire on New Year's Eve. My reluctance centers on the incomplete nature of this extension.

It's incomplete, first, in terms of time. In September, Republicans declined to extend this necessary funding for more than 3 months. Now they extend it only for another 9 months, assuring that during the height of the 2012 campaign season next year they'll have an opportunity to blame the poor for whatever questionable anecdote arises in the meantime.

This type of short-term extension at a time of a budgetary crisis in many of our States reduces the ability to plan and to reform. It assures that direct assistance to our most vulnerable neighbors will just barely hang on. It

postpones any meaningful action on responding to the Census Bureau report that more Americans were poor in 2010 than at any recent time.

In my home county in the capital of the State of Texas, the percentage of children living in poverty grew from 18.3 percent in 2007 to 24.5 in 2010—almost one in every four children, in our area, impoverished.

And today's bill is incomplete in terms of coverage. An important part of the 1996 reform of the welfare law, a reform that I personally supported, an important part is omitted today, the TANF supplemental grants. These are funds that are allocated to help those States like Texas that were negatively affected by the Federal formula in place at the time.

Without any good explanation or justification, Republicans allowed this initiative to expire last summer, and they continue to do so today. This means that a State government in Texas that is largely indifferent to the needs of its poor citizens has even less capacity to respond to those needs. Because of this deliberate and unjustified omission, Texas loses \$500 million; and together with 16 other States, they lose a total of \$3 billion over the next decade. This is money that will not be there to assist struggling families and to promote work. Termination of these grants is really a breach of the agreement of 15 years ago as a part of welfare reform.

But as we pass this bill, a few points need to be noted that are positive in nature.

First is the one my colleague refers to as bipartisan legislation that I have worked on with Chairman GEOFF DAVIS. It is designed to assure that Health and Human Services does have common data points so that we ferret out any waste and abuse among various programs and, at the same time, help eligible Americans to receive the assistance to which they are entitled. This has already been incorporated into the child welfare legislation that was also approved by our subcommittee on a bipartisan basis and has been signed into law.

A second provision that is described as "program integrity" certainly does sound good in speeches, and it probably does address a problem in Las Vegas and a few other areas that for speech purposes has been described as the so-called "strip club loophole." I'm in favor of closing every loophole that takes public money that needs to go to needy children and diverts it for some other purpose, whether it's at a strip club or it is a pharmaceutical manufacturer who has milked Medicaid and Medicare for millions of dollars.

Earlier this week, we heard from TANF administrators across the country, Republicans and Democrats, questioning this provision, and we know that it is also the subject of a study by

the Government Accountability Office. I think that we need to ensure no dollars are wasted here, and I certainly wouldn't let this newly added provision slow up a must-pass piece of legislation to assure that the Temporary Assistance for Needy Families program is continued to next September.

With that, I reserve the balance of my time.

Mr. PAULSEN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana, a distinguished member of the Ways and Means Committee, Mr. BOUSTANY.

Mr. BOUSTANY. I want to thank the gentleman from Minnesota for yielding time to me.

Mr. Speaker, I rise in support of the Welfare Integrity and Data Improvement Act, and I want to thank Chairman DAVIS for his work on this as well as Ranking Member DOGGETT. But I also want to express my deep appreciation for the inclusion of my bill, the Welfare Integrity Now—WIN—for Children and Families Act, H.R. 3567, in this important legislation.

Mr. Speaker, as chairman of the Ways and Means Subcommittee on Oversight, I am determined to continue to fight waste, fraud, and abuse on behalf of the taxpayer. This legislation ensures that taxpayer dollars in this program are being used in the manner that they are intended to be used, and that is to help those that need it most.

The abuse of funds on EBT cards has to stop. Prohibiting welfare funds on EBT cards from being accessible in strip clubs, liquor stores, and casinos, my bill, H.R. 3567, seeks to prevent the fraudulent misuse of funds within the TANF system.

Families across America will continue to receive the necessary assistance that they need during these very tough economic times.

The Win for Children and Families Act also holds States accountable for not complying with this provision. So I'm pleased that the provision has been included in this bill, and I urge my colleagues to vote "yes" on this bill.

Mr. DOGGETT. Mr. Speaker, I yield 3 minutes to the distinguished member of this subcommittee and the full committee, the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I rise in support of this bill. We surely need to ensure that the TANF program does not expire, which is the basic purpose of this extension, but we would be remiss if we didn't say that the status quo falls short of what is needed in these difficult times.

Nearly one out of every two Americans is scraping by in poverty or with very low income. We're talking about people below \$44,000. That's the people who are just barely making it with a family of four in this country. That's what the Census Bureau found when they used the new supplemental pov-

erty measure based on legislation I proposed in the Congress. That means about 150 million Americans are struggling to get by.

□ 1330

Just 2 days ago on this floor, the response to this epidemic of suffering from the Republicans was to just suggest that we ought to cut off unemployment benefits to millions of Americans. Now, imagine yourself in the middle class—and there are a lot of people who think they're in the middle class. Think about what that means when somebody says, We're going to make it harder for you to get unemployment benefits when you need them.

It is morally wrong and is terrible economic policy. We need to follow a much different path, one that focuses on reforming programs so that they better respond to Americans in need.

I was here when we did the reform of 1996. In 1996, this country was going like a bat. We were really making money, and anybody could find a job if he was willing to go in and ask, which is not the situation today. This welfare program is not meeting the needs of what's going on out there.

Now, if you've watched television recently, you could have seen on "60 Minutes" families who are living in cars. Now, how do you get to a car? Well, first you lose your job. Then you get on unemployment insurance. You lose your health care, too, by the way when you lose your job. Then your unemployment insurance runs out. You've got 99 weeks of that, and it's gone. Where are you now? Well, um, you've still got the house. You've been paying for that on the unemployment, but now your house is in foreclosure. The next thing you know, you're living in the car.

We've got thousands of people in this country who are in that circumstance. They are increasingly taking all of the money out of their IRAs and all the money out of their pension plans. Every single dime they've got is gone. They're losing their homes, and all they have, if they're usual families, are food stamps. That's what we offer them. In the richest country in the world, one in two people is in poverty or near it, and we're offering them food stamps, and are saying, Go find a job, when there are four people looking for every job out there.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOGGETT. I yield the gentleman an additional minute.

Mr. McDERMOTT. Only one out of every five poor children in America receives any direct assistance from this program we're talking about today, and those few who do get helped receive very little. As more and more people lose their unemployment benefits, this hole in the TANF safety net is

going to get bigger and bigger and bigger. We ought to start repairing that hole rather than ignoring it as it grows.

We are crushing the middle class in this country with our social policy at this point. The data show that our social safety net works but that the real problem is that we don't fund it and that we haven't kept it up to date with what the modern economy is doing. People used to go unemployed, and then in a while the job came back. The jobs are not coming back anymore. Technology is changing it all.

I support extending TANF, but today's bill is a Band-Aid of underfunding an outdated policy that hasn't kept up with the problems that struggling Americans are facing every day. We must do better by the middle class in this country—or Occupy Wall Street is going to be everywhere.

Mr. PAULSEN. Mr. Speaker, I reserve the balance of my time.

Mr. DOGGETT. I may have one additional speaker if the gentlelady makes it in time, but let me close on this note:

Mr. Speaker, at this time of year, we have largely a Norman Rockwell picture of American families gathered around the Christmas tables, with their turkeys and their gifts, and their Christmas trees are lit. That is the story of millions of American families, but it's not the story of many as well.

I've seen those families firsthand. I see them two doors down from my house in East Austin when they line up on a Saturday morning, in need of help, at the Olivet Baptist Helping Hand. I saw it last Saturday at the recreation center in southeast Austin, in Dove Springs, where parents were lined up for blocks to get their children one toy for Christmas. I've also seen it across the south and west sides of San Antonio—good families, hardworking people caught up in the worst recession since the Great Depression. They face great challenges, and our safety net in this country remains in tatters.

My concern is that this bill today does so little to address that tattered safety net, which is increasingly more hole than net. We see the statistics of homelessness for these families: 38 percent growth over 3 years of the recession. We see it in threadbare cupboards and church pantries and in food centers across the country. Yesterday we saw in a report in *The New York Times* that in 37 States families are worse off in terms of child care.

At this time, Mr. Speaker, I yield 2 minutes to my colleague from Wisconsin (Ms. MOORE), to discuss the challenges that are faced by some of our most vulnerable neighbors. I know she shares many of these concerns about the unmet needs of those families who won't be fortunate enough to look like a Norman Rockwell painting this Christmas.

Ms. MOORE. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to H.R. 3659.

This bill was taken out of the 360-page tax extenders bill, and essentially the authors of this bill have brought it up so that they could just have another kick at poor people. The bill sort of suggests that people who are poor are of very low moral character and that they can't be trusted to use their EBT cards in liquor stores or casinos, so therefore we need to make some restrictions on how they can use EBT cards.

But before we start kicking poor people yet another time, I just want to remind everyone of data that were just released today which indicate that one half of all Americans are poor and that these people may find themselves eligible for benefits under this Electronic Benefit Transfer card.

Earlier this week, Congressman JOHN LEWIS and I tried to strike this language from the bill—with no success.

The provision that blocks EBT cards from being used in liquor stores, casinos and strip clubs doesn't consider a couple of things. It doesn't consider the tremendous cost that this will have on financial institutions, which will have to reconfigure their cards. It also doesn't consider the distance for many Americans. There are 23 million Americans who live in so-called "food deserts" where there is not access to a grocery store or to an EBT machine within walking distance.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DOGGETT. I yield the gentlelady an additional 30 seconds.

Ms. MOORE. Before I close, I would just like to mention one personal experience that I had just this last week.

After having suffered an aneurysm, one of my sisters was on her way back to the hospital this morning. Because I didn't have access to a vehicle, I went and purchased the last meal that I gave her before I journeyed back to Washington, D.C. I bought her 100 percent orange juice from a liquor store that was within walking distance of my home.

So it may be an unintended consequence, but this is just a mean-spirited effort to, one more time, kick the poor people who are now half of all Americans.

Mr. Speaker, here we are once again. Like a broken record the Republican leadership continues to play the same sad song. One that claims to help the poor and middle class but in the end will only exacerbate our already weak economy.

As always, the devil is in the details. This so called Welfare Integrity and Data Improvement Act will only help to make an already broken program worse while also restricting access for our most vulnerable families.

But be careful.

New Census data released today reveals that 1 in 2 Americans have fallen into poverty.

One half of all Americans are now either poor or low-income!!!

The rate at which women and children are being thrown under the bus is a strong indication that TANF has systematically failed to close the expanding poverty gap, build pathways to sustainable employment, and has done little to alleviate the problem of growing chronic poverty.

Now, as we go into TANF's third extension, Republicans want to impose additional barriers on families to further hinder their ability to access much needed benefits in these tough economic times.

This bill includes a harmful provision that blocks EBT cards from being used at liquor stores, casinos and strip clubs.

Mr. Speaker, this is an issue of access. In many neighborhoods, the closest ATM is located in a nearby liquor store.

We don't want to encourage people to go to liquor stores or casinos but what are low-income families supposed to do when they can't even access benefits to feed their families in their own neighborhoods?

There has been no consideration of the cost associated with implementing this policy, or to the kinds of burdens that it will undoubtedly place on states and financial institutions who will have to reconfigure thousands of ATMs.

Earlier this week, Congressman JOHN LEWIS and I attempted to strike this language from the tax extenders bill, but Republicans refused to consider any amendments both on the floor and in the Rules Committee.

Here we are. Up against many deadlines and someone took the time to pull this language out of a 370 page bill so that they could kick people who are down with further restrictions.

I hope that the American people can see that Republicans are simply playing political theater, trying to further humiliate and marginalize poor people while stonewalling any and all efforts for Democrats to pass meaningful legislation that will truly provide opportunities for all people.

[From the Economic Research Service, June 2009]

#### ACCESS TO AFFORDABLE AND NUTRITIOUS FOOD

##### Measuring and Understanding Food Deserts and Their Consequences

###### REPORT TO CONGRESS

Increases in obesity and diet-related diseases are major public health problems. These problems may be worse in some U.S. communities because access to affordable and nutritious foods is difficult. Previous studies suggest that some areas and households have easier access to fast food restaurants and convenience stores but limited access to supermarkets. Limited access to nutritious food and relatively easier access to less nutritious food may be linked to poor diets and, ultimately, to obesity and diet-related diseases. Congress, in the Food, Conservation, and Energy Act of 2008, directed the U.S. Department of Agriculture (USDA) to conduct a 1-year study to assess the extent of the problem of limited access, identify characteristics and causes, consider the effects of limited access on local populations, and outline recommendations to address the problem.

This report presents the findings of the study, which include results from two conferences of national and international authorities on food deserts and a set of commissioned research studies done in cooperation with the National Poverty Center at the University of Michigan. It also includes reviews of existing literature, a national-level assessment of access to supermarkets and large grocery stores, analysis of the economic and public health effects of limited access, and a discussion of existing policy interventions. A variety of analytical methods and data are used to assess the extent of limited access to affordable and nutritious food and characteristics of areas with limited access.

#### FINDINGS

Access to a supermarket or large grocery store is a problem for a small percentage of households. Results indicate that some consumers are constrained in their ability to access affordable nutritious food because they live far from a supermarket or large grocery store and do not have easy access to transportation. Three pieces of evidence corroborate this conclusion:

Of all U.S. households, 2.3 million, or 2.2 percent, live more than a mile from a supermarket and do not have access to a vehicle. An additional 3.4 million households, or 3.2 percent of all households, live between one-half to 1 mile and do not have access to a vehicle.

Area-based measures of access show that 23.5 million people live in low-income areas (areas where more than 40 percent of the population has income at or below 200 percent of Federal poverty thresholds) that are more than 1 mile from a supermarket or large grocery store. However, not all of these 23.5 million people have low income. If estimates are restricted to consider only low-income people in low-income areas, then 11.5 million people, or 4.1 percent of the total U.S. population, live in low-income areas more than 1 mile from a supermarket.

Data on time use and travel mode show that people living in low-income areas with limited access spend significantly more time (19.5 minutes) traveling to a grocery store than the national average (15 minutes). However, 93 percent of those who live in low-income areas with limited access traveled to the grocery store in a vehicle they or another household member drove.

These distance and time-based measures are national estimates that do not consider differences between rural and urban areas in terms of distance, travel patterns, and retail market coverage.

Urban core areas with limited food access are characterized by higher levels of racial segregation and greater income inequality. In small-town and rural areas with limited food access, the lack of transportation infrastructure is the most defining characteristic.

These area- or distance-based results are in line with a nationally representative survey of U.S. households conducted in 2001. Responses to direct questions about food access show that nearly 6 percent of all U.S. households did not always have the food they wanted or needed because of access-related problems. More than half of these households also lacked enough money for food. It is unclear whether food access or income constraints were relatively greater barriers for these households.

Supermarkets and large grocery stores have lower prices than smaller stores. A key concern for people who live in areas with limited access is that they rely on small grocery or convenience stores that may not

carry all the foods needed for a healthy diet and that may offer these foods and other food at higher prices. This report examines whether prices of similar foods vary across retail outlet types and whether the prices actually paid by consumers vary across income levels. These analyses use proprietary household-level data that contain information on food items purchased by approximately 40,000 demographically representative households across the United States. Results from these analyses show that when consumers shop at convenience stores, prices paid for similar goods are, on average, higher than at supermarkets.

Low-income households shop where food prices are lower, when they can. Findings also show that food purchases at convenience stores make up a small portion of total food expenditures (2 to 3 percent) for low-income consumers. Low- and middle-income households are more likely to purchase food at supercenters, where prices are lower. Administrative data on SNAP benefit redemptions from 2008 show that 86 percent of SNAP benefits were redeemed at supermarkets or large grocery stores. Research that considers the prices paid for the same food across household income levels indicates that while some of the very poorest households—those earning less than \$8,000 per year—may pay between 0.5 percent and 1.3 percent more for their groceries than households earning slightly more, households earning between \$8,000 and \$30,000 tend to pay the lowest prices for groceries, whereas higher income households pay significantly higher prices.

The study also examined food shopping behavior and the types of food purchased for SNAP participants and other low-income households. Data from the 1996/1997 NFSPS show that SNAP participants were, on average, 1.8 miles from the nearest supermarket. However, the average number of miles both SNAP participants and eligible nonparticipants traveled to the store most often used was 4.9 miles. These same data show that SNAP participants who did not shop at supermarkets purchased less noncanned fruit, noncanned vegetables, and milk than SNAP participants who shopped frequently at a supermarket.

Easy access to all food, rather than lack of access to specific healthy foods, may be a more important factor in explaining increases in obesity. Many studies find a correlation between limited food access and lower intake of nutritious foods. Data and methods used in these studies, however, are not sufficiently robust to establish a causal link between access and nutritional outcomes. That is, other explanations cannot be eliminated as the cause of lower intake. A few studies have examined food intake before and after healthy food options become available (either within existing stores or because new stores opened). The findings are mixed—some show a small but positive increase in consumption of fruits and vegetables, while others show no effect.

The causal pathways linking limited access to nutritious food to measures of overweight like Body Mass Index (BMI) and obesity are not well understood. Several studies find that proximity of fast food restaurants and supermarkets are correlated with BMI and obesity. But increased consumption of such healthy foods as fruits and vegetables, low-fat milk, or whole grains does not necessarily lead to lower BMI. Consumers may not substitute away from less healthy foods when they increase their consumption of healthy foods. Easy access to all food, rather than lack of access to specific healthy foods,

may be a more important factor in explaining increases in BMI and obesity.

Understanding the market conditions that contribute to differences in access to food is critical to the design of policy interventions that may be effective in reducing access limitations. Access to affordable and nutritious food depends on supply (availability) and consumer demand. Consumer behavior, preferences, and other factors related to the demand for some foods may account for differences in the types of foods offered across different areas. Food retailer behavior and supply-side issues such as higher costs to developing stores in underserved areas may also explain variation across areas in which foods are offered and what stores offer them.

If high development costs serve as a barrier to entry for supermarkets in some areas with low access, then subsidy programs or restructured zoning policies may be effective solutions. If consumer demand factors, such as inadequate knowledge of the nutritional benefits of specific foods, contribute to differences in access by reducing demand, then a public health campaign may be a preferred strategy. Several local and State-level efforts are underway that could provide the basis for a better understanding of the types of interventions that may work best.

Food has been used as a tool for community development. Projects such as farmers' markets, community gardens, promotion of culturally specific foods for ethnic minorities and Native Americans, local food production and promotion, youth agricultural and culinary training programs, and many other types of programs have all been implemented in a variety of settings, both urban and rural. USDA's Community Food Projects Competitive Grant program has much experience in funding and nurturing such programs.

The current state of research is insufficient to conclusively determine whether some areas with limited access have inadequate access. Future research should consider improved methods to measure access levels, availability, and prices of foods faced by individuals and areas. More research is needed to understand how access, availability and price affect the shopping and consumption behaviors of consumers.

Data linking information on the types of foods consumers purchase and eat with measures of consumers' levels of access and the prices they face could help explain the economic consequences of food access. Studies that use improved methods and data to determine how food access affects diet, obesity, and other health outcomes are also needed to help explain the health consequences of food access.

#### METHODS

To conduct the analysis of the extent of food deserts, a comprehensive database was developed that identified the location of supermarkets and large grocery stores within the continental United States. Food access was estimated as the distance to the nearest supermarket or large grocery store. The analysis was refined by examining households without vehicles and specific socio-demographic subpopulations drawn from the 2000 Census. Multivariate statistical analysis was applied to identify the key determinants of areas with low access to supermarkets and large grocery stores.

Research also examined national-level data on questions of household food adequacy and access from the 2001 Current Population Survey. This information was complemented with national-level data on time spent traveling to grocery stores from the

2003-07 American Time Use Survey. To consider the economic consequences of limited access, ERS also analyzed demand for certain nutritious foods for a sample of participants in the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program), using data from the National Food Stamp Program Survey (NFSPS) of 1996/1997. Variation in prices for similar foods purchased at different store types, as indicated by hedonic models and data from the 2006 Nielsen Homescan panel, was also estimated.

ERS collaborated with other agencies and institutions to complete this study. USDA's Food and Nutrition Service (FNS) compiled information on an extensive body of work examining food access for SNAP and other low-income households. USDA's Cooperative State Research, Education, and Extension Service (CSREES) provided information on the Community Foods Projects and lessons learned in the administration of the projects.

The national-level food desert analysis was complemented by a review of existing literature and the commissioning of additional studies by experts in the field. A workshop held in October 2008 convened leading experts in the study of retail food and grocery store access, key stakeholders from community development organizations, grocery retailer organizations, other government agencies, congressional members and staff, and related public interest groups. The workshop included presentations and panel discussions of such topics as defining and describing dimensions of food deserts, implications of low access for food and nutrition assistance programs, consequences of food deserts, and programs and policies to mitigate the adverse effects of food deserts.

USDA, in cooperation with the National Poverty Center at the University of Michigan, commissioned several studies by experts in food access to better understand concepts of low access to affordable and nutritious foods and the degree to which access varies across different types of areas. The intent of these papers was to describe characteristics of the food environment and the demographic, economic, and health conditions that typify areas with low food access and to complement the national-level findings with more detailed and local-level information. Results from studies were presented in a conference.

USDA, in cooperation with the Institute of Medicine of the National Academies, conducted a 2-day workshop in January 2009 on the public health implications of food deserts. Workshop presentations covered methods for assessing and research findings on the impacts of food deserts on such outcomes as diet (including examination of specific foods, such as fruit and vegetable consumption and intake of high-energy, low-nutrient foods), prevalence of obesity and overweight; and diseases associated with poor diets. In addition, presentations covered promising strategies for mitigating the impacts of food deserts that have been suggested, implemented, or are in the planning stages. The workshop provided the basis for the review of the public health literature.

Mr. PAULSEN. Mr. Speaker, I yield myself such time as I may consume.

I just want to thank the gentleman for raising the issue about ensuring that TANF recipients can access their benefits in a variety of locations.

I will say the bill that we are considering here on the floor today requires States to block access to welfare bene-

fits in casinos, liquor stores, and strip clubs, as we talked about earlier. However, we do understand that some grocery stores, convenience stores, and local markets may also sell groceries and alcohol or have gambling machines as well. That's why there is an exception in the bill to provide exactly for the concerns that the gentleman from Texas raised.

With that, I reserve the balance of my time.

□ 1340

Mr. DOGGETT. While I think it would have been better to await the full report from the Government Accountability Office, I support those program integrity provisions.

I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentleman from Texas for yielding.

I rise in support of the extension of this legislative activity, and I want to be associated as closely as possible with the comments made by my colleague from Texas, who seems to have his hand on the pulse of where we need to go, what we need to do, and the unfortunate delays that we have experienced. So I thank Mr. DOGGETT for his leadership. I am in favor of extending this legislation.

Mr. DOGGETT. Mr. Speaker, in closing, I would just yield myself such time as I may consume to say that I am pleased that we are moving forward to extend this program, at least until the end of next September. But there remains much work to do.

Many of our neighbors are in great need at the present time. Many are supported by churches, community nonprofits, and the like. It is a valuable service at a time of charity at Christmas when we all care about those who are the least among us.

But just caring in that fashion is not sufficient, given the extent of the problem. We need a stronger safety net with reference to health care, child care, the support that is offered through the Temporary Assistance for Needy Families program, and to help those—yes, pull them up by their boots; but for those who lack bootstraps, assist them as well. That should be the goal of our vision as we address the needs of the many impoverished people in this country.

Unfortunately, poor people have the least voice in this Congress. Their voice is not heard to the extent that some of those who have vested interests here in limousines and lobbyists are heard. But we need to speak up for them. And this is one of those rare opportunities to be able to do so and to say that this Congress has acted; but it's acted in a modest, limited, incomplete, and inadequate way. We would not hold up that little bit of help, but there is so much more that needs to be done.

I yield back the balance of my time.

Mr. PAULSEN. Mr. Speaker, in closing, again, this legislation continues TANF and related programs for an additional 9 months—it was going to run out on December 31—while making both needed and also bipartisan reforms and changes that are going to improve program integrity.

I appreciate the comments of all of the Members here on the floor today who have joined us in support of the bill. I look forward to working with them to continually improve how TANF helps low-income adults work and also become self-sufficient in the months ahead.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. PAULSEN) that the House suspend the rules and pass the bill, H.R. 3659, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: approving the Journal, by the yeas and nays; H.R. 886, de novo; H.R. 2719, de novo; H.R. 443, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 330, nays 83, answered "present" 2, not voting 18, as follows:

[Roll No. 933]

YEAS—330

Aderholt	Berkley	Brady (TX)
Akin	Berman	Braley (IA)
Alexander	Biggert	Brooks
Altmire	Bilbray	Brown (GA)
Amodei	Bilirakis	Brown (FL)
Austria	Bishop (GA)	Buchanan
Baca	Bishop (UT)	Buchson
Bachus	Black	Buerkle
Barletta	Blackburn	Burton (IN)
Barrow	Blumenauer	Butterfield
Bartlett	Bonner	Calvert
Barton (TX)	Bono Mack	Camp
Bass (NH)	Boren	Campbell
Becerra	Boswell	Canseco
Berg	Boustany	Cantor



Capito  
Capps  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Chabot  
Chaffetz  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Cohen  
Cole  
Connolly (VA)  
Cooper  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cumming  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro  
Denham  
DesJarlais  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Dreier  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farr  
Fattah  
Fincher  
Flake  
Fleischmann  
Fleming  
Flores  
Fortenberry  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gibbs  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Green, Al  
Green, Gene  
Griffith (VA)  
Guinta  
Hahn  
Hall  
Hanabusa  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heinrich  
Hensarling  
Herger  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer

Hultgren  
Hurt  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
LaTourette  
Latta  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Mack  
Maloney  
Manzullo  
Marchant  
Marino  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meeks  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moran  
Murphy (CT)  
Murphy (PA)  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Pallone  
Pascarella  
Pastor (AZ)  
Paulsen  
Pelosi  
Perlmutter  
Petri  
Pingree (ME)  
Pitts

Platts  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (WI)  
Scalise  
Schakowsky  
Schiff  
Schmidt  
Shock  
Schradler  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Speier  
Stark  
Stearns  
Stutzman  
Sullivan  
Sutton  
Thompson (PA)  
Thornberry  
Tierney  
Tonko  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman

Wolf  
Womack  
Woolsey  
Yarmuth  
Young (FL)  
Young (IN)

## NAYS—83

Adams  
Baldwin  
Bass (CA)  
Benishek  
Bishop (NY)  
Brady (PA)  
Burgess  
Capuano  
Cardoza  
Castor (FL)  
Chandler  
Chu  
Clyburn  
Coffman (CO)  
Conaway  
Conyers  
Costa  
DeFazio  
Dent  
Dold  
Donnelly (IN)  
Duffy  
Farenthold  
Fitzpatrick  
Forbes  
Foxy  
Gardner  
Garrett  
Gerlach  
Gibson  
Graves (MO)  
Griffin (AR)  
Grijalva  
Grimm  
Hanna  
Heck  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hunter  
Johnson (OH)  
Kucinich  
Lance  
Latham  
Lee (CA)  
LoBiondo  
Lynch  
Markey  
Matheson  
McCotter  
McDermott  
Meehan  
Miller (FL)  
Moore  
Mulvaney  
Oliver  
Pearce  
Peters  
Peterson  
Poe (TX)  
Quayle  
Rahall  
Reed  
Renacci  
Ribble  
Roe (TN)  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schilling  
Stivers  
Terry  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tipton  
Towns  
Velázquez  
Visclosky  
Woodall  
Yoder  
Young (AK)

## ANSWERED "PRESENT"—2

Amash  
Ackerman  
Andrews  
Bachmann  
Coble  
Davis (KY)  
Diaz-Balart

## NOT VOTING—18

Filner  
Giffords  
Gohmert  
Granger  
Guthrie  
Gutierrez  
Johnson, E. B.  
McGovern  
Myrick  
Paul  
Payne  
Pence

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1408

Ms. BASS of California changed her vote from "yea" to "nay."

Mr. RANGEL and Ms. KAPTUR changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 933, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

## ANNOUNCEMENT REGARDING CLASSIFIED SCHEDULE OF AUTHORIZATIONS AND CLASSIFIED ANNEX ACCOMPANYING INTELLIGENCE AUTHORIZATION BILL FOR FY 2012

(Mr. ROGERS of Michigan asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Michigan. Mr. Speaker, I wish to announce to all Members of the House that the Senate has passed H.R. 1892, the Intelligence Authorization Act for Fiscal Year 2012, with amendments, including amendments to the classified Schedule of Authorizations and classified Annex.

It is my understanding the House will consider the Senate amendment to the bill tomorrow by suspension of the

rules. The Committee on Rules has posted the legislative text of the Senate amendment online for review by all Members.

Mr. Speaker, in addition, the amended classified Schedule of Authorizations and classified Annex accompanying the bill are available for review by all Members at the offices of the Permanent Select Committee on Intelligence in room HVC-304 of the Capitol Visitors Center at any time.

The committee office will be open during regular business hours for the convenience of any Member who wishes to review the classified material prior to its consideration in the House. I recommend that Members wishing to review the classified Annex contact the committee's director of security to arrange a time for that viewing. This will assure the availability of committee staff to assist Members who desire any assistance during their review of these classified materials.

It is important that Members keep in mind the requirements of clause 13 of House rule XXIII, which only permits access to classified information by those Members of the House who have signed the oath and met the requirements provided for in the rule.

## UNITED STATES MARSHALS SERVICE 225TH ANNIVERSARY COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 886) to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. WOMACK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 1, answered "present" 1, not voting 19, as follows:

[Roll No. 934]

AYES—412

Adams	DeGette	Jackson Lee
Aderholt	DeLauro	(TX)
Akin	Denham	Jenkins
Alexander	Dent	Johnson (GA)
Altmire	DesJarlais	Johnson (IL)
Amodel	Deutch	Johnson (OH)
Austria	Dingell	Johnson, Sam
Baca	Doggett	Jones
Bachus	Donnelly (IN)	Jordan
Baldwin	Doyle	Kaptur
Barletta	Dreier	Keating
Barrow	Duffy	Kelly
Bartlett	Duncan (SC)	Kildee
Barton (TX)	Duncan (TN)	Kind
Bass (CA)	Edwards	King (NY)
Bass (NH)	Ellison	Kingston
Becerra	Ellmers	Kinzinger (IL)
Benishkek	Emerson	Kissell
Berg	Engel	Kline
Berkley	Eshoo	Kucinich
Berman	Farenthold	Labrador
Biggert	Farr	Lamborn
Bilbray	Fattah	Lance
Bilirakis	Fincher	Landry
Bishop (GA)	Fitzpatrick	Langevin
Bishop (NY)	Flake	Lankford
Bishop (UT)	Fleischmann	Larsen (WA)
Black	Fleming	Larson (CT)
Blackburn	Flores	Latham
Blumenauer	Forbes	LaTourette
Bonner	Fortenberry	Latta
Bono Mack	Fox	Lee (CA)
Boren	Frank (MA)	Levin
Boswell	Franks (AZ)	Lewis (CA)
Boustany	Frelinghuysen	Lewis (GA)
Brady (PA)	Fudge	Lipinski
Brady (TX)	Gallely	LoBiondo
Braley (IA)	Garamendi	Loebach
Brooks	Gardner	Lofgren, Zoe
Broun (GA)	Garrett	Long
Brown (FL)	Gerlach	Lowey
Buchanan	Gibbs	Lucas
Bucshon	Gibson	Luetkemeyer
Buerkle	Gingrey (GA)	Lujan
Burgess	Gohmert	Lummis
Burton (IN)	Gonzalez	Lungren, Daniel
Butterfield	Goodlatte	E.
Calvert	Gosar	Lynch
Camp	Gowdy	Mack
Campbell	Granger	Maloney
Canseco	Graves (GA)	Manzullo
Cantor	Graves (MO)	Marchant
Capito	Green, Al	Marino
Capps	Green, Gene	Markey
Capuano	Griffin (AR)	Matheson
Cardoza	Griffith (VA)	Matsui
Carnahan	Grijalva	McCarthy (CA)
Carney	Grimm	McCarthy (NY)
Carson (IN)	Guinta	McCaul
Carter	Hahn	McClintock
Cassidy	Hall	McCollum
Castor (FL)	Hanabusa	McCotter
Chabot	Hanna	McDermott
Chaffetz	Harper	McHenry
Chandler	Harris	McIntyre
Chu	Hartzler	McKeon
Cicilline	Hastings (FL)	McKinley
Clarke (MI)	Hastings (WA)	McMorris
Clarke (NY)	Hayworth	Rodgers
Clay	Heck	McNerney
Cleaver	Heinrich	Meehan
Clyburn	Hensarling	Meeks
Coffman (CO)	Herger	Mica
Cohen	Herrera Beutler	Michaud
Cole	Higgins	Miller (FL)
Conaway	Himes	Miller (MI)
Connolly (VA)	Hinchey	Miller (NC)
Conyers	Hinojosa	Miller, Gary
Cooper	Hirono	Miller, George
Costa	Hochul	Moore
Costello	Holden	Moran
Courtney	Holt	Murphy (CT)
Cravaack	Honda	Murphy (PA)
Crawford	Hoyer	Nadler
Crenshaw	Huelskamp	Napolitano
Critz	Huizenga (MI)	Neal
Crowley	Hultgren	Neugebauer
Cuellar	Hunter	Noem
Culberson	Hurt	Nugent
Cummings	Inslee	Nunes
Davis (CA)	Israel	Nunnelee
Davis (IL)	Issa	Olson
DeFazio	Jackson (IL)	Oliver

Owens	Ross (FL)	Stutzman
Palazzo	Rothman (NJ)	Sullivan
Pallone	Roybal-Allard	Sutton
Pascrell	Royce	Terry
Pastor (AZ)	Runyan	Thompson (CA)
Paulsen	Ruppersberger	Thompson (MS)
Pearce	Rush	Thompson (PA)
Pelosi	Ryan (OH)	Thornberry
Perlmutter	Ryan (WI)	Tiberi
Peters	Sanchez, Linda	Tierney
Peterson	T.	Tipton
Petri	Sanchez, Loretta	Tonko
Pingree (ME)	Sarbanes	Towns
Pitts	Scalise	Tsongas
Platts	Schakowsky	Turner (NY)
Poe (TX)	Schiff	Turner (OH)
Polis	Schilling	Upton
Pompeo	Schmidt	Van Hollen
Posey	Schock	Velázquez
Price (GA)	Schrader	Visclosky
Price (NC)	Schwartz	Walberg
Quayle	Schweikert	Walden
Quigley	Scott (SC)	Walsh (IL)
Rahall	Scott (VA)	Walz (MN)
Rangel	Scott, Austin	Wasserman
Reed	Scott, David	Schultz
Rehberg	Sensenbrenner	Waters
Reichert	Serrano	Watt
Renacci	Sessions	Waxman
Reyes	Sewell	Webster
Ribble	Sherman	Welch
Richardson	Shimkus	West
Richmond	Shuler	Westmoreland
Rigell	Shuster	Whitfield
Rivera	Simpson	Wilson (FL)
Roby	Sires	Wilson (SC)
Roe (TN)	Slaughter	Wittman
Rogers (AL)	Smith (NE)	Wolf
Rogers (KY)	Smith (NJ)	Womack
Rogers (MI)	Smith (TX)	Woodall
Rohrabacher	Smith (WA)	Woolsey
Rokita	Southerland	Yarmuth
Rooney	Speier	Yoder
Ros-Lehtinen	Stark	Young (AK)
Roskam	Stearns	Young (FL)
Ross (AR)	Stivers	Young (IN)

NOES—1

Amash

ANSWERED “PRESENT”—1

Mulaney

NOT VOTING—19

Ackerman	Dold	McGovern
Andrews	Filner	Myrick
Bachmann	Giffords	Paul
Coble	Guthrie	Payne
Davis (KY)	Gutierrez	Pence
Diaz-Balart	Johnson, E. B.	
Dicks	King (IA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1419

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 934, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

Mr. DOLD. Mr. Speaker, on rollcall No. 934, I was unavoidably detained. Had I been present, I would have voted “aye.”

#### RATTLESNAKE MOUNTAIN PUBLIC ACCESS ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the

bill (H.R. 2719) to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, not voting 17, as follows:

[Roll No. 935]

AYES—416

Adams	Carter	Flake
Aderholt	Cassidy	Fleischmann
Akin	Castor (FL)	Fleming
Alexander	Chabot	Flores
Altmire	Chaffetz	Forbes
Amash	Chandler	Fortenberry
Amodel	Chu	Fox
Austria	Cicilline	Frank (MA)
Baca	Clarke (MI)	Franks (AZ)
Bachus	Clarke (NY)	Frelinghuysen
Baldwin	Clay	Fudge
Barletta	Cleaver	Gallely
Barrow	Clyburn	Garamendi
Bartlett	Coffman (CO)	Gardner
Barton (TX)	Cohen	Garrett
Bass (CA)	Cole	Gerlach
Bass (NH)	Conaway	Gibbs
Becerra	Connolly (VA)	Gibson
Benishkek	Conyers	Gingrey (GA)
Berg	Cooper	Gohmert
Berkley	Costa	Gonzalez
Berman	Costello	Goodlatte
Biggert	Courtney	Gosar
Bilbray	Cravaack	Gowdy
Bilirakis	Crawford	Granger
Bishop (GA)	Crenshaw	Graves (GA)
Bishop (NY)	Critz	Graves (MO)
Bishop (UT)	Cuellar	Green, Al
Black	Culberson	Green, Gene
Blackburn	Cummings	Griffin (AR)
Blumenauer	Davis (CA)	Griffith (VA)
Bonner	Davis (IL)	Grijalva
Bono Mack	DeFazio	Grimm
Boren	DeGette	Guinta
Boswell	DeLauro	Hahn
Boustany	Denham	Hall
Brady (PA)	Dent	Hanabusa
Brady (TX)	DesJarlais	Hanna
Braley (IA)	Deutch	Harper
Brooks	Dicks	Harris
Broun (GA)	Dingell	Hartzler
Brown (FL)	Doggett	Hastings (FL)
Buchanan	Dold	Hastings (WA)
Bucshon	Donnelly (IN)	Hayworth
Buerkle	Doyle	Heck
Burgess	Dreier	Heinrich
Burton (IN)	Duffy	Hensarling
Butterfield	Duncan (SC)	Herger
Calvert	Duncan (TN)	Herrera Beutler
Camp	Edwards	Higgins
Campbell	Ellison	Himes
Canseco	Ellmers	Hinchey
Cantor	Emerson	Hinojosa
Capito	Engel	Hirono
Capps	Eshoo	Hochul
Capuano	Farenthold	Holden
Cardoza	Farr	Holt
Carnahan	Fattah	Honda
Carney	Fincher	Hoyer
Carson (IN)	Fitzpatrick	Huelskamp

Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzullo  
Marchant  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks

Diaz-Balart  
Filner  
Giffords  
Guthrie  
Gutierrez  
Johnson, E. B.

## NOT VOTING—17

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stark  
Stearns  
Stivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Towns  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

□ 1427

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 935, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

MANILAQ ASSOCIATION  
PROPERTY CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 4, not voting 22, as follows:

[Roll No. 936]

## AYES—407

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amodei  
Austria  
Baca  
Bachus  
Baldwin  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Benicera  
Benishke  
Berg  
Berkley  
Berman  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany

Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Ciilline  
Clarke (MI)  
Clarke (NY)  
Clay

Cleaver  
Clyburn  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Denham  
Dent  
DesJarlais  
Deutch  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle

Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foss  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)

King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzullo  
Marchant  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks

Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes

Waters  
Watt  
Waxman  
Webster  
Welch  
West  
Westmoreland

Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woolsey

Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—4

Amash  
Huelskamp

Mulvaney  
Woodall

## NOT VOTING—22

Ackerman  
Andrews  
Bachmann  
Coble  
Davis (KY)  
Diaz-Balart  
Filner  
Franks (AZ)

Giffords  
Guthrie  
Gutierrez  
Johnson, E. B.  
Landry  
Larson (CT)  
McGovern  
Miller (NC)

Myrick  
Paul  
Payne  
Pence  
Posey  
Serrano

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1434

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 936, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

## CHILDREN'S ASSESSMENT CENTER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, while walking home from school, an innocent 7-year-old girl was abducted and assaulted. Thankfully, the girl was found; but because of the trauma she experienced, she was not able to tell the police what happened to her.

With the help of the Children's Assessment Center, the expertise they had at the center and their child-centered approach, she was able to disclose her experience, and the perpetrator was caught, arrested, and sent to jail.

The Children's Assessment Center in my hometown of Houston, Texas, has served over 50,000 children since 2000 under the leadership of the executive director, Elaine Stolte.

Children's Advocacy Centers, like the one in Houston, provide a place for the evaluation and treatment of abused children in a safe and friendly environment housing experts in various fields so the young victims are not retraumatized by the system.

As a former prosecutor and judge, I have seen firsthand the damage caused by sexual assault on children. I commend the Children's Assessment Center in Houston and the Children's Advocacy Centers throughout the country for their work in healing children and their families.

And that's just the way it is.

## THREAT OF A NUCLEAR-ARMED IRAN

(Mr. ISRAEL asked and was given permission to address the House for 1 minute.)

Mr. ISRAEL. Mr. Speaker, I rise today to address the most critical global challenge that we face, and that is the threat of a nuclear-armed Iran. A nuclear-armed Iran is not only an existential threat to our closest ally, the State of Israel; but it also poses grave danger to our own Nation and allies around the globe.

The U.S. must use all available options to show the world that we have a clear, concise, and muscular policy to prevent Iran from obtaining nuclear weapons. Let me be clear here. Containment is not an option. Prevention is the best option.

This week, Congress passed additional sanctions measures. It is imperative that the administration use all of the tools at our disposal to keep pressure on the Iranian regime. We need to make it clear to the Iranians and others around the globe that when we say it is unacceptable for Iran to develop a nuclear weapon, we mean it. We must make clear that when we say that all options are on the table, we mean it. We should not be sending signals that suggest otherwise.

Our commitment to prevention is critical. There should be no misunderstanding, no ambiguity about the United States' resolve to prevent Iran from obtaining a nuclear weapon.

## IN MEMORY OF KATHERINE ANDERSON

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, I rise today to honor the memory of a remarkable St. Louis businesswoman and friend, Katherine Anderson. Katherine was the CEO of Andy's Seasonings, a small St. Louis family business that grew to be a nationwide success.

Katherine and her husband started the business in 1981 in the heart of St. Louis; and after her husband's death in 1996, she left her job in the city government to focus her full-time efforts on growing the company.

She embodied all of the characteristics of a successful business owner. Her dedication, perseverance, and hard work paid off. Andy's Seasonings employs over 40 St. Louisians, and its 11 products are seen in restaurants around the country.

It's small businesses like these that allow a region to compete and flourish. It's special people like Katherine Anderson that have truly made a mark on St. Louis and beyond. She will be greatly missed; but through her sons Lawrence, Michael, and Roy, the rest of her family, her inspiration and influence and legacy will live on.

□ 1440

## WELCOME HOME, TROOPS

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. As of today, the war in Iraq is over.

This is a monumental day on which we must celebrate the service and sacrifice of the 1.5 million young men and women in uniform who served there and of the nearly 4,500 Americans who died there along with tens of thousands of Iraqis. We welcome our heroes home, and we pledge to honor their service with the care and benefits they deserve. For them I wear this yellow ribbon.

I also congratulate and thank the thousands of activists who worked tirelessly for nearly a decade to bring our troops home.

I thank the Illinois State senator, who, on October 2, 2002, stood before a crowd in Chicago and said, "I don't oppose all wars . . . I oppose a rash war," a war, he said, which "distracts us from a rise in the uninsured, a rise in the poverty rate, a drop in the median income." That State senator was Barack Obama 9 years ago. Later, as a candidate for President, he promised to end the war in Iraq—a promise fulfilled today.

Welcome home, troops. And thank you, Mr. President.

## NORTH CAROLINA MEDICAID BOONDOGGLE SHOWS NEED FOR MORE ACCOUNTABILITY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, this week I learned of a recent audit of North Carolina's Medicaid billing system. Normally, I don't bring up State issues like this before the House, but it turns out that this isn't just a State issue.

North Carolina is currently upgrading its Medicaid billing system and agreed to pay a contractor \$265 million to make the upgrades. But surprise, surprise, the upgrade will end up costing \$495 million—nearly twice as much.

Who cares? That's a problem for North Carolina taxpayers; right? Not so fast.

It turns out that the Federal Government is expected to pick up 90 percent of the tab for this new system. That means all taxpayers, including North Carolina taxpayers, will be shelling out an extra \$200 million to cover for the North Carolina Department of Health and Human Services' incompetence and inability to keep a lid on costs. Making matters worse, this department went so far as to give itself an "A" grade for managing the upgrade program.

Mr. Speaker, I doubt taxpayers will give the folks at the North Carolina Department of Health and Human

Services an “A” for flushing \$200 million of their money down the toilet.

This is a classic example of how government bureaucracies view Federal taxpayer dollars—as manna from heaven. This money is not manna from heaven. It is taken directly out of the pockets of hardworking taxpayers from across the Nation. When taxpayers hear stories like this, they wonder why they even pay taxes in the first place. It's no wonder they give Big Government a failing grade.

#### IN CELEBRATION OF BILL OF RIGHTS DAY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to rise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. I rise today to recognize and celebrate Bill of Rights Day, which is today, December 15, 2011.

The Bill of Rights was created to ensure a level of limited government. A “parchment barrier” was the way many of our Founding Fathers described documents such as the Constitution and its first 10 amendments—the Bill of Rights.

Our Founders viewed them as an essential guarantee on our freedoms. These documents would serve as a barrier to an oppressive government, preventing such forces from overpowering its citizenry. Our Founders also knew that such documents weren't worth the parchment they were written on unless a diligent citizenry knew of their distinct worth. For the protections offered under the Bill of Rights to endure, they knew that all citizens must understand their content and importance.

That's why today we celebrate Bill of Rights Day—for each of us to better understand our Bill of Rights and to know that, without them, liberty cannot prosper.

#### ENERGY SECURITY, AMERICAN JOBS, AND THE KEYSTONE XL PIPELINE

The SPEAKER pro tempore (Mr. DUFFY). Under the Speaker's announced policy of January 5, 2011, the gentleman from Nebraska (Mr. TERRY) is recognized for 60 minutes as the designee of the majority leader.

Mr. TERRY. Thank you, Mr. Speaker.

Today, we are going to discuss energy security, American jobs, and the Keystone XL pipeline.

At this time I yield such time as he may consume to the chairman emeritus of the Energy and Commerce Committee, Mr. JOE BARTON of Texas.

Mr. BARTON of Texas. I thank the distinguished gentleman from Nebraska.

Mr. Speaker, we are here today to discuss a project that is of utmost im-

portance to the American people. As the gentleman from Nebraska just mentioned, it's called the Keystone XL pipeline. It is a proposal to extend an existing pipeline that starts in Canada, comes down through the Midwestern parts of the United States, into Oklahoma. The proposal is to extend that pipeline to the gulf coast of Texas and Louisiana.

Why is this important to every American?

Quite simply because we use lots of energy in America and because we do not produce as much as we use, so we have to import some of the energy. A lot of the energy we use comes from oil; and the Keystone XL pipeline, if built, would bring crude oil that starts up in Canada, down through the Midwest, to the gulf coast where we have about 50 percent of the United States' refining capacity.

This is a good deal because, number one, Canada is an ally. We are importing quite a bit of oil right now from Venezuela, which has a government dictator, Mr. Chavez, who is somewhat hostile to the United States. We are importing oil from the Middle East. While we have allies in the Middle East, that is an unstable region in terms of its political stability. So, if we could get more energy from North America, from Canada, that would be a good thing for us.

In the construction phase, this pipeline will create—the gentleman from Nebraska would know the exact number—somewhere between 20,000 and 30,000 jobs, I believe. Once in production, with all of the spinoffs, we think up to 100,000 jobs would be created here in the United States. It would make us more secure.

When you just look at the facts of it, you have to ponder why anybody would be opposed to it.

I am puzzled as to why some of my friends on the Democratic side of the aisle are opposed to it. The State Department, under the leadership of Hillary Clinton, endorsed the pipeline. They did an impact statement that said it was positive. At one point in time, it looked like it was going to get approval and move through. The environmental groups came to Washington last fall. They surrounded the White House, and protested against President Obama. Unfortunately, in my opinion, the President decided to delay a decision until after the election, which is why we're here today.

In what we call the “jobs bill” that passed the House 2 days ago, there is a provision in it that requires a decision to be made on Keystone within 60 days, I believe, of the enactment of the bill if the President signs it. The President has said he would veto that bill, which shows that, while he said back in the fall that he wanted to delay a decision, apparently he opposes it. So he opposes jobs. He also opposes energy security

for the United States, which is an odd platform, in my opinion, to run on in a Presidential election campaign—but it's a free country, and if the President wants to go down that trail, he has the right to do that.

So I believe that Keystone is a good idea. In my congressional district down in Texas, there are numerous pipelines. There are oil pipelines, natural gas pipelines, gasoline refined product pipelines, water pipelines. We have never had any major problems with any of those pipelines from an environmental standpoint. The Keystone pipeline would be built using the absolute latest in technology and with the latest in safety, in inspections, in maintenance. I just cannot imagine why we would oppose it.

So I am in strong support of it, and I want to thank Mr. TERRY for his leadership on this issue. He has introduced bills. He has worked tirelessly in committee. He has worked tirelessly on the floor here. As I said, I hope that we get this done, but I am in very strong support. I want to thank him for his leadership, and I also want to thank Congressman CARTER for his leadership. He's here today, and he has worked very diligently on the Keystone pipeline, too.

□ 1450

Mr. TERRY. Thank you, Mr. BARTON.

At this time I would like to yield such time as he may consume to the other gentleman from Texas, Judge CARTER.

Mr. CARTER. I thank the gentleman from Nebraska for yielding and for all of your hard work on this issue.

This is an issue that is important to the United States of America. It's just that simple—that you don't have this kind of an opportunity in the economic environment that we have in this country very often. We have a country that has seen the worst unemployment, rampant unemployment and has had the most number of quarters with bad unemployment figures since the Great Depression. And here we have our Canadian neighbors to the north with this Keystone XL pipeline that is proposed to stretch 1,700 miles, cost \$7 billion to construct over a 2-year period, and create 100,000 or more jobs for America. And this is paid for. This is other people's money. We're not asking the Federal Government to spend more stimulus money on this energy project, as it did on the famous Solyndra project in California. We're asking it just to approve this pipeline.

Now the reason I'm here to talk is because starting at age 16 until I graduated from law school, every summer of my life, I worked on pipelines. I was not the engineer. I was the guy with the shovel. I dug the ditches, and I cut the grass and operated the survey crew, and I gauged the gauges. And I did all of the various things that need to get

done. I have done them in the State of Texas, in the State of Louisiana, and I was actually on a pipeline that stretched from northern Holland to Belgium in Europe. I worked there one summer. So I personally know the pipeline business from the bottom end. These are great jobs. Even the guy that wields the shovel has a great job, a great-paying job. That's why I did these jobs, to help pay my way through school. I found them to be very professional organizations, and I worked for five different companies. So I am known as, as they say, an old pipeliner.

This project is a no-brainer. We created an Energy Department in this country during the Carter administration, I believe—and I could be corrected on that. Its purpose was to wean us off of Middle Eastern oil. Now our neighbors, our first cousins up in Canada, have found oil up there. They want to have us do the refining process for them. They have laid their part of the pipeline and the infrastructure in the north. And they're major participants in this pipeline coming south, to bring this crude down to the southern major refinery area in this country so that it can be refined into products that we use every day, products that we depend on every day.

An estimated 100,000 jobs will be created by this pipeline. And you know, I'm not even sure they know how to estimate pipeline jobs because there is so much more that the American public wouldn't understand about the construction of a pipeline. There are going to be roads built. There are going to be fences built. Things that you never would even relate to the pipeline business are required to get the labor and the materials to the various locations on the construction of this pipeline. So every State this passes through in this country is going to be a State where they are going to benefit from good-paying jobs.

These people that argue these are temporary jobs—this is a 2-year project, and these are the kinds of jobs that American folks, they pray for. These are the ones that the unemployed people of this country are on their knees every night asking to come to their town so they can have a good-paying job, a job that will support their family. And out of these construction projects can come other things that are related to the maintenance of the pipeline.

This is a plus-plus-plus opportunity for American workers. Here we are at a time when the number one issue in the United States is putting Americans back to work. We have all this peripheral stuff. But it all comes back to that we don't get our country back on track until we put Americans back to work. And quite honestly, the attempts we've made in the past have not been very successful. This is a guaranteed successful job-creating project. We have

track records to prove it. You can look back on the history of pipelines, and these construction programs have always been part of prosperity wherever they go.

Now this is not a labor versus management issue. Five major labor unions have endorsed this project and have signed project labor agreements with the TransCanada Corporation. Over 20,000 construction jobs will directly be created to install the line. On top of that labor required to put this in the ground, tens of thousands of more jobs will be created as refineries expand both in Texas and in Louisiana to refine this. And out of the whole project, the estimate is clear that it is going to be 100,000 jobs or more.

Now where's the downside? Environmental issues are being raised. And in talks about going through the great State of Nebraska—Mr. TERRY's State—some people are opposing it for environmental reasons. But if you pulled out a map of the pipelines going east and west in this country, I haven't counted them, but I would say almost half of them pass through the State of Nebraska. They've been there for years, and they have never been an environmental problem to the State of Nebraska.

If you look at the pipeline map of the State of Texas and Louisiana, it looks like a spider web of pipelines. You never hear of major pipeline disasters in our States. Pipelines are the safest and most economical way of transporting petroleum and other products.

With unemployment just recently dropping below 9 percent for the first time in a long time—not much below, and we will probably go back above 9 percent as soon as the temporary holiday employment is over—when we are sitting here with above 9 percent unemployment, why in the world wouldn't we want to join with our neighbors, our friends and those people who have been our friends forever, the Canadians, take the resource that they are properly capturing in their part of the world and are willing to share with us down here, to refine the products and build this pipeline and build prosperity right down the middle of the country. Where's the downside?

Mr. Speaker, I join my friend LEE TERRY of Nebraska in supporting the Keystone XL pipeline. It is a plus for America, and more importantly, it's a plus for the working men and women of this country. And it's another step towards energy independence in North America.

With that, I thank my friend LEE TERRY for allowing me to participate in this discussion.

Mr. TERRY. I thank the gentleman from Texas. I do appreciate your insight and your support.

Let me take this opportunity—we've had two speakers already that have talked in support of the Keystone pipe-

line. Now let me give kind of a tutorial of what we're talking about. It is a 1,700-mile pipeline from the oil sands of Alberta coming down through Montana, South Dakota, Nebraska, Kansas, and as our two previous speakers said, then down into southeast Texas and Louisiana, where most of the refineries are. It will break off at different points in Kansas and then also to the east, to other refineries. But there are very few refineries in the Midwest. So most of the refineries will then refine this into a variety of fuels—mostly for our automobiles, and then diesel and aviation fuel as well. It will produce 700,000 barrels per day once it's built.

What does that mean to us by way of energy security? Well, first of all, we import on a daily basis almost 900,000 barrels of oil per day from Venezuela. So this one pipeline, starting in Canada, ending in Texas, would nearly offset 100 percent of what we import to this country from Venezuela. Our reliance on OPEC oil—our major OPEC exporter to us is Saudi Arabia, where they export around 1.2 million barrels per day. Now when this is fully built and the oil sands are really humming, they think they can get up to 1.1 million per day through this pipeline.

□ 1500

That then would nearly offset what we have to buy from Saudi Arabia. We use about 19 million barrels per day in the United States. We produce domestically within the United States about 8½, flirting with 9 now with the Bakken finds in North Dakota. So if we can import from just miles over the Canadian border, we go a long way to making us more secure.

Now, on a different hour we can maybe talk about other resources we can use in transportation fuels so we can be 100 percent secure, not relying on foreign countries, especially like Venezuela.

But when we talk about what is on the minds of most Americans, and that's jobs, yes, the unemployment rate has finally dipped below 9 percent. Of course, you have to put an asterisk because 300,000 of that in the last month were just people who were chronically unemployed and have given up and are no longer counted. So the reality we saw in a recent poll, I think it may have been Gallup, said that the real unemployment rate is somewhere around 11 percent.

They want to see Congress do something to create jobs. They want to see us stop bickering about things, probably like Keystone pipeline that seemed to be for many people a no-brainer, energy security and American jobs.

So let's talk about the jobs. Obviously, in a 1,700-mile pipeline, you will need a lot of labor to build that, especially within the 2-year timeframe that they have now. So all estimates, except



for one produced by the environmental extremists that are in opposition done by a Cornell University professor that says it won't create any jobs; and, besides, if it did, they are temporary and dirty—that logic befuddles me because all construction jobs are temporary. So, obviously, he doesn't like construction jobs. That's the only thing I can think of. You know, we don't count construction jobs.

Well, as mentioned by Judge CARTER, there are labor agreements. The people, this 20,000 that is estimated to be the direct jobs, those people who are directly working on the pipeline from Teamsters to Earth-movers to sheet metal workers to pipe fitters to laborers, to the electricians that will build all of the electronics for the pump stations along the way, this will create 20,000 jobs. And those are just direct jobs. As we heard from Judge CARTER that doesn't count the spinoffs that occur in the refinery expansions, the extra jobs that will be needed to handle the extra oil in the refineries, and the suppliers.

In fact, there is a business just south of my district in Auburn, Nebraska, that makes parts for oil refineries. They will have increased orders in people going back to work.

It was interesting, just yesterday there was an article online from a Fox affiliate in Little Rock, Arkansas, who had to lay off 500 people. Why? They make pipe. They make pipelines, and they are the fabricator of metal going into the pipelines. They have an order from TransCanadian pipeline for this project. Because this has been stalled out and they don't need to fill an order because there is no order to fill yet, they have laid off 500 people. They are projecting that unless this gets started, they will have to lay off more people, and it will probably be within the next week that they will lay off a few hundred more people. Think of that, being laid off—laid off your job on the eve of Christmas.

So these folks that say there's no jobs created, tell that to the 500, and maybe the 800 total, that are laid off just at one pipeline-making facility in Arkansas that their jobs are worthless; so we don't care if they are laid off. That's the message that I hear from those that are opposing this pipeline, because it is providing hydrocarbons, and they just want to flip the switch.

Now, let's talk about this pipeline. I want to rebut some of the arguments that I've heard lately about it.

Number one is that we are rushing it. We are rushing this pipeline. Well, number one, this pipeline application was filed 3 years, 3 months ago. The average time it takes to permit a pipeline—transcontinental, coming over our border—has been around 18 months. So we're double the time. More than double the time that it usually takes. Why? Well, because of the environ-

mentalists. The far left of the environmental movement has raised environmental concerns, mostly due to the fact that it is a heavy crude that will come in from Canada, which confuses me because Venezuela is an equally heavy crude, but somehow that's okay. Well, okay with some, but not with me.

So to engineer this pipeline, what the pipeline company has to do is provide with their application an environmental study, and they have decided that since there are environmental concerns that they are going to over-engineer this pipeline; they will, in sensitive areas, like coming through Nebraska where it would have crossed the Sandhills, but our Governor has talked them into moving it off of that sensitive ecosystem in the Sandhills. So when they move it 50 miles to the east in Nebraska, they will double-case it. They said they will put it in cement.

Another item that is over-engineered above and beyond pipeline standards is pump stations. Why are pump stations necessary? Well, you've got to pump it through the pipeline. Even though it goes north to south, you still need pressure in there to move it. The pump stations usually are several hundred, a couple hundred, miles apart. They have agreed to put more pump stations in. Why is that important? Well, it is the way they determine if there's a leak. So by moving the pump stations closer, they can, in a more timely fashion, determine if there's a leak.

Also, they have promised in areas where there is water and sensitivity that they will put employees permanently in that area. That is unique to any pipeline in the United States.

The unwritten standard of the industry is if there is a decrease in pressure, they get there within 4 to 5 hours. This pipeline has not only moved the pump stations closer so they can read it earlier in time if there's a drop in pressure, i.e. a leak, but they will have somebody close enough that they could be there within 1 hour. That's five times better than the national unwritten standard.

□ 1510

So the fact that this will cause environmental harm is just wrong, other than the fact that it's an oil and it's going to be refined and there will be carbon emissions from that. But the point I want to make is the refineries in the United States are state of the art in pollution technologies. Our refineries in the United States, in refining oil to our fuel, emits far less carbon in that process than any other refineries around the world. So I would ask the environmentalists that are opposing this that if they send the oil over to China, why wouldn't you want it refined where it's going to emit the least amount of carbon in the manufacturing process?

Now, because of the long delay, I introduced a bill in the springtime to set a deadline of November 1. The environmental studies had already been done. The supplemental environmental study on top of the first one was already done and was just sitting there. So we set a date. Some of my friends on committee, like Mr. SULLIVAN from Oklahoma, and I picked an arbitrary date—well, not too arbitrary. It gave them enough time to get through it, go out for more public comment, then 60 days after that to make a decision, and that would be November 1. We passed that bill in the House, we sent it to the Senate, and HARRY REID refused to bring it up on the floor.

During that time, the State Department said that's unnecessary because we're on track to have the decision made on this pipeline by December 31—by December 31. And they first told us that March 15. And I'll read from you a U.S. Department of State Diplomacy in Action, March 15, 2011. It says the U.S. Department of State expects to make a decision on whether to grant or deny the permit before the end of 2011. April 15, 2011, they also state publicly and to our committee, the U.S. Department of State expects to make a decision on whether to grant or deny the permit by the end of 2011. So March they say that, April they say that.

And then after this House passes with overwhelming support, bipartisan support, nearly 50 Democrats joining us—the State Department says, and here is their memo to us, and it says, we don't need to have a bill to permit the Keystone XL crude oil pipeline by November 1, 2011. The bill is unnecessary because the State Department has been working diligently to complete the permit decision process for the Keystone XL Pipeline and has publicly committed to reaching a decision before December 31, 2011. They are diligently working, July 25, diligently working, and will have the decision by December 31.

This is important. Why? Because the President of the United States, just 2 days ago, stood up and said, if I have to sign a bill with Keystone Pipeline in it, you are rushing us and may be forcing the State Department to deny it because they don't have enough time. Bull.

Their own documents from April, March, and July have said they've been working diligently and will have the decision. And by the way, if the Keystone bill is passed—it passed out of the House overwhelmingly 2 days ago. It's sitting over in the Senate with the unemployment insurance bill and a myriad of other bills that have been put together. So, really, from what they've told us already, they are already ready. They can make a decision right now. They've been studying it since April. They're done. They know what the decision is.

Do you know why the President said that? And this is what is probably most disappointing to me: politics. Yeah. Election year politics. The environmentalists have made statements like, this is where the President can get his environmental mojo back if he denies the permit. That's what one environmental group said. The others have just challenged him to kill this pipeline.

The issue is the President does not want to make a decision between his environmental groups that flat told him, this is a quote, a direct quote that has been published in *The Wall Street Journal*, *The Washington Post*, and many other newspapers. They told him, we will not mobilize our environmentalists in the 2011 election if you approve this pipeline. Amazingly, it was only days after that threat was made to the President that he decided that he will not make a decision until after the election.

Folks, politics—energy politics—is now causing layoffs in Arkansas right before the holidays. There's people sitting in my union halls in Omaha, Nebraska, ready to go to work, but the President says, I'm not even going to tell you if you're going to go to work on this until 2013.

Mr. President, I respectfully ask that you act on this permit, put aside election year politics, make a decision on the merits of this project, and listen to your agencies. The State Department chose this route as the most environmentally safe route. This will employ 20,000 people; secondary, tertiary jobs in support, perhaps another 100,000. If we started using all of our resources in the United States, we could employ millions. Let's do the right thing for this country.

I want to ask my friend from Tulsa, Oklahoma, the vice chairman of the Energy and Power Subcommittee, if he would brief us on his feelings about Keystone Pipeline.

Mr. SULLIVAN. Thank you, Congressman TERRY, and I just want to thank you so much for all you've done. I've seen you work in the committee to get this through the committee process. You've been tenacious, and I thank you. I thank you for getting this through the House floor, and now, getting it across the finish line, which is really what we need to do. And I thank you, along with the tens of thousands of people that want to thank you, as well, that will have a job.

And that's what we're talking about here. Like you said, my friend, it's creating jobs. And we talk about creating jobs here in America, and politicians really don't do it, but we have a chance to do something. And these aren't government jobs. These aren't census takers or IRS agents. These are private-sector jobs. And so I thank you, Congressman TERRY, for all you've done in creating those jobs.

And another thing, too, that this does is it lessens our dependence on OPEC oil. Now I'm tired, along with many other people, of sending \$1 billion or more every single day to foreign countries to subsidize their economies and their nations at the expense of our own. And it's a national security issue, as well.

But this Keystone Pipeline really creates jobs. Keystone is the largest infrastructure project ready for construction in the U.S., and it's privately funded, requiring no spending. The \$7 billion pricetag will support jobs in the U.S. and create demand for U.S. products. Keystone Pipeline will create, as my friend said, 20,000 new jobs directly and support hundreds of thousands of jobs in the coming years. More than 1,400 companies across the U.S. sell their products and services for oil sands work.

□ 1520

Keystone XL will lead to more economic activity.

Canada is the United States' number one trading partner. In 2010, two-way trade in goods and services between the U.S. and Canada was more than \$640 billion each day; \$1.7 billion worth of goods and services traversed the U.S.-Canadian border.

It will boost national security. Canada is the most reliable and secure oil supplier for Americans outside the U.S. The real foreign alternative to oil sands are from volatile nations like Venezuela. Keystone XL will encourage greater oil production in the Bakken areas of North Dakota and Montana. Trade with Canada complements an all-of-the-above domestic energy strategy: more domestic oil, more alternative fuels, and more auto innovation.

Global demand for oil will continue to increase dramatically, meaning that the oil sands will be produced. The question is whether Americans will directly benefit; or if the oil will be exported to Asia, primarily China.

Canada is one of America's top allies in meeting security threats around the world. Oil sands production is a major economic engine for Canada, and the government supports Keystone XL.

America's foreign policy must not be dictated by EPA, which opposes the Keystone XL pipeline. And like Congressman LEE TERRY said, the Obama administration puts electoral politics ahead of national security interests by putting off a decision on Keystone XL until after the elections. That is crazy. The State Department conducted more than 3 years of rigorous analysis and was widely expected to approve Keystone XL by the end of this year, before the White House came under environmentalist pressures.

The Obama administration has put environmentalists ahead of American workers. As one example, Keystone XL is supported by several major unions—

United Association of Journeymen and Apprentices of Plumbing and Pipefitting Industry of the U.S. In Canada, International Union of Operating Engineers, Laborers' International Union of North America, International Brotherhood of Teamsters, International Brotherhood of Electrical Workers, Building and Construction Trade Department, AFL-CIO.

Now, this is one of the best Christmas gifts we can give the American people by creating jobs, lessening our dependence on foreign oil, and stop sending \$1 billion every single day to foreign countries.

Again, I want to thank Congressman LEE TERRY for all the work he has done on this.

Mr. TERRY. Thank you, Mr. SULLIVAN, and I appreciate your support on this issue.

At this time I'd like to recognize the gentleman from Illinois, one of the new phenoms on our Energy and Commerce Committee, Mr. KINZINGER.

Mr. KINZINGER of Illinois. I thank the gentleman from Nebraska (Mr. TERRY). And listening to the words of the gentleman from Oklahoma, very well spoken.

You know, I often ask what are the top issues, what are the top things Americans are concerned with right now? Obviously, number one is jobs. Number two is jobs and economy. I hear people talk a lot about energy in the 11th District of Illinois. So we have jobs, economy, energy, and I also hear some people talk about their concern with national defense.

You know, amazingly to me, when you look at those issues of concern—jobs, energy, national defense—there's one thing we can do which is going to address all of those concerns and it would address them now, and that is the Keystone pipeline.

I actually sent a letter the other day, Mr. Speaker, to my colleague in Illinois, Senator DICK DURBIN. He is the whip over in the Senate. And I asked him and I asked the Senate to just, you know what, let's just have an up-or-down vote, basically, on this Keystone pipeline. Let's stop the parliamentary parlor tricks and the smoke and mirrors and just have a vote, "yes" or "no," on the Keystone pipeline. You know, the interesting thing is they're not going to do it right now because they're afraid it might pass, because I think it would.

The American people desperately need jobs. So let me ask you specifically, What does this mean for the Midwest? For the Midwest, we're talking about 20,000 construction jobs. We're talking for the country about 800,000 barrels of oil a day from our friends to the north. And that means less oil from places like the Middle East, Venezuela, Angola and Nigeria; and \$5.2 billion in new property taxes to State and local governments that are basically bankrupt today. And how much does this

cost the taxpayer? Any guess? The answer is zero. This is free. In fact, it saves the taxpayer a lot of money because ultimately fuel is going to be more secure.

Middle class families are now on notice that the President and HARRY REID want to reject a payroll tax extension linked to job-creating, private sector construction projects. We passed a payroll tax cut extension just a couple of days ago in this House. We found a way to pay for it so that we're not robbing the Social Security fund. And we also were talking about the real job-creation opportunity that we have in the Keystone pipeline. And amazingly, the President said no, probably because he wants to assuage his base.

But when you look at it, 18 to 24 months is what it takes, on average, to approve a project like this; that's 1½ years to 2 years. That's a long time. This process is upwards of 39 months now, and the thing we hear from the administration is we need another year to make sure we do this correctly. I mean, are we in an era in this country where it takes 4 or 5 years, 10 years to approve projects? And then we wonder why we're not able to keep on the front lines of innovation and the front lines of energy production and security. This is an example of that.

Ladies and gentlemen, I strongly believe in national security and the national defense of this country. And the best way we can do that is to have energy security here at home. Production of our own energy is great. We have to do that. That has to be the priority. But in the meantime, I'd sure rather have 800,000 barrels a day coming from Canada into here than having to import that much oil from places in the Middle East that don't like us. This makes sense.

So we talked about getting people back to work. This is a shot in the arm right now; it's a shot in the arm today. This has bipartisan support. This isn't a Republican thing; this isn't a Democrat thing. Frankly, this is a bipartisan American jobs act, this Keystone pipeline, but politics has infected this process.

So all I would ask is for Senator DURBIN, in this letter I sent him, or Senator HARRY REID, please just bring the Keystone pipeline up for a vote. Let's extend the payroll tax cut and make sure that we're paying for it and not taking away from Social Security. These are all very good opportunities to get America back to work.

With that, I want to say thank you to the gentleman from Nebraska for the opportunity to talk about this very important jobs-creation opportunity for the American people.

Mr. TERRY. I thank you for your support for this effort for American jobs.

At this time I'd like to recognize another one of our freshman phenoms on

the Energy and Commerce Committee, the gentleman from Virginia, MORGAN GRIFFITH.

Mr. GRIFFITH of Virginia. Thank you, And I appreciate that. I'm not sure about phenom, but I'm very appreciative to be on the Energy and Commerce Committee.

We have a lot of issues in my district. For those of you who are watching this who aren't familiar with my district, I represent southwest Virginia. It is a big energy-producing region of the State of Virginia.

And in Virginia, we understand that we should use our own resources to create jobs. So I come here today for jobs to be created in the United States—not in Virginia directly, but in another part of this great Nation, because the issues are often the same. And for some reason, this administration is standing in the way of the creation of jobs in the energy industry.

In Virginia, we have asked repeatedly to be able to drill off our coast in order to find oil and natural gas. We want to use our resources to create jobs. We started asking for this in Virginia back in 2004. At that time we had Democrat Governors, and they blocked our efforts to send this to the Federal Government. Later, having a change of heart, one of the Governors decided, as they were on their way out the door, that they would send the request forward. But to this date the President has not realized that we can create jobs. But our jobs, unlike the jobs in Nebraska and other parts of the United States affected by Keystone, they would be several years down the road.

□ 1530

What we have here is the Nation's best shovel-ready project. In reality, it's ready to go. And while it's not American oil, it's Canadian oil. And one would have to believe that the Canadians don't care about their environment to be opposed to this pipeline.

One would have to believe that the President of the United States would prefer to see the oil from Canada going to China. One would have to believe that the President of the United States would prefer for us to buy oil from other nations, like Venezuela and some of the Arab nations that don't care for us one iota, than to do this pipeline.

One would have to believe that, for some reason, we want to be dependent, and this President wants us to be dependent on other nations who don't care for us, who don't appreciate our democratic, republican form of government, and who don't understand that jobs and the economy are a driving concern, something that we must pay attention to and that we must do it now.

And here we have thousands of jobs, thousands of jobs. We've heard the number 20,000. Those are direct jobs. You can multiply that number out be-

yond and beyond. And they're being stopped.

And if are you an energy producer and you see something that makes as much sense as the Keystone pipeline being stopped dead in its tracks because the President doesn't want to make a decision until next year, and maybe the next year after that, you have to believe that it's not worth investing here in the United States for energy concerns.

I had a fellow come up to me recently back home. He said, MORGAN, I want to tell you something. He showed me the article he'd found. He said, I've always invested in American energy. That's where I've always put my money. He said, But right now the situation is so uncertain—and this was before we knew the President was going to delay this very reasonable project, the Keystone pipeline. He said, I'm now investing in southern Africa with a consortium that has, I believe it was Australians, South Africans, and Brazilians working on a project in Mozambique. He said, I didn't want to do it, but I don't know what choice I have when you look at what is coming out of the administration, when they don't want us to invest in American energy.

So, ladies and gentlemen, I have to tell you, I came here today—this does not directly affect my district, but it does affect my country, and I care deeply about my country.

Our country needs jobs. We need affordable energy. Keystone pipeline helps us both have jobs and affordable energy. And that is why it's important for every person in the United States to understand that we must have the Keystone pipeline; and the sooner we start, the sooner those jobs occur, and the sooner we get more oil supply that's not from our adversaries in the world, the people who would like to see the United States torn down, but from our friend Canada, who understands that together we can build a more prosperous North America.

Ladies and gentlemen, with that, I would like to thank the gentleman from Nebraska for yielding.

Mr. TERRY. I thank the gentleman from Virginia.

I'd like to just take the last couple of minutes to close here.

What we have is a \$7 billion infrastructure project for the United States of America that will immediately employ 20,000 workers. It's a 2-year-plus project. It will add—then, that's not even counting the spin-off jobs to support and to expand the refineries, the permanent jobs that will be created there.

So I ask the people that are watching here today and the American public to let Congress know, to let the President know that it's important to you that we create jobs in America. This project, when approved, would start the next day moving ground, employing people.

Let's do that. Let's get America back to work. Let's help create American jobs.

I yield back the balance of my time.

Mr. BERG. Mr. Speaker, once again, President Obama has chosen to put politics over the American people by punting on the Keystone Pipeline decision until after his 2012 campaign.

The construction of the pipeline will create thousands of good-paying jobs, spur economic growth, and help break our national dependence on foreign oil. This pipeline has received bipartisan support. It will increase America's access to safe and secure energy supplies and would bring more than 1.2 million barrels of oil into U.S. markets each day. Its construction could create tens of thousands of new jobs, many of which could be seen in North Dakota. In fact, Bakken Field crude oil is expected to account for 25 percent of the pipeline's expanded capacity.

North Dakota is a national example of why we need a common sense, long-term energy plan. Our energy sector has created thousands of good, high-paying jobs. In fact, our state has the lowest unemployment in the nation. But this wasn't an accident. It was the result of common sense policy—a long-term energy plan called EMPOWER North Dakota that encouraged energy development, rather than putting up new regulatory barriers.

But instead of looking to North Dakota for solutions that could help our economy, create good jobs, and help American become energy independent, the Obama administration continues to create new roadblocks to expanding domestic energy production.

I strongly urge President Obama to look ahead for the next generation, not the next election, and expedite the approval of the Keystone expansion.

#### REINING IN SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, there is so much going on these days. We have the responsibility of reining in spending, if we will just simply live up to it.

We know that our friends at the other end of the hall, the majority in the Senate, want to spend, want to tax more, not interested in making serious cuts.

It's rather amazing that this President could come into office and Speaker PELOSI and Leader REID could bump up the spending by \$1 trillion, and when it becomes apparent to the whole world, not just the U.S. but the whole world, that we've got to rein back in that extra trillion they began to spend, not only do they not want to cut that extra trillion that is bankrupting us, but they want to add taxes on Americans so that they can justify even more spending. It shouldn't work that way.

We're running a deficit. We have been for a number of years. And to have Speaker PELOSI take over this Cham-

ber and take a \$160 billion deficit, which we shouldn't have run when the Republicans had the House in '06, and then parlay that into 10 times more deficit spending is just unfathomable. But it has happened, and it's got to stop. We owe that to future generations.

At the same time, we also know, and I think Joel Rosenberg, the author, referred to it in his book, "Inside the Revolution," that Osama bin Laden didn't just rejoice in the killing of 3,000 or so Americans on 9/11. He also actually said that one of the great things about 9/11, from Osama bin Laden's standpoint, was that they spent maybe half a million dollars in setting up and carrying out the 9/11 murders, but that also they were costing the United States billions and billions of dollars, and it may run into trillions of dollars.

But we have to defend ourselves. We have to keep with our commitment and our constitutional duty to provide for the common defense. So not only do we have the responsibility of trying to regain some maturity as a Congress in controlling our spending and not doing further damage to the economy by rewarding the, as the President called them, the "fat cats on Wall Street," those people that gave to his campaign by a 4:1 margin, the executives on Wall Street and their families, 4:1 Democrat over Republican, it's time to quit bailing out people who got themselves into those messes. We should never have done it for Wall Street. We should not have done it for the automakers.

If we had had a real payroll tax holiday—holiday, meaning you don't do something. I can't imagine having a school holiday and you only get 2 percent of the day off. I know kids that went to school with me, growing up, would never have considered a 2 percent holiday a real holiday.

The President's payroll tax holiday at 2 percent is going to go forward. We passed that out of the House, unless the Senate, down under HARRY REID, kills the bill and doesn't allow that payroll tax cut to continue.

□ 1540

But it's not a holiday. A real payroll tax holiday would have been to do what I proposed 3 years ago. Art Laffer said it would have been the best stimulus we could have done at the time, and that's the genius behind Ronald Reagan's economic policies in the early eighties. But that would have been to say you earned the money, you're going to keep it for at least a couple months in your own paycheck, and then you decide which car manufacturer you want to bail out by deciding what car you're going to buy with the extra money you've gotten in your paycheck. That would have been a great thing to do.

Instead, we had a Presidential administration decide who they wanted to

bail out, how they wanted to bail them out. We had a secret society set up by the President in the White House decide which dealers, how many dealers were going to have to be shut down, and we ended up having the unthinkable occur, a violation of the Constitution, and that is a Federal taking of property, a Federal order to take property without any due process, without any remuneration. People even had borrowed money to buy dealerships. They still owed the banks for the money they borrowed to pay for those dealerships.

Yet we had an administration that said close them. It's amazing. As I understand, most of those that were ordered closed were Republican, which started feeding into the belief that we had crony capitalism going on. If you were friends of the President, you were going to do well. If you weren't, you could lose your business without any remuneration, without any due process.

Now we have an administration that is in office in the executive branch. They've filled the positions in the Justice Department, in the top positions in the intelligence department, the State Department. They're running things from the executive branch. And they know, they've read the 9/11 Commission report, I certainly hope they have. It's interesting if we look back and see what the 9/11 Commission said. It was a very bipartisan report. Some things I didn't terribly agree with. But I knew that the people who wrote the report were doing the very best they could and doing the best to the best of their beliefs. And they had to account for how 9/11 came about, how we had 3,000-plus people killed, the worst attack on American soil on our history, how that came about.

They did the study. They found out all of the people that were involved were crying out, "Allah akbar." They were people who believed that their religion required them or encouraged them to kill innocent people, and that somehow they would be rewarded in paradise for killing innocent people. They have taken their religion, this small percentage of Islamists, and they actually believe that there is a God entity out there that will reward the devastation and killing of innocent people.

So the 9/11 Commission did a very candid report, and when you take a look at the things in that report and compare them to what this administration has done in the last 3 years to whitewash that part of history, to completely distort what really happened on 9/11, to blind, as one of our officers has said, to blind our own law enforcement, intelligence, justice people so they cannot see the enemy who has declared war on us, blind those that we have called upon to risk their lives to protect us, blind them from really seeing the risks and really being able to predict what will happen, it is staggering.

We've got the blind leading the blind.

I don't think it's any better depicted than in just a numerical analysis from the 9/11 Commission. I have a poster here. And of course as this writing says, the terminology is important in defining our goals as well as removing roadblocks in the hearts and minds. The 9/11 Commission identifies Islamist terrorism as the threat. The Muslim Public Affairs Council recommends that the U.S. government find other terminology.

The OIC, the organization of all of the Islamic states, all 57 Islamic states in the world, that organization came up with a term called Islamaphobia, the word Islamaphobe, so that if anybody bothers to do the research and find out that there is a small percentage of Muslims who are radicals and who believe the Koran directs them to destroy Israel, to destroy the United States, then let's label them Islamaphobe, even though they make very clear, like I have repeatedly, that we have Muslim patriots in America, we have Muslim business people who have done great good. The vast majority of Muslims are peace-loving people.

Nonetheless, people like me who would bother to point out this small percentage that want to destroy our way of life and are doing everything they can to get in a position to do that, we're Islamaphobes. That directive is straight from this OIC, this organization of Islamic nations, all 57 States.

That's been the directive. Scare people, intimidate people so that they will not speak the truth. It's unbelievable. Because if the OIC really wanted to help themselves, they could show the world that they were about peace, not about hatred, not about killing innocent people, by encouraging people to recognize it is only a small percentage of Islamists who believe that they need to destroy Israel and to destroy the United States.

But instead, they try to intimidate, try their name-calling. Amazingly, though, they have been very effective with this administration. If this administration had thoughts of clearly speaking truth, then they would not hesitate to call a shovel a shovel, to call things just as they are.

But instead, this administration has blinded those in the State Department, in the intelligence department, in the Justice Department so that they don't really understand the enemy, cannot understand the enemy, until the enemy, those who've declared war on us, can be accurately identified.

So you read in the 9/11 Commission report—there are three times that violent extremism is referred to in the 9/11 Commission report. But that has to be considered in light of the other things in the 9/11 Commission report because also in the 9/11 Commission report, there are 39 references to the enemy.

Well, for those of us who have been in military service, there was never a question. The enemy were those who wanted to destroy us, to kill us. And it's very easy to understand when a group calling themselves Islamists, calling themselves jihadists, want to kill everybody who does not believe as they do, they're the enemy. Not that difficult to understand.

□ 1550

But in this administration, these are bad words because, in the 9/11 Commission Report, 126 times the word "jihad" is used. Well, under this administration, you've got the FBI Counterterrorism Lexicon. Those are the words to train our FBI. They're used to train our intelligence. They're used to train law enforcement.

One of the things the Federal Government also does is train local law enforcement. So many local law enforcement make the journey here. Federal law enforcement as well as local and State law enforcement make the journey to Washington, D.C. They make the journey to Federal facilities to have Federal officers instruct them and teach them about different issues that are threats to our country. So it's important that people be properly educated about the threat.

Yet under this administration—forget what the 9/11 Commission Report saw as the real threat—there are 29 times that "violent extremism" can be found in the FBI Counterterrorism Lexicon and nine times that it can be found in the National Intelligence Strategy from 2009, which lays out our strategy as to how we're going to face and defeat the enemy that has declared war on us, that wants to destroy us.

There are 39 times that the 9/11 Commission Report referred to "enemy." Yet the FBI Counterterrorism Lexicon and National Intelligence Strategy from this administration thinks the word "enemy" may, perhaps, hurt the feelings of those who want to kill us. Because they want to kill us, let's not hurt their feelings by calling them the "enemy."

We had an actual bill that changed the Military Commission Act of 2006, done in 2009 under Speaker PELOSI and Leader REID, and that was probably some of the thinking behind changing it. They were afraid the term "enemy combatant" might offend those who want to cut off our heads, blow us up, nuke us. They didn't want to offend them; but here again, the word "enemy" is hard to replace, so they left the word "enemy" in there but softened it up. Instead of calling them "enemy combatants," they changed the wording of the Military Commission Act so that it's now "unprivileged alien enemy belligerent."

Hopefully, by softening the language, those who want to cut off our heads and nuke our Nation will feel better

about those they want to kill and destroy.

The 9/11 Commission Report refers 126 times to "jihad." Clearly, that's what we're facing—jihadists who want to commit jihad, which is a holy war, the way these people see it, against those of us they see as infidels. As Khalid Sheikh Mohammed references in his own pleading in the 9/11 case, they reference a provision in the Koran that says they're justified in killing those who would combine any entity with Allah, because Allah gives no permission to combine him.

So, if anyone thinks that there is a Holy Trinity, which are the words that start off the Treaty of Paris, 1783, with Great Britain—you can find it over at the State Department. The first words are in big, bold type: "In the name of the most holy and undivided Trinity"—that's how our treaty started that recognized this country. Well, according to those Islamic jihadists, who are at holy war with us, that document, itself, is a declaration that we are infidels and need to be destroyed. Yet, under this administration, the FBI is not being taught what "jihad" means. It's eliminated from the Lexicon. It's eliminated from the National Intelligence Strategy in this administration.

Even the word "Muslim" is found 145 times in the 9/11 report because you could not do an assessment of the 9/11 attack without discussing Muslim and Islam. Yes, it's only a small, tiny percentage of Muslims who believe this way—thank God for that—but let's don't kid ourselves that they believe that they were holy Muslims who came and killed 3,000-plus people on 9/11.

Not only has this administration whitewashed—completely eliminated—the word "Muslim" from our Lexicon and from our Strategy, but also the word "Islam," which is mentioned 322 times in the 9/11 Commission Report by these bipartisan people, who were concerned like we all were after 9/11 that we might lose this country—that people might nuke us, that they might destroy Washington, New York, Chicago, an area down near Houston where 70 percent of our oil is refined. There are places we were afraid we would get hit—and we would not have energy; we would not have a government; we would not have commerce; our seats of commerce.

That's when the 9/11 Commission Report came out, because they knew they had to be honest and candid in their assessment. Whether we agree or disagree with their findings, they were working in the best of good faith in trying to make their assessment. That's why they used these terms as many times as they did—322 times. It's not Islam. It's not the 1.5 billion people who proclaim Islam is their religion, their way of life. It's a small percentage.

But how can we expect to defeat the enemy that has declared war on us unless we recognize who it is?

There are a number of other references.

The Muslim Brotherhood is a national organization that is working toward an international caliphate. In the Holy Land Foundation trial, tried down in Dallas, there were 105 counts. They were found guilty, five defendants. It was about the Muslim Brotherhood and the Holy Land Foundation and the Palestine Committees that were raising money and were certainly giving some to some charities. They could point to those and say, Look, we gave money to charity—but they were also funneling money to Hamas. They were funneling money to terrorism. That's against our law.

There are 65 times that "religious" is used in the 9/11 Commission Report because these Islamic jihadist nutcases considered themselves religious in what they were doing in killing so many innocent people.

There are 36 times "al Qaeda" is referenced in the 9/11 Commission Report—but in the FBI Counterterrorism Lexicon, zero; in the National Intelligence Strategy, one time.

"Sharia law" was referenced twice in the 9/11 Commission Report. It's not even mentioned in the new Lexicon or the Strategy.

How can we win a war declared by others upon us unless we can recognize our enemy?

This administration has done—not everything—but it has done so much that it can blind us so we can't see our enemy. There is nothing more vivid than to see the complete eradication of the terminology that would allow our people to recognize their enemy.

There's not even a reference to "Hamas." Hamas is a terrorist organization. We've recognized them as a terrorist organization. They're responsible for killing innocent people. Yet, in the new Lexicon, we're not even telling people who are being trained to defend us about Hamas.

How do we expect to win a war like that, not one of our making, not one we want but one declared on us, unless we are willing to recognize those who are at war with us and to recognize their motivation?

These folks are extremely predictable if you understand their mind-set, if you understand how they take provisions from the Koran and twist them and what they believe with them. Unless you can study that and understand that, you can never say, as General Patton did after he defeated Rommel and stood up looking over the devastation that his tankers had caused—and he used a little colorful language—"I read your book."

However, nowadays we're preventing our law enforcement, our intelligence, our State Department from reading the

book—those who have put books together and studied books—of those who are trying to create a way to wipe out the Little Satan, Israel; Zionism—and the Great Satan, the United States of America.

□ 1600

We in this body and those at the other end of this Hall in the Senate took an oath; and unless an oath means nothing, we have a duty to perform. I have come to know very personally some with whom I hardly ever agree on political issues on the other side of the aisle, but I've come to know their hearts, and we have gotten to be good friends. And I know people on both sides of the aisle here who, with all their heart, want to live up to their oath and do the right thing.

But no matter which side of the aisle we're on—or if we don't even care about aisles—it is critical that historically for a nation to survive, it must recognize those who have sworn the destruction of that nation and are doing everything they can to gather the means to do that.

We have a Private Abdo. This is a young man, Private Abdo, who did an interview on al-Jazeera. He was seen on al-Jazeera. We have people in our administration's intelligence and Justice who see him on al-Jazeera, basically laying out—and of course this news program was done in Arabic. It was not done in English. If you listen to the program on YouTube, you can hear some of the things that Private Abdo said.

But he made clear, Hey, I'm a Muslim. I cannot deploy. The same things that Major Hasan said before he went and killed 13 of our military at Fort Hood and another, which was the unborn child of one of our pregnant servicemembers. He made clear, just like Private Abdo, I can't both deploy and be a Muslim. I will have to go kill Americans. I can do that without violating my religion, at least in their beliefs. But I cannot be deployed into a Muslim country because of the risk I might kill a Muslim without that person that I kill meeting one of the requirements to be allowed to be killed and, therefore, that would send me basically to hell. So I can't do that. But it's okay to kill Americans.

This Justice Department ought to be getting these words back in its lexicon. Our intelligence should get them back in their lexicon so that when you have a private go on al-Jazeera and say these things, that our intelligence and our Justice Department are allowed to put that in a memo and say, This guy has sworn that he cannot go to a Muslim country; and, therefore, he's better off killing our own soldiers than he is being deployed.

We need to recognize when people are saying they're going to have to kill us. But instead, even though he was seen

on al-Jazeera and it was clear he was setting things up, just like Major Hasan did, the only reason that people were not killed by the bombs he was wanting to create and he was buying material to produce was because a local gun dealer got suspicious and reported him, not because the intelligence or Justice Department acted on seeing this private putting himself in Major Hasan's same pattern.

If I could see that other poster. We've got another soldier in uniform who has been on al-Jazeera. And yet now, because of the changed lexicon, people are not able to properly pursue this kind of problem so that one of our own soldiers starts defaming our own military and using the OIC term that Islamophobia is evident within the military. The overwhelming sentiment was that Islamophobia was present in the U.S. military.

It's time that this administration wake up; and if it's not willing to wake up, this Congress must wake it up. That's why the Founders created three separate branches and created two Houses within this branch so that they hoped that there would be adequate responses to threats, they hoped that it would be difficult to pass laws that would hurt the country. Their hope was that they were setting up a system that would protect itself. But until we take the blinders off, those who are sworn to protect us, we're in some big trouble. Or as folks at Fort Benning, where I served for 4 years, used to say, We'll be in some deep kimchi.

With that, I yield back the balance of my time.

CONGRESS: DON'T TREAD ON D.C.

The SPEAKER pro tempore (Mrs. HARTZLER). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 30 minutes.

Ms. NORTON. Madam Speaker, I rise to speak about a possible set of events that will, I think, astound the American people. Most, by now, would agree that a shutdown of the government is a very bad idea. A shutdown of the government is a worse idea for the American people. But if you want to hear the worst of the worst, by far, it is shutting down a local government which is not involved in your national fight. That is what could happen as the first session of the 112th Congress closes out and leaves its signature on American history.

The District of Columbia's local budget, raised in the city, a budget larger than the budget of some States—thanks to the taxpayers of the city—nevertheless, has to be approved by the Congress. It was approved by the District of Columbia months ago, even approved by the Financial Services appropriations subcommittee months



ago. But here it sits because most of the appropriations have not been approved by the Congress of the United States.

No wonder District of Columbia residents have informed our office that they will be here tomorrow to speak for themselves because, Madam Speaker, taxation without representation is bad enough. In fact, it was considered so outrageous that our Forefathers went to war over this very notion.

□ 1610

Taxation without representation, followed by confiscation of a local government's judgment on how it ought to spend its own money, is un-American and should be unacceptable anywhere in the world except, of course, authoritarian governments.

So here I am again. I was on the floor just a few months ago on this very same issue, and doesn't it say everything about this Congress this year. The Republicans have had a year to learn since they took control of the House. They are very slow learners because for the third time we face a possible government shutdown, and we face the possible shutdown of a local government that is not in this fight and has passed its own local, balanced budget.

No forward movement. No forward movement for the District of Columbia and no forward movement for the country. We are embroiled in the same fights because one side, my friends on the other side of the aisle, have decided that a legislative body is one in which one side takes all. The whole notion that we come from diverse and different parts of the country and will have to find a meeting of the minds on issue after issue has fled from this Chamber.

So we see it not only with respect to my district, which is caught in this fight, a fight not of its making, a fight from which it cannot extricate itself, a fight out of which it cannot negotiate itself. We see this happening as if there were no past history to inform us not to do this again.

We don't know if we'll be home for Christmas. We don't know if the government will be shut down. We don't know if there will be a payroll tax holiday, desperately needed by everybody who works in the District of Columbia and in the United States.

And we don't know whether there will be unemployment insurance for everybody who lost their jobs and can't find a job. And let me get this right because this is quite astounding. For every four people looking for a job today, there is one opening. That, of course, is because you have to do two things when you find yourself in the predicament that the President found himself in when he entered the White House. You've got to find a way to grow your economy with some spend-

ing in the short term, and you have to find a way to cut spending and tax yourself in the long term. Of course, the other side understands the cutting side. They don't care, apparently, if the economy goes down the drain because they are about to recess without ever having come before this Chamber with a jobs bill to grow the economy.

This Republican House has no major legislation to show for a year's worth of work. It has been off on side issues; and one of those side issues has been the District of Columbia, into whose business it has no business entering, taking the city's vote, the vote that the city had in the Committee of the Whole, on the very first day as the first item of business and then piling on with a set of amendments designed to intrude on the city's right to govern itself and to spend its own local funds as every local government does, as those who elect it locally have insisted.

So I had to yesterday call the Mayor of the District of Columbia, once again, and say I don't see any way out of a possible close-down for the District of Columbia if the Federal Government closes down. And while he found it unbelievable after the Congress now has the lowest rating in memory that they would even consider a close-down, nevertheless he has got to take the preparations that the federal government takes and is now taking when a close-down becomes a possibility.

The Home Rule Act gave the District of Columbia control over its local laws and its local funds with the caveat that they were to pass through here and pass by. That's literally what it is, a pass-by in the Congress. This has become more than a pass-by. It has become an occasion to encumber the District of Columbia with the views and the laws of Members of Congress, not elected from the District of Columbia, not responsible to the District of Columbia.

So the do-nothing 112th House has no major bill to its credit, no signature to take home; but it does leave an infamous signature that it was able to bully a medium-sized city in America because of some leftover jurisdiction over its local affairs. No wonder that there is palpable harm to the residents of this city. If you have the right to bully, just like the bully in the school yard, they are going to bully.

But I come to the floor this evening to say that we will never let an occasion where Congress intrudes on our rights as American citizens go by without calling you on it. We may go down, but we will go down fighting. We will not go silently into the night.

Once again, on a controversial issue, the House has insisted that the District of Columbia be forbidden to spend its own local funds on abortion services for local women in the District of Columbia. The operative word here is "local." Over and over again, I will say

local: local money, local women. No business of the Congress.

I can understand the strong feelings on this issue. Indeed, I respect them. What I do not respect is your imposing your strong feelings on a jurisdiction not your own, on a jurisdiction over which you have no moral jurisdiction.

And so despite the District's own view that our most vulnerable women need the same access to all reproductive services as other jurisdictions have, even if they have to spend their own local money, and many do, even if you are willing to spend your own local money, Congress is not going to let the District spend its own local money. My colleagues on the other side of the aisle, these Tea Party Republicans who came here talking about federalism, have been the first to violate the first principle of federalism.

We are not here talking about local laws alone, my friends, we are talking about local money, money raised in the District of Columbia. Not a penny of it from this Chamber. By what right do you tell us anything about how to spend that money, particularly when that money is spent legally and constitutionally? How do you square that with your Tea Party principles?

They tried on another issue as well. We were able to stop that one. For 10 years this Congress kept the District from spending its own local funds on needle exchange programs used all over the country, albeit with local funds, even though over and over again in test after test, it has been found that well-run needle exchange programs keep people from spreading HIV and AIDS.

□ 1620

In big cities where there are drug addicts, you will find that as many as one-third of those who contract this virus do so through needles; someone who has the virus then has relations with someone who doesn't but doesn't know the other has the virus, and quickly the virus is spread. It is important to note that every health organization and every scientific organization has recommended needle exchange programs as a way to control AIDS, and they've done so based on the scientific evidence.

Down the road, our sister city, Baltimore, a much poorer city, has a better HIV/AIDS rate than the District of Columbia because Baltimore has been spending its own local funds, the way most big cities have, for needle exchange now for decades. Because we were a decade without the ability to do that—because some Members of this House decided they did not want us to do it, they took the lives of—they took the lives of—residents of the District of Columbia and actively participated in the spread of the virus.

Who are they to tell us in our jurisdiction how we must attend to the health of our own local residents? What

do they know about it? By what rights do they come to their mandate, regardless of the consequences, to tell us or any other local jurisdiction what must be done or what we must do? Does the word “democracy” fall out of the English language when it comes to the people who live in the Nation’s Capital? How do we put it back in? Does the mayor of the city, does the entire city council have to keep being arrested in order to make the point, with this picture sent all around the world showing what a lie “democracy” can be in our country?

If the 112th House didn’t learn that you don’t raise taxes on the middle class, if they didn’t learn that those who are unemployed should have unemployment insurance, I don’t know why I expect them to learn how they should treat the 600,000 residents who live in the District of Columbia.

I see that I’ve been joined on the floor by a good friend and colleague, and I want to thank Mr. ELLISON for coming to the floor and yield time to him at this time.

Mr. ELLISON. Let me thank the gentlelady from Washington, D.C.

The message I have is very short. It’s based on a group of young people who visited me in my office today, all from Washington, D.C. And they are on a hunger strike and have not eaten any solid food for 8 days. I promised them that I would not eat, either, starting tonight, and will not eat for 24 hours in solidarity with their struggle. They asked me to read a statement.

The statement reads as follows: “Occupy The Vote D.C.

D.C. needs representation: Fast.

Occupy the vote. Corryn@occupydc.org.

To: Those in Congress with a vote.

Regarding: Full democracy for the citizens of D.C.

Since its creation, our Capital, the bastion of American democracy, has been handicapped from responding to the will of its citizens. Despite paying taxes to the Federal Government and sending our citizens to fight and die in every war, Washingtonians have had no voting representation in Congress, and have had to seek approval from people they did not elect on all legislative and budgetary matters. In other words, the so-called capital of the free world is America’s most disenfranchised jurisdiction.

More than 200 years after the American Revolution, taxation without representation—the foundational grievance of our country—is still alive and well in our Nation’s Capital. Washingtonians pay higher per capita Federal income taxes than any State, yet we have no say in how Congress spends that money.

It’s true that there was a time long ago when the Capital had few residents outside of the legislators and first Federal workers, who maintained represen-

tation in their home States. But D.C. now has 600,000 taxed, yet voiceless, citizens. Not a Senator to hear them at the Hart Building, no voting Representative in the House to stand for their concerns.

Based on the founding principles of our democratic Nation, we the signees demand that Washington, D.C., have the long overdue freedoms of:

Full budgetary autonomy. Congress is overburdened and often stalemated by its responsibilities to the rest of the country. Yet, the D.C. Government cannot spend its own tax dollars without the approval of Congress. A bill proposed by Representative DARRELL ISSA would free D.C.’s local budget from congressional control. We urge Congress to pass this bill free of any riders restricting how D.C. spends its own money. Letting D.C. take control of its own budget would free time for Congress to attend to national issues, while giving D.C. the local democracy that is given to every other American.

Full legislative autonomy. Eliminate the requirement for congressional review of new District laws. This redtape subverts democracy and adds bureaucratic inefficiency to the processes of both Congress and D.C. Government. We urge Congress to pass the District of Columbia Legislative Autonomy Act of 2011, H.R. 506.

Full representation and voting rights in Congress. The people of D.C. do not have a vote in the House or in the Senate. This deprives more than 600,000 Americans of an empowered voice in our national legislature. This unjust situation has allowed Members of Congress who were not elected by the people of the District of Columbia to impose policies upon the citizens of D.C. that are not supported by the people. We urge Congress to pass H.R. 266, the District of Columbia Equal Representation Act of 2011.

Politicians have attached riders related to abortion funding and gun ownership to past bills that would expand real democracy for D.C. residents. These riders ultimately divert the dialogue from democratic representation and further disenfranchise Washingtonians. We demand that any such riders attached to the legislation above be presented not as mandates, but as referendum proposals up for vote by the citizens of Washington, D.C.

Until D.C. realizes democracy as stipulated above, we will follow the examples of Alice Paul, Mohandas Gandhi, and Anne Hazare, and will refuse all food and consume only water in a continuous hunger strike. In a gesture of transparency, we fast here, in the open, at McPherson Square, Washington D.C., with a transparent 24-hour video livestream at [occupythevotedc.tumblr.com](http://occupythevotedc.tumblr.com).

To consciously disenfranchise hundreds of thousands of American citizens is unjust and contrary to this

country’s principles. Democracy for D.C. is not a political issue but a moral issue, not an issue of left or right but of representation and democracy. We call on President Obama, House Oversight Committee Chairman DARRELL ISSA, and the U.S. Congress to show real leadership and give the Capital of this great country the voting representation and local democracy it deserves.

In solidarity with Occupy D.C. and people’s democratic movements the world over,

Signed, Adrian Parson, Sam Jewler, Joe Gray, and Kelly Mears.”

I only read what they asked me to read. And I commend their struggle and will deny myself all food and all water for 24 hours starting tonight in solidarity with their struggle.

I yield back to the gentlelady and thank her for her time.

Ms. NORTON. Well, I can’t thank the gentleman enough for coming to the floor, first of all, in solidarity with the residents of the District of Columbia to read the statement in solidarity with the hunger strikers themselves. It’s very important to us, and I think Mr. ELLISON’s coming to the floor does say to the District of Columbia that I’m not alone here, that there are hundreds of Members, like Mr. ELLISON, for whom the issue of full democracy for the District of Columbia is a priority.

So here is a Member who is from the Midwest, from Minnesota, who takes the time because the hunger strikers have visited his office. They have visited my office, as well. They are young people doing something on their own. No one would have said to anyone else, you ought to go on a hunger strike. But it does show you the desperation that many in our city feel that among us are some who, in order to call attention to this injustice in our country, have now taken to something beyond civil disobedience, to the ultimate kind of sacrifice, when they have given up food now for 8 days.

Again, I want you to know that this is nothing that they have been asked to do, not because I asked them to do it any more than I asked the residents of the District of Columbia, the mayor and members of the city council, to be arrested in April on Capitol Hill.

□ 1630

What you have seen during the 112th Congress is spontaneous reaction from officials and residents of the District of Columbia to spontaneous injustice from this House.

Importantly in what Mr. ELLISON read was the notion of budget autonomy. The most immediate answer to the predicament we find ourselves in is the failure of Congress to acknowledge that our local budget has no business in this House.

I am very pleased that one Member, the chairman of the House Oversight and Government Reform Committee,

Mr. ISSA, had the District before him in the form of several of our public officials and listened closely to their testimony. Their testimony, and the testimony of witnesses called by the majority Republicans, went something like this: that the District of Columbia's finances and its budget are in better shape than those of virtually any jurisdiction in the United States.

Then witnesses from both sides said that the District does incur significant problems. Those problems result from the fact that the District has to do its budget twice—first for itself, and then the Congress does its budget again. As a result, the bondholders charge the residents of the District of Columbia a premium because Congress requires the District's budget to come here.

What does the Congress do with the District's budget when it comes here? Well, it certainly wouldn't tamper with a budget that has been put together by D.C. Council subcommittees, hearing endless hours of testimony, then calling committees, then with give-and-take from members of the council. Congress doesn't feel it's competent to do that, so what Congress does is to essentially pass the budget as it is and use the fact that the budget is here for its own purposes and against the interests of the residents of the District of Columbia. It uses the local D.C. budget to affix amendments—known as riders—to keep the District from doing what the District wants to do with its own local funds. I'm not here talking about what the District wants to do with Federal funds; it's what the District wants to do with its own local funds.

And in order to make sure that the District gets the point, the District gets shut down if the Federal Government decides to shut down. The very threat of a shutdown has repercussions for the District's finances, for those who hold its bonds, for those who hold its contracts. No city can afford that, and certainly not the District of Columbia.

As a result, this situation has not only driven our own people to civil disobedience, it has driven them to follow the example of Mahatma Gandhi who, when things got bad enough, if you saw the movie "Gandhi," would simply stop eating. People would beg him to eat, and he would stop eating. And people would say, You must eat; you're more valuable if you're alive, and he would not eat because he was trying to shame the British Government into bringing democracy to India. And he succeeded and has been, of course, the great icon of civil disobedience of various kinds.

But who would expect that public officials would have to engage in civil disobedience here? Who would ever think that a hunger strike would be necessary in the United States of America? Not for some radical principle, but for the first principle, the

principle upon which this country was founded: If it's our money, we get to decide what to do with our money, King George—yes, and King Congress.

May I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman has 1 minute remaining.

Ms. NORTON. There is an answer to this, and I thank Mr. ISSA for proposing a budget autonomy bill himself that mirrors my own budget autonomy bill—with some differences to be sure, in deference to the Congress. But this is a chairman of a committee who listened to the District, listened to witnesses, understood the harm imposed on the District—not only the shutdown, not only, of course, the amendments, but he was particularly impressed by the harm it does to the finances of a city that has done the right thing by its own finances.

As we contemplate what will happen in the next few hours, we ought to find a way to do two things if we do nothing else: Make sure that the District budget passes as the District would have it—not as any Member of this House would have it—and that the abortion amendment is gone; and, finally, that under no circumstances, whatever happens to the Federal Government, under no circumstances should the government of a local jurisdiction, your Nation's capital, be shut down.

#### GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the Special Order by Mr. TERRY of Nebraska, as well as on the subject of the Special Order by Ms. NORTON of the District of Columbia.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 37 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2256

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 56 minutes p.m.

#### CONFERENCE REPORT ON H.R. 2055, CONSOLIDATED APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky submitted the following conference report and statement on the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes:

CONFERENCE REPORT (H. REPT. 112-331)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2055), making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Consolidated Appropriations Act, 2012".*

#### SEC. 2. TABLE OF CONTENTS.

*The table of contents of this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

*Sec. 3. References.*

*Sec. 4. Statement of appropriations.*

*Sec. 5. Availability of funds.*

#### DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

*Title I—Military Personnel*

*Title II—Operation and Maintenance*

*Title III—Procurement*

*Title IV—Research, Development, Test and Evaluation*

*Title V—Revolving and Management Funds*

*Title VI—Other Department of Defense Programs*

*Title VII—Related agencies*

*Title VIII—General provisions*

*Title IX—Overseas contingency operations*

#### DIVISION B—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2012

*Title I—Corps of Engineers—Civil*

*Title II—Department of the Interior*

*Title III—Department of Energy*

*Title IV—Independent agencies*

*Title V—General provisions*

#### DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012

*Title I—Department of the Treasury*

*Title II—Executive Office of the President and Funds Appropriated to the President*

*Title III—The Judiciary*

*Title IV—District of Columbia*

*Title V—Independent agencies*

*Title VI—General provisions—This Act*

*Title VII—General provisions—Government-wide*

*Title VIII—General provisions—District of Columbia*

#### DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

*Title I—Departmental management and operations*

Title II—Security, enforcement, and investigations

Title III—Protection, preparedness, response, and recovery

Title IV—Research and development, training, and services

Title V—General provisions

#### **DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012**

Title I—Department of the Interior

Title II—Environmental Protection Agency

Title III—Related agencies

Title IV—General provisions

#### **DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012**

Title I—Department of Labor

Title II—Department of Health and Human Services

Title III—Department of Education

Title IV—Related agencies

Title V—General provisions

#### **DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012**

Title I—Legislative branch

Title II—General provisions

#### **DIVISION H—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012**

Title I—Department of Defense

Title II—Department of Veterans Affairs

Title III—Related agencies

Title IV—Overseas contingency operations

Title V—General provisions

#### **DIVISION I—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2012**

Title I—Department of State and related agency

Title II—United States Agency for International Development

Title III—Bilateral economic assistance

Title IV—International security assistance

Title V—Multilateral assistance

Title VI—Export and investment assistance

Title VII—General provisions

Title VIII—Overseas contingency operations

### **SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

### **SEC. 4. STATEMENT OF APPROPRIATIONS.**

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012.

### **SEC. 5. AVAILABILITY OF FUNDS.**

Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

#### **DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012**

##### **TITLE I**

##### **MILITARY PERSONNEL, ARMY**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve

components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$43,298,409,000.

##### **MILITARY PERSONNEL, NAVY**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$26,803,334,000.

##### **MILITARY PERSONNEL, MARINE CORPS**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$13,635,136,000.

##### **MILITARY PERSONNEL, AIR FORCE**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers’ Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,096,708,000.

##### **RESERVE PERSONNEL, ARMY**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,289,407,000.

##### **RESERVE PERSONNEL, NAVY**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,935,544,000.

##### **RESERVE PERSONNEL, MARINE CORPS**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for per-

sonnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$644,722,000.

##### **RESERVE PERSONNEL, AIR FORCE**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,712,705,000.

##### **NATIONAL GUARD PERSONNEL, ARMY**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$7,585,645,000.

##### **NATIONAL GUARD PERSONNEL, AIR FORCE**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,088,929,000.

##### **TITLE II**

##### **OPERATION AND MAINTENANCE**

##### **OPERATION AND MAINTENANCE, ARMY**

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$31,072,902,000.

##### **OPERATION AND MAINTENANCE, NAVY**

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$38,120,821,000.

## OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$5,542,937,000.

## OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$34,985,486,000.

## OPERATION AND MAINTENANCE, DEFENSE-WIDE

## (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$30,152,008,000: Provided, That not more than \$47,026,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: Provided further, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading, not less than \$34,311,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That \$8,420,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

## OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,071,733,000.

## OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,305,134,000.

## OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$271,443,000.

## OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,274,359,000.

## OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$6,924,932,000.

## OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$6,098,780,000.

## UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$13,861,000, of which not to exceed \$5,000 may be used for official representation purposes.

## ENVIRONMENTAL RESTORATION, ARMY

## (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$346,031,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available

for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY  
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$308,668,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE  
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$525,453,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$10,716,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

# ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

## (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$326,495,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

# OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$107,662,000, to remain available until September 30, 2013.

## COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$508,219,000, to remain available until September 30, 2014: Provided, That of the amounts provided under this heading, not less than \$13,500,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

## DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, \$105,501,000.

## TITLE III

## PROCUREMENT

### AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing pur-

poses, \$5,360,334,000, to remain available for obligation until September 30, 2014.

### MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,461,223,000, to remain available for obligation until September 30, 2014.

### PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,070,405,000, to remain available for obligation until September 30, 2014.

### PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,884,424,000, to remain available for obligation until September 30, 2014.

### OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$7,924,214,000, to remain available for obligation until September 30, 2014.

### AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts,

and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$17,675,734,000, to remain available for obligation until September 30, 2014.

### WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,224,432,000, to remain available for obligation until September 30, 2014.

### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$626,848,000, to remain available for obligation until September 30, 2014.

### SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP),	\$554,798,000;
Virginia Class Submarine, \$3,221,314,000;	
Virginia Class Submarine (AP), \$1,461,361,000;	
CVN Refuelings (AP), \$529,652,000;	
DDG-1000 Program, \$453,727,000;	
DDG-51 Destroyer, \$1,980,709,000;	
DDG-51 Destroyer (AP), \$100,723,000;	
Littoral Combat Ship, \$1,755,093,000;	
LPD-17, \$1,837,444,000;	
LHA-Replacement, \$1,999,191,000;	
Joint High Speed Vessel, \$372,332,000;	
Oceanographic Ships, \$89,000,000;	
Moored Training Ship, \$131,200,000;	
LCAC Service Life Extension Program,	\$84,076,000;
Service Craft, \$3,863,000; and	
For outfitting, post delivery, conversions, and first destination transportation, \$270,639,000.	
Completion of Prior Year Shipbuilding Programs, \$73,992,000.	

In all: \$14,919,114,000, to remain available for obligation until September 30, 2016: Provided,



That additional obligations may be incurred after September 30, 2016, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

#### OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$6,013,385,000, to remain available for obligation until September 30, 2014.

#### PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,422,570,000, to remain available for obligation until September 30, 2014.

#### AIRCRAFT PROCUREMENT, AIR FORCE

##### (INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$12,950,000,000, to remain available for obligation until September 30, 2014: Provided, That of the amount made available under this heading, \$63,500,000 made available for C-130J aircraft shall be transferred to the Department of Homeland Security, Coast Guard, "Acquisition, Construction, and Improvements": Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

#### MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and pri-

vate plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$6,080,877,000, to remain available for obligation until September 30, 2014.

#### PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$499,185,000, to remain available for obligation until September 30, 2014.

#### OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$17,403,564,000, to remain available for obligation until September 30, 2014.

#### PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$4,893,428,000, to remain available for obligation until September 30, 2014.

#### DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$169,964,000, to remain available until expended.

#### TITLE IV

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation,

lease, and operation of facilities and equipment, \$8,745,492,000, to remain available for obligation until September 30, 2013.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$17,753,940,000, to remain available for obligation until September 30, 2013: Provided, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$26,535,996,000, to remain available for obligation until September 30, 2013.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$19,193,955,000, to remain available for obligation until September 30, 2013: Provided, That of the funds made available in this paragraph, \$200,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: Provided further, That the Secretary of Defense may transfer funds provided herein for the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

##### OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$191,292,000, to remain available for obligation until September 30, 2013.

#### TITLE V

##### REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,575,010,000.

##### NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established

by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$1,100,519,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

#### TITLE VI

#### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$32,482,059,000; of which \$30,582,235,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2013, and of which up to \$16,512,141,000 may be available for contracts entered into under the TRICARE program; of which \$632,518,000, to remain available for obligation until September 30, 2014, shall be for procurement; and of which \$1,267,306,000, to remain available for obligation until September 30, 2013, shall be for research, development, test and evaluation: Provided, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

##### CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,554,422,000, of which \$1,147,691,000 shall be for operation and maintenance, of which no less than \$71,211,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$19,211,000 for activities on military installations and \$52,000,000, to remain available until September 30, 2013, to assist State and local governments and \$406,731,000, to remain available until September 30, 2013, shall be for research, development, test and evaluation, of which \$401,768,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

#### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

##### (INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$1,209,620,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act: Provided further, That \$23,000,000 may not be obligated or expended until the Secretary of Defense submits an implementation plan for the expansion of prescription drug testing to the congressional defense committees.

##### OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$346,919,000, of which \$341,419,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; of which \$1,000,000, to remain available until September 30, 2014, shall be for procurement; and of which \$4,500,000, to remain available until September 30, 2013, shall be for research, development, testing, and evaluation.

#### TITLE VII

##### RELATED AGENCIES

##### CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$513,700,000.

##### INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, \$547,891,000.

#### TITLE VIII

##### GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this

section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

##### (TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$3,750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2012: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: Provided, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense

shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2012: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

#### (TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value anal-

ysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

UH-60M/HH-60M and MH-60R/MH-60S Helicopter Airframes; and MH-60R/S Mission Avionics and Common Cockpits.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2012, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2013 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2013 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2013.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this section applies only to active components of the Army.

#### (TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8018. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying

in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, \$15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than \$37,745,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$27,838,000 shall be available from “Operation and Maintenance, Air Force” to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$8,990,000 shall be available from “Aircraft Procurement, Air Force”; and

(3) \$917,000 shall be available from “Other Procurement, Air Force” for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be com-

pensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2012 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2012, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2013 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$150,245,000.

SEC. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8025. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities

and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2012. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term “Buy American Act” means chapter 83 of title 41, United States Code.

SEC. 8028. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8029. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term “Indian tribe” means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8030. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8031. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2013 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2013 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2013 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8032. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2013: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2013.

SEC. 8033. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8034. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8035. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to

the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8036. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8037. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8038. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

SEC. 8039. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of

the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

#### (RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"National Defense Sealift Fund, 2002/XXXX", \$20,444,000;

"National Defense Sealift Fund, 2003/XXXX", \$8,500,000;

“National Defense Sealift Fund, 2004/XXXX”, \$6,500,000;  
 “Aircraft Procurement, Army, 2010/2012”, \$5,100,000;  
 “Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012”, \$4,353,000;  
 “Procurement of Ammunition, Army, 2010/2012”, \$21,674,000;  
 “Other Procurement, Army, 2010/2012”, \$58,647,000;  
 “Aircraft Procurement, Navy, 2010/2012”, \$90,000,000;  
 “Aircraft Procurement, Air Force, 2010/2012”, \$32,897,000;  
 “Missile Procurement, Air Force, 2010/2012”, \$3,889,000;  
 “Other Procurement, Air Force, 2010/2012”, \$12,200,000;  
 “Procurement, Defense-Wide, 2010/2012”, \$716,000;  
 “Aircraft Procurement, Army, 2011/2013”, \$21,500,000;  
 “Missile Procurement, Army, 2011/2013”, \$99,800,000;  
 “Procurement of Weapons and Tracked Combat Vehicles, Army, 2011/2013”, \$18,834,000;  
 “Procurement of Ammunition, Army, 2011/2013”, \$15,000,000;  
 “Other Procurement, Army, 2011/2013”, \$438,436,000;  
 “Aircraft Procurement, Navy, 2011/2013”, \$78,000,000;  
 “Weapons Procurement, Navy, 2011/2013”, \$34,276,000;  
 “Procurement of Ammunition, Navy and Marine Corps, 2011/2013”, \$28,262,000;  
 “Other Procurement, Navy, 2011/2013”, \$59,598,000;  
 Under the heading, “Shipbuilding and Conversion, Navy, 2011/2015”: Littoral Combat Ship Advance Procurement: \$110,351,000;  
 “Aircraft Procurement, Air Force, 2011/2013”, \$220,213,000;  
 “Missile Procurement, Air Force, 2011/2013”, \$193,900,000;  
 “Other Procurement, Air Force, 2011/2013”, \$52,868,000;  
 “Procurement, Defense-Wide, 2011/2013”, \$4,312,000;  
 “Research, Development, Test and Evaluation, Army, 2011/2012”, \$356,625,000;  
 “Research, Development, Test and Evaluation, Navy, 2011/2012”, \$65,687,000;  
 “Research, Development, Test and Evaluation, Air Force, 2011/2012”, \$258,094,000;  
 “Research, Development, Test and Evaluation, Defense-Wide, 2011/2012”, \$254,284,000;  
 “Defense Health Program, 2011/2012”, \$257,000.

Provided, That the funds rescinded from the National Defense Sealift accounts are those described under the heading “National Defense Sealift Fund” in Public Law 107–117, Public Law 107–248, and Public Law 108–87, or for the purposes described in section 115 of division H of Public Law 108–199, as amended by section 1017 of division A of Public Law 109–13.

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People’s Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military De-

partments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of “commercial items”, as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the

Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National



Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8054. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. None of the funds made available in this Act may be used to approve or license the sale of the F-22A advanced tactical fighter to any foreign government: Provided, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F-22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8057. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of

defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8058. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8059. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8060. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8061. The Secretary of Defense shall provide a classified quarterly report beginning 30

days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8062. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8063. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8064. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8065. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8066. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous

with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8067. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, \$124,493,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8068. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2012.

SEC. 8069. In addition to amounts provided elsewhere in this Act, \$4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8070. (a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by adding the following new section at its end—

**“§1790. MILITARY PERSONNEL CITIZENSHIP PROCESSING.**

“AUTHORIZATION OF PAYMENTS.—Using funds provided for operation and maintenance and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may reimburse the Secretary of Homeland Security for costs associated with the processing and adjudication by the United States Citizenship and Immigration Services (USCIS) of applications for naturalization described in sections 328(b)(4) and 329(b)(4) of the Immigration and Nationality Act (8 U.S.C. §§ 1439(b)(4) and 1440(b)(4)). Such reimbursements shall be deposited and remain available as provided by sections 286(m) and (n) of such Act (8 U.S.C. § 1356(m)). Such reimbursements shall be based on actual costs incurred by USCIS for processing applications for naturalization, and shall not exceed \$7,500,000 per fiscal year.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after the item relating to section 1789 the following new item:

“1790. Military personnel citizenship processing.”

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. Of the amounts appropriated in this Act under the heading “Research, Development,

Test and Evaluation, Defense-Wide”, \$235,700,000 shall be for the Israeli Cooperative Programs: Provided, That of this amount, \$110,525,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which \$15,000,000 shall be for production activities of SRBMD missiles in the United States and in Israel to meet Israel’s defense requirements consistent with each nation’s laws, regulations, and procedures, \$66,220,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and \$58,955,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8072. (a) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of U.S. Navy forces assigned to the Pacific fleet.

(b) None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give United States Transportation Command operational and administrative control of C-130 and KC-135 forces assigned to the Pacific and European Air Force Commands.

(c) The command and control relationships in subsections (a) and (b) which existed on March 13, 2011, shall remain in force unless changes are specifically authorized in a subsequent Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy”, \$73,992,000 shall be available until September 30, 2012, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading “Shipbuilding and Conversion, Navy, 2005/2012”: LPD-17 Amphibious Transport Dock Program \$18,627,000;

(2) Under the heading “Shipbuilding and Conversion, Navy, 2006/2012”: LPD-17 Amphibious Transport Dock Program \$23,437,000; and

(3) Under the heading “Shipbuilding and Conversion, Navy, 2008/2012”: LPD-17 Amphibious Transport Dock Program \$31,928,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8074. (a) Of the amounts appropriated in title IV of this Act under the heading “Research, Development, Test and Evaluation, Army”, for Budget Activities 4, 5 and 7, \$50,000,000 shall be transferred to Program Element 0605601A: Provided, That no funds may be transferred until 30 days after the Secretary of the Army provides to the congressional defense committees a report including the details of any such transfer: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(b) Of the amounts appropriated in title IV of this Act under the heading “Research, Development, Test and Evaluation, Air Force”, for

Budget Activities 4, 5 and 7, \$34,000,000 shall be transferred to Program Element 0605807F: Provided, That no funds may be transferred until 30 days after the Secretary of the Air Force provides to the congressional defense committees a report including the details of any such transfer: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8075. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

SEC. 8076. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8077. The budget of the President for fiscal year 2013 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8078. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8079. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$44,000,000 is hereby appropriated to the Department of Defense: Provided, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make grants in the amounts specified as follows: \$20,000,000 to the United Service Organizations and \$24,000,000 to the Red Cross.

SEC. 8080. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8081. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information

pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8082. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8083. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: Provided, That the Secretary may transfer not to exceed \$100,000,000 under the authority provided by this section: Provided further, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: Provided further, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: Provided further, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8084. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8085. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ-1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8086. Up to \$15,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: Provided, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: Provided further, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8087. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain avail-

able for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2013.

SEC. 8088. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8089. During the current fiscal year, not to exceed \$200,000,000 from funds available under "Operation and Maintenance, Defense-Wide" may be transferred to the Department of State "Global Security Contingency Fund": Provided, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers to the Department of State "Global Security Contingency Fund", notify the congressional defense committees in writing with the source of funds and a detailed justification, execution plan, and timeline for each proposed project.

SEC. 8090. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

(1) For procurement programs requesting more than \$10,000,000 in any fiscal year, the P-1, Procurement Program; P-5, Cost Analysis; P-5a, Procurement History and Planning; P-21, Production Schedule; and P-40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than \$5,000,000 in any fiscal year, the R-1, Research, Development, Test and Evaluation Program; R-2, Research, Development, Test and Evaluation Budget Item Justification; R-3, Research, Development, Test and Evaluation Project Cost Analysis; and R-4, Research, Development, Test and Evaluation Program Schedule Profile.

SEC. 8091. The amounts appropriated in title II of this Act are hereby reduced by \$515,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: From "Operation and Maintenance, Army", \$515,000,000.

SEC. 8092. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2012: Provided, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8093. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) that—

(1) creates a new start effort;

(2) terminates a program with appropriated funding of \$10,000,000 or more;

(3) transfers funding into or out of the National Intelligence Program; or

(4) transfers funding between appropriations, unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8094. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8095. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8096. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8097. During the current fiscal year, not to exceed \$11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, \$20,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: Provided, That funds transferred under this provision are to be merged with and

available for the same purposes and time period as the appropriation to which transferred: Provided further, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8099. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8100. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8101. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of \$1,000,000, unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a “covered subcontractor” is an entity that has a subcontract in excess of \$1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set

forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

SEC. 8102. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the fiscal year 2012 no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than \$3,000,000, within the Intelligence Community without the approval of the Business Transformation Investment Review Board.

(b) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

SEC. 8103. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8104. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to \$135,631,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84: Provided, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417: Provided further, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8105. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 124 Stat. 1871), as amended by Public Law 112-10, is amended by striking “2 years” both places it appears and inserting “3 years”.

SEC. 8106. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex: Provided, That not later than 90 days after the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees the Office of the Director of National Intelligence strategic human capital plan and the Office of Director of National Intelligence current and future grade structure, to include General Schedule 15 positions.

SEC. 8107. None of the funds appropriated or otherwise made available by this Act may be ob-

ligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8108. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8109. The Inspector General of the Department of Defense shall conduct a review of Anti-deficiency Act violations and their causes in the Department of Defense Military Personnel accounts. Based on the findings of the review, the Inspector General shall submit to the congressional defense committees a report containing the results of the review and recommendations for corrective actions to be implemented.

SEC. 8110. Of the amounts appropriated for “Operation and Maintenance, Defense-Wide”, \$33,000,000 shall be available to the Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, to make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to assist the civilian population of Guam in response to the military buildup of Guam, to include addressing the need for vehicles and supplies for civilian student transportation, preservation and repository of artifacts unearthed during military construction, and construction of a mental health and substance abuse facility: Provided, That the Secretary of Defense shall, not fewer than 15 days prior to obligating funds for this purpose, notify the congressional defense committees in writing of the details of any such obligation.

SEC. 8111. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,000 parking spaces (other than handicap-reserved spaces) to be provided by the BRAC 133 project: Provided, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available: Provided further, That the Secretary of Defense shall implement the Department of Defense Inspector General recommendations outlined in report number DODIG-2012-024, and certify to Congress not later than 180 days after enactment of this Act that the recommendations have been implemented.

SEC. 8112. (a) None of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure to relocate Air Force program offices, or acquisition management functions of major weapons systems, to a central location, or to any location other than the Air Force Material Command site where they are currently located until 30 days after the Secretary of the Air Force submits the initial report under subsection (b).

(b) The Secretary of the Air Force shall submit to the congressional defense committees a report which includes the following: a listing of all Air Force Material Command functions to be transferred and an identification of the locations where these functions will be transferred from and to; a listing of all Air Force Material Command personnel positions to be transferred and an identification of the locations these positions will be transferred from and to; and the cost benefit analysis and the life-cycle cost analysis underpinning the Secretary of the Air Force's decision to relocate Air Force Material Command functions and personnel.

SEC. 8113. Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall resume quarterly reporting of the numbers of civilian personnel end strength by appropriation account for each and every appropriation account used to finance Federal civilian personnel salaries to the congressional defense committees within 15 days after the end of each fiscal quarter.

SEC. 8114. In addition to amounts provided elsewhere in this Act, \$10,000,000 is hereby appropriated, for an additional amount for "Research, Development, Test and Evaluation, Army", to remain available until September 30, 2013. Such funds may be available for the Secretary of the Army to conduct research on alternative energy resources for deployed forces.

SEC. 8115. The Secretary of Defense shall study and report to the Congressional Defense Committees the feasibility of using commercially available telecommunications expense management solutions across the Department of Defense by March 1, 2012.

SEC. 8116. None of the funds appropriated in this or any other Act may be used to plan, prepare for, or otherwise take any action to undertake or implement the separation of the National Intelligence Program budget from the Department of Defense budget.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8117. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,000,000,000 of the funds made available in this Act for the National Intelligence Program: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2012.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8118. In addition to amounts provided elsewhere in this Act, there is appropriated \$250,000,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to be available until expended: Provided, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: Provided further, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition

deficiencies as determined by the Secretary of Defense.

SEC. 8119. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 8120. (a)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(b) A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after Sep-

tember 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(d)(1) The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States; and

(ii) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the subparagraph to be waived have been completely eliminated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the subparagraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "individual detained at Guantanamo" means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 8121. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 8122. Of the funds made available to the Department of Defense under “Operation and Maintenance, Defense-Wide” in title II, \$1,000,000 may be available to the Department to competitively commission an independent assessment of the current and prospective situation on the ground in Afghanistan and Pakistan, including the strategic environment in and around Afghanistan and Pakistan; the security, political, and economic and reconstruction developments in those two countries; and relevant policy recommendations relating thereto.

SEC. 8123. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the approximately \$100,000,000,000 in efficiency savings identified by the military departments in the defense budget covering fiscal years 2012 through 2016 that are to be reinvested in the priorities of the military departments. Such report shall include an analysis of—

(1) each savings identified by the military departments, including—

(A) the budget account from which such savings will be derived;

(B) the number of military personnel and full-time civilian employees of the Federal Government affected by such savings;

(C) the estimated reductions in the number and funding of contractor personnel caused by such savings; and

(D) a specific description of activities or services that will be affected by such savings, including the locations of such activities or services; and

(2) each reinvestment planned to be funded with such savings, including—

(A) with respect to such reinvestment in procurement and research, development, test and evaluation accounts, the budget account to which such savings will be reinvested, including, by line item, the number of items to be procured, as shown in annual P-1 and R-1 documents;

(B) with respect to such reinvestment in military personnel and operation and maintenance accounts, the budget account and the subactivity (as shown in annual-I and O-I budget documents) to which such savings will be reinvested;

(C) the number of military personnel and full-time civilian employees of the Federal Government affected by such reinvestment;

(D) the estimated number and funding of contractor personnel affected by such reinvestment; and

(E) a specific description of activities or services that will be affected by such reinvestment, including the locations of such activities or services.

SEC. 8124. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8125. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 8126. There is hereby established in the Treasury of the United States the “Military Intelligence Program Transfer Fund”. In addition to amounts provided elsewhere in this Act, there is appropriated \$310,758,000 for the “Military Intelligence Program Transfer Fund”: Provided, That of the funds made available in this section, the Secretary of Defense may transfer these funds only to “Operation and Maintenance, Defense-Wide” or “Research, Development, Test and Evaluation, Defense-Wide” and only for the purposes described in the classified annex accompanying this Act: Provided further, That the Secretary shall notify the congressional defense committees in writing of the details of any such transfer not fewer than 15 days prior to making such transfers: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations to which the funds are transferred: Provided further, That this transfer authority is in addition to any other transfer authority provided in this Act.

SEC. 8127. None of the funds made available by this Act may be used in contravention of section 1590 or 1591 of title 18, United States Code, or in contravention of the requirements of section 106(g) or (h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g) or (h)).

SEC. 8128. None of the funds made available by this Act for international military education and training, foreign military financing, excess defense articles, assistance under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456), issuance for direct commercial sales of military equipment, or peacekeeping operations for the countries of Chad, Yemen, Somalia, Sudan, Democratic Republic of the Congo, and Burma may be used to support any military training or operations that include child soldiers, as defined by the Child Soldiers Prevention Act of 2008, and except if such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008 (Public Law 110-457; 22 U.S.C. 2370c-1).

SEC. 8129. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

#### TITLE IX

#### OVERSEAS CONTINGENCY OPERATIONS MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$7,195,335,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$1,259,234,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$714,360,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$1,492,381,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$207,162,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, \$44,530,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, \$25,421,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force” \$26,815,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$664,579,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced



Budget and Emergency Deficit Control Act of 1985.

#### NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$9,435,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$44,794,156,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$7,674,026,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$3,935,210,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$10,879,347,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$9,252,211,000: Provided, That each amount in this section is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That of the funds provided under this heading: Not to exceed \$1,690,000,000, to remain available until September 30, 2013, for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military operations in support of Operation Enduring Freedom, Operation New Dawn, and post-operation Iraq border security related to the activities of the Office of Security Cooperation in Iraq, notwithstanding any other provision of law: Provided further, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the requirement to provide notification

shall not apply with respect to a reimbursement for access based on an international agreement: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Afghanistan, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

##### OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$217,500,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$74,148,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$36,084,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$142,050,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$377,544,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$34,050,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### AFGHANISTAN INFRASTRUCTURE FUND (INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Infrastructure Fund", \$400,000,000, to remain available until September 30, 2013: Provided, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the

Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: Provided further, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: Provided further, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: Provided further, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: Provided further, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: Provided further, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: Provided further, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: Provided further, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: Provided further, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: Provided further, That the "appropriate committees of Congress" are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", \$11,200,000,000, to remain available until September 30, 2013: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and

used for such purposes: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: Provided further, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of \$20,000,000: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### PROCUREMENT

##### AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$1,137,381,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$126,556,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$37,117,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$208,381,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$1,334,345,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$480,935,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$41,070,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$317,100,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$236,125,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$1,233,996,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$1,235,777,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$41,220,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$109,010,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$3,088,510,000, to remain available until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$405,768,000, to remain available

until September 30, 2014: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, \$1,000,000,000, to remain available for obligation until September 30, 2014: Provided, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

##### (INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, \$2,600,170,000, to remain available until September 30, 2013: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$18,513,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$53,884,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, \$259,600,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$194,361,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS  
DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, \$435,013,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE  
PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, \$1,228,288,000, which shall be for operation and maintenance, to remain available until September 30, 2012: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG  
ACTIVITIES, DEFENSE

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, \$456,458,000, to remain available until September 30, 2013: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT  
FUND

(INCLUDING TRANSFER OF FUNDS)

For the “Joint Improvised Explosive Device Defeat Fund”, \$2,441,984,000, to remain available until September 30, 2014: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify

the congressional defense committees in writing of the details of any such transfer: Provided further, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the “Office of the Inspector General”, \$11,055,000: Provided, That such amounts in this paragraph are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2012.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2012.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, “Afghanistan Infrastructure Fund”, or the “Afghanistan Security Forces Fund” provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the U.S. Central Command area of responsibility: (a) passenger motor vehicles up to a limit of \$75,000 per vehicle; and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed \$400,000,000 of the amount appropriated in this title under the heading “Operation and Maintenance, Army” may be used, notwithstanding any other provision of law, to fund the Commander’s Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: Provided, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed \$20,000,000: Provided further, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter

that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: Provided further, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander’s Emergency Response Program in Afghanistan: Provided further, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of \$5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 9009. None of the funds provided for the “Afghanistan Security Forces Fund” (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan

Resources Oversight Council (AROC) of the Department of Defense: Provided, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of \$50,000,000 annually and any non-standard equipment requirements in excess of \$100,000,000 using ASFF: Provided further, That the AROC must approve all projects and the execution plan under the “Afghanistan Infrastructure Fund” (AIF) and any project in excess of \$5,000,000 from the Commanders Emergency Response Program (CERP): Provided further, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding provisos and accompanying report language for the ASFF, AIF, and CERP.

SEC. 9010. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX, up to \$20,000,000 may be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

SEC. 9011. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: Provided, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment unit cost of not more than \$500,000.

SEC. 9012. Notwithstanding any other provision of law, up to \$150,000,000 of funds made available in this title under the heading “Operation and Maintenance, Army” may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in Afghanistan in support of Operation Enduring Freedom: Provided, That not less than 15 days before making funds available pursuant to the authority provided in this section for any project with a total anticipated cost of \$5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed project.

SEC. 9013. From funds made available to the Department of Defense in this title under the heading “Operation and Maintenance, Air Force” up to \$524,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed site.

SEC. 9014. The amounts appropriated in title IX of this Act are hereby reduced by \$4,042,500,000 to reflect reduced troop strength

in theater: Provided, That the reductions shall be applied to the military personnel and operation and maintenance appropriations only: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to reducing funds for this purpose, notify the congressional defense committees in writing of the details of any such reduction by appropriation and budget line item.

SEC. 9015. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985:

“Overseas Contingency Operations Transfer Fund, 2010”, \$356,810,000;

“Procurement of Ammunition, Army, 2010/2012”, \$21,000,000;

“Other Procurement, Air Force, 2010/2012”, \$2,250,000.

This division may be cited as the “Department of Defense Appropriations Act, 2012”.

## **DIVISION B—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2012**

### **TITLE I**

#### **CORPS OF ENGINEERS—CIVIL DEPARTMENT OF THE ARMY**

##### **CORPS OF ENGINEERS—CIVIL**

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

##### **INVESTIGATIONS**

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$125,000,000, to remain available until expended.

##### **CONSTRUCTION**

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,694,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Olmsted Lock and Dam, Ohio River, Illinois and Kentucky; Emsworth

Locks and Dam, Ohio River, Pennsylvania; Lock and Dams 2, 3, and 4, Monongahela River, Pennsylvania; and Lock and Dam 27, Mississippi River, Illinois) shall be derived from the Inland Waterways Trust Fund.

##### **MISSISSIPPI RIVER AND TRIBUTARIES**

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$252,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

##### **OPERATION AND MAINTENANCE**

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,412,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities.

##### **REGULATORY PROGRAM**

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$193,000,000, to remain available until September 30, 2013.

##### **FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM**

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$109,000,000, to remain available until expended.

##### **FLOOD CONTROL AND COASTAL EMERGENCIES**

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other

activities in response to such disasters as authorized by law, \$27,000,000, to remain available until expended.

#### EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, \$185,000,000, to remain available until September 30, 2013, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

#### OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until September 30, 2013.

#### ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

#### GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

##### (INCLUDING TRANSFERS OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2012, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;
- (4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;
- (5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: Provided, That for a base level less than \$100,000, the reprogramming limit is \$25,000: Provided further, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over \$2,000,000, reprogramming of 15 percent of the

base amount up to a limit of \$3,000,000 per project, study or activity is allowed: Provided, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: Provided further, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount a limit of \$5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: Provided further, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMIS REPROGRAMMINGS.—In no case should a reprogramming for less than \$50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99-662) is enacted.

SEC. 104. Within 120 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

SEC. 106. The Secretary is authorized to transfer to "Corps of Engineers—Civil—Construction" up to \$100,000,000 of the funds provided for reinforcing or replacing flood walls under the heading "Corps of Engineers—Civil—Flood Control and Coastal Emergencies" in Public Law 109-234 and Public Law 110-252 and up to \$75,000,000 of the funds provided for projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity projects under the heading "Corps of Engineers—Civil—Flood Control and Coastal Emergencies" in Public Law 110-28, to be used with funds provided for the West Bank and Vicinity project under the heading "Corps of Engineers—Civil—Construction" in Public Law 110-252 and Public Law 110-329, consistent with 65 percent Federal and 35 percent non-Federal cost share and the financing of, and payment terms for, the non-Federal cash contribution associated with the West Bank and Vicinity project.

SEC. 107. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to \$3,800,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 108. The Secretary of the Army may authorize a member of the Armed Forces under the Secretary's jurisdiction and employees of the Department of the Army to serve without compensation as director, officer, or otherwise in the management of the organization established to support and maintain the participation of the United States in the permanent international commission of the congresses of navigation, or any successor entity.

SEC. 109. (a) ACQUISITION.—The Secretary is authorized to acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory. This real property to be acquired consists of 18.5 acres more or less, identified as Tracts 101-1 and 101-2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire. The real property is generally bounded to the east by state route 10-Lyme Road, to the north by the vacant property of the Trustees of the Dartmouth College, to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College, and to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary of the Army.

(b) REVOLVING FUND.—The Secretary is authorized to use the Revolving Fund (33 U.S.C. 576) through the Plant Replacement and Improvement Program to acquire the real property and associated real property interests in subsection (a). The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

(c) RIGHT OF FIRST REFUSAL.—The Secretary may provide the Seller of any real property and associated property interests identified in subsection (a)—

(1) a right of first refusal to acquire such property, or any portion thereof, in the event

the property, or any portion thereof, is no longer needed by the Department of the Army.

(2) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81-360-L, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(3) the purchase of any property by the Seller exercising either right of first refusal authorized in this section shall be for consideration acceptable to the Secretary and shall be for not less than fair market value at the time the property becomes available for purchase. The right of first refusal authorized in this section shall not inure to the benefit of the Sellers successors or assigns.

(d) DISPOSAL.—The Secretary of the Army is authorized to dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal as set forth herein.

SEC. 110. None of the funds made available in this Act may be used by the Corps of Engineers to relocate, or study the relocation of, any regional division headquarters of the Corps located at a military installation or any permanent employees of such headquarters.

SEC. 111. (a) Section 5 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes,” approved June 22, 1936, (33 U.S.C. 701h), is amended by—

(1) inserting “for work, which includes planning and design,” before “to be expended”;

(2) striking “flood control or environmental restoration work” and inserting “water resources development study or project”; and

(3) inserting “: Provided further, That the term ‘States’ means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Federally recognized Indian tribes” before the period.

(b) The Secretary shall notify the appropriate committees of Congress prior to initiation of negotiations for accepting contributed funds under 33 U.S.C. 701h.

SEC. 112. With respect to the property covered by the deed described in Auditor’s instrument No. 2006-014428 of Benton County, Washington, approximately 1.5 acres, the following deed restrictions are hereby extinguished and of no further force and effect:

(1) The reversionary interest and use restrictions related to port and industrial purposes;

(2) The right for the District Engineer to review all pre-construction plans and/or specifications pertaining to construction and/or maintenance of any structure intended for human habitation, if the elevation of the property is above the standard project flood elevation; and

(3) The right of the District Engineer to object to, and thereby prevent, in his/her discretion, such activity.

SEC. 113. That portion of the project for navigation, Block Island Harbor of Refuge, Rhode Island adopted by the Rivers and Harbors Act of July 11, 1870, consisting of the cut-stone breakwater lining the west side of the Inner Basin; beginning at a point with coordinates N32579.55, E312625.53, thence running northerly about 76.59 feet to a point with coordinates N32655.92, E312631.32, thence running northerly about 206.81 feet to a point with coordinates N32858.33, E312673.74, thence running easterly about 109.00 feet to a point with coordinates N32832.15, E312779.54, shall no longer be authorized after the date of enactment.

SEC. 114. The Secretary of the Army, acting through the Chief of Engineers, is authorized, using amounts available in the Revolving Fund established by section 101 of the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to construct a

Consolidated Infrastructure Research Equipment Facility, an Environmental Processes and Risk Lab, a Hydraulic Research Facility, an Engineer Research and Development Center headquarters building, a Modular Hydraulic Flume building, and to purchase real estate, perform construction, and make facility, utility, street, road, and infrastructure improvements to the Engineer Research and Development Center’s installations and facilities. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

SEC. 115. Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718; 114 Stat. 2609) is amended by striking subsection (b) and inserting the following:

“(b) DISPOSITION OF ACQUIRED LAND.—The Secretary may transfer land acquired under this section to the non-Federal sponsor by quitclaim deed subject to such terms and conditions as the Secretary determines to be in the public interest.”

SEC. 116. The New London Disposal Site and the Cornfield Shoals Disposal Site in Long Island Sound selected by the Department of the Army as alternative dredged material disposal sites under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, shall remain open for 5 years after enactment of this Act to allow for completion of a Supplemental Environmental Impact Statement to support final designation of an Ocean Dredged Material Disposal Site in eastern Long Island Sound under section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972.

SEC. 117. (a) That portion of the project for navigation, Newport Harbor, Rhode Island adopted by the Rivers and Harbors Acts of March 2, 1907 (34 Stat. 1075); June 25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845); and, modified by the Consolidated Appropriations Act, 2000, Public Law 106-113, appendix E, title II, section 221 (113 Stat. 1501A-298); consisting of a 13-foot anchorage, an 18-foot anchorage, a 21-foot channel, and 18-foot channels described by the following shall no longer be authorized after the date of enactment of this Act: the 21-Foot Entrance Channel, beginning at a point (1) with coordinates 374986.03, 150611.01; thence running south 46 degrees 54 minutes 30.7 seconds east 900.01 feet to a point (2) with coordinates 375643.27, 149996.16; thence running south 8 degrees 4 minutes 58.3 east 2,376.87 feet to a point (3) with coordinates 375977.47, 147643.00; thence running south 4 degrees 28 minutes 20.4 seconds west 738.56 feet to a point (4) with coordinates 375919.88, 146906.60; thence running south 6 degrees 2 minutes 42.4 seconds east 1,144.00 feet to a point (5) with coordinates 376040.35, 145768.96; thence running south 34 degrees 5 minutes 51.7 seconds west 707.11 feet to a point (6) with coordinates 375643.94, 145183.41; thence running south 73 degrees 11 minutes 42.9 seconds west 1,300.00 feet to the end point (7) with coordinates 374399.46, 144807.57; Returning at a point with coordinates (8) with coordinates 374500.64, 144472.51; thence running north 73 degrees 11 minutes 42.9 seconds east 1,582.85 feet to a point (9) with coordinates 376015.90, 144930.13; thence running north 34 degrees 5 minutes 51.7 seconds east 615.54 feet to a point (10) with coordinates 376360.97, 145439.85; thence running north 2 degrees 10 minutes 43.3 seconds west 2,236.21 feet to a point (11) with coordinates 376275.96, 147674.45; thence running north 8 degrees 4 minutes 55.6 seconds west 2,652.83 feet to a point (12) with coordinates 375902.99, 150300.93; thence running north 46 degrees 54 minutes 30.7 seconds west 881.47 feet to an end point (13) with coordinates 375259.29, 150903.12; and the 18-Foot South Goat Island Channel beginning at a point (14) with coordinates 375509.09, 149444.83; thence running south 25 de-

grees 44 minutes 0.5 second east 430.71 feet to a point (15) with coordinates 375696.10, 149056.84; thence running south 10 degrees 13 minutes 27.4 seconds east 1,540.89 feet to a point (16) with coordinates 375969.61, 147540.41; thence running south 4 degrees 29 minutes 11.3 seconds west 1,662.92 feet to a point (17) with coordinates 375839.53, 145882.59; thence running south 34 degrees 5 minutes 51.7 seconds west 547.37 feet to a point (18) with coordinates 375532.67, 145429.32; thence running south 86 degrees 47 minutes 37.7 seconds west 600.01 feet to an end point (19) with coordinates 374933.60, 145395.76; and the 18-Foot Entrance Channel beginning at a point (20) with coordinates 374567.14, 144252.33; thence running north 73 degrees 11 minutes 42.9 seconds east 1,899.22 feet to a point (21) with coordinates 376385.26, 144801.42; thence running north 2 degrees 10 minutes 41.5 seconds west 638.89 feet to an end point (10) with coordinates 376360.97, 145439.85; and the 18-Foot South Anchorage beginning at a point (22) with coordinates 376286.81, 147389.37; thence running north 78 degrees 56 minutes 15.6 seconds east 404.86 feet to a point (23) with coordinates 376684.14, 147467.05; thence running north 78 degrees 56 minutes 15.6 seconds east 1,444.33 feet to a point (24) with coordinates 378101.63, 147744.18; thence running south 5 degrees 18 minutes 43.8 seconds west 1,228.20 feet to a point (25) with coordinates 377987.92, 146521.26; thence running south 3 degrees 50 minutes 3.4 seconds east 577.84 feet to a point (26) with coordinates 378026.56, 145944.71; thence running south 44 degrees 32 minutes 14.7 seconds west 2,314.09 feet to a point (27) with coordinates 376403.52, 144295.24 thence running south 60 degrees 5 minutes 58.2 seconds west 255.02 feet to an end point (28) with coordinates 376182.45, 144168.12; and the 13-Foot Anchorage beginning at a point (29) with coordinates 376363.39, 143666.99; thence running north 63 degrees 34 minutes 19.3 seconds east 1,962.37 feet to a point (30) with coordinates 378120.68, 144540.38; thence running north 3 degrees 50 minutes 3.1 seconds west 1,407.47 feet to an end point (26) with coordinates 378026.56, 145944.71; and the 18-Foot East Channel beginning at a point (23) with coordinates 376684.14, 147467.05; thence running north 2 degrees 10 minutes 43.3 seconds west 262.95 feet to a point (31) with coordinates 376674.14, 147729.81; thence running north 9 degrees 42 minutes 20.3 seconds west 301.35 feet to a point (32) with coordinates 376623.34, 148026.85; thence running south 80 degrees 17 minutes 42.4 seconds west 313.6 feet to a point (33) with coordinates 376314.23, 147973.99; thence running north 7 degrees 47 minutes 21.9 seconds west 776.24 feet to an end point (34) with coordinates 376209.02, 148743.06; and the 18-Foot North Anchorage beginning at a point (35) with coordinates 376123.98, 148744.69; thence running south 88 degrees 54 minutes 16.2 seconds east 377.90 feet to a point (36) with coordinates 376501.82, 148737.47; thence running north 9 degrees 42 minutes 19.0 seconds west 500.01 feet to a point (37) with coordinates 376417.52, 149230.32; thence running north 6 degrees 9 minutes 53.2 seconds west 1,300.01 feet to an end point (38) with coordinates 376277.92, 150522.81.

(b) The area described by the following shall be redesignated as an eighteen-foot channel and turning basin: Beginning at a point (1) with coordinates N144759.41, E374413.16; thence running north 73 degrees 11 minutes 42.9 seconds east 1,252.88 feet to a point (2) with coordinates N145121.63, E375612.53; thence running north 26 degrees 29 minutes 48.1 seconds east 778.89 feet to a point (3) with coordinates N145818.71, E375960.04; thence running north 0 degrees 3 minutes 38.1 seconds west 1,200.24 feet to a point (4) with coordinates N147018.94, E375958.77; thence running north 2 degrees 22 minutes 45.2 seconds east 854.35 feet to a point (5) with coordinates N147872.56, E375994.23; thence running



north 7 degrees 47 minutes 21.9 seconds west 753.83 feet to a point (6) with coordinates N148619.44, E375892.06; thence running north 88 degrees 46 minutes 16.7 seconds east 281.85 feet to a point (7) with coordinates N148625.48, E376173.85; thence running south 7 degrees 47 minutes 21.9 seconds east 716.4 feet to a point (8) with coordinates N147915.69, E376270.94; thence running north 80 degrees 17 minutes 42.3 seconds east 315.3 feet to a point (9) with coordinates N147968.85, E.76581.73; thence running south 9 degrees 42 minutes 20.3 seconds east 248.07 feet to a point (10) with coordinates N147724.33, E376623.55; thence running south 2 degrees 10 minutes 43.3 seconds east 318.09 feet to a point (11) with coordinates N147406.47, E376635.46; thence running north 78 degrees 56 minutes 15.6 seconds east 571.11 feet to a point (12) with coordinates N147516.06, E377196.15; thence running south 88 degrees 57 minutes 2.3 seconds east 755.09 feet to a point (13) with coordinates N147502.23, E377951.11; thence running south 1 degree 2 minutes 57.7 seconds west 100.00 feet to a point (14) with coordinates N147402.25, E377949.28; thence running north 88 degrees 57 minutes 2.3 seconds west 744.48 feet to a point (15) with coordinates N147415.88, E377204.92; thence running south 78 degrees 56 minutes 15.6 seconds west 931.17 feet to a point (16) with coordinates N147237.21, E376291.06; thence running south 39 degrees 26 minutes 18.7 seconds west 208.34 feet to a point (17) with coordinates N147076.31, E376158.71; thence running south 0 degrees 3 minutes 38.1 seconds east 1,528.26 feet to a point (18) with coordinates N145548.05, E376160.32; thence running south 26 degrees 29 minutes 48.1 seconds west 686.83 feet to a point (19) with coordinates N144933.37, E375853.90; thence running south 73 degrees 11 minutes 42.9 seconds west 1,429.51 feet to end at a point (20) with coordinates N144520.08, E374485.44.

SEC. 118. None of the funds made available to the Corps of Engineers by this Act may be used for the removal or associated mitigation of Federal Energy Regulatory Commission Project number 2342.

SEC. 119. None of the funds made available by this Act may be used for the study of the Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111-8).

SEC. 120. None of the funds made available in this Act may be used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007.

## TITLE II

### DEPARTMENT OF THE INTERIOR

#### CENTRAL UTAH PROJECT

##### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$27,154,000, to remain available until expended, of which \$2,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,550,000. For fiscal year 2012, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

#### BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

##### WATER AND RELATED RESOURCES (INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation,

maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$895,000,000, to remain available until expended, of which \$10,698,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$6,136,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That of the amounts provided herein, funds may be used for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

##### CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$53,068,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

##### CALIFORNIA BAY-DELTA RESTORATION (INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$39,651,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

##### POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2013, \$60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43

U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

##### ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

##### GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2012, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term "transfer" means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection

Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 529(b)(3) of Public Law 106-541, as amended by section 115 of Public Law 109-103, is further amended by striking "\$20,000,000" and inserting "\$30,000,000" in lieu thereof.

SEC. 204. Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104-298) is amended—

(1) in subsection (a), in the first sentence, by striking "2011" and inserting "2013"; and

(2) in subsection (b), by striking "\$25,000,000 for fiscal years 1997 through 2011" and inserting "\$30,000,000 for each of fiscal years 2012 through 2013".

SEC. 205. The Federal policy for addressing California's water supply and environmental issues related to the Bay-Delta shall be consistent with State law, including the co-equal goals of providing a more reliable water supply for the State of California and protecting, restoring, and enhancing the Delta ecosystem. The Secretary of the Interior, the Secretary of Commerce, the Army Corps of Engineers and the Environmental Protection Agency Administrator shall jointly coordinate the efforts of the relevant agencies and work with the State of California and other stakeholders to complete and issue the Bay Delta Conservation Plan Final Environmental Impact Statement no later than February 15, 2013. Nothing herein modifies existing requirements of Federal law.

SEC. 206. The Secretary of the Interior may participate in non-Federal groundwater banking programs to increase the operational flexibility, reliability, and efficient use of water in the State of California, and this participation may include making payment for the storage of Central Valley Project water supplies, the purchase of stored water, the purchase of shares or an interest in ground banking facilities, or the use of Central Valley Project water as a medium of payment for groundwater banking services: Provided, That the Secretary of the Interior shall participate in groundwater banking programs only to the extent allowed under State law and consistent with water rights applicable to the Central Valley Project: Provided further, That any water user to which banked water is delivered shall pay for such water in the same manner provided by that water user's then-current Central Valley Project water service, repayment, or water rights settlement contract at the rate provided by the then-current Central Valley Project Irrigation or Municipal and Industrial Rate Setting Policies; and: Provided further, That in implementing this section, the Secretary of the Interior shall comply with applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). Nothing herein shall alter or limit the Secretary's existing authority to use groundwater banking to meet existing fish and wildlife obligations.

SEC. 207. (a) Subject to compliance with all applicable Federal and State laws, a transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions, and a transfer from a long-term Friant Division water service or repayment contractor to a temporary or prior temporary service contractors within the place of use in existence on the date of the transfer, as identified in the Bureau of Reclamation water rights permits for the Friant Division, shall be considered to meet the conditions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4709).

(b) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation shall initiate and complete, on the most expedited basis practicable, programmatic environmental compliance so as to facilitate voluntary water transfers within the Central Valley Project, consistent with all applicable Federal and State law.

(c) Not later than 180 days after the date of enactment of this Act and each of the 4 years thereafter, the Commissioner of the Bureau of Reclamation shall submit to the committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes the status of efforts to help facilitate and improve the water transfers within the Central Valley Project and water transfers between the Central Valley Project and other water projects in the State of California; evaluates potential effects of this Act on Federal programs, Indian tribes, Central Valley Project operations, the environment, groundwater aquifers, refuges, and communities; and provides recommendations on ways to facilitate and improve the process for these transfers.

SEC. 208. (a) PERMITTED USES.—Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended—

(1) in the matter preceding paragraph (1), by striking "In any case in which there are willing sellers" and inserting "For the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants";

(2) in paragraph (2), by striking "in the Walker River" and all that follows through "119 Stat. 2268"; and

(3) in paragraph (3), by striking "in the Walker River Basin".

(b) WALKER BASIN RESTORATION PROGRAM.—Section 208(b) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85; 123 Stat. 2858) is amended—

(1) in paragraph (1)(B)(iv), by striking "exercise water rights" and inserting "manage land, water appurtenant to the land, and related interests"; and

(2) in paragraph (2)(A), by striking "The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation" and inserting "Any amount made available to the National Fish and Wildlife Foundation under subsection (a) shall be provided".

#### TITLE III

#### DEPARTMENT OF ENERGY

#### ENERGY PROGRAMS

#### ENERGY EFFICIENCY AND RENEWABLE ENERGY

#### (INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and re-

newable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,825,000,000, to remain available until expended: Provided, That \$165,000,000 shall be available until September 30, 2013 for program direction: Provided further, That for the purposes of allocating weatherization assistance funds appropriated by this Act to States and tribes, the Secretary of Energy may waive the allocation formula established pursuant to section 414(a) of the Energy Conservation and Production Act (42 U.S.C. 6864(a)): Provided further, That of the unobligated balances available under this heading, \$9,909,000 are hereby rescinded: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

#### ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$139,500,000, to remain available until expended: Provided, That \$27,010,000 shall be available until September 30, 2013 for program direction.

#### NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses, all for replacement only, \$768,663,000, to remain available until expended: Provided, That \$91,000,000 shall be available until September 30, 2013 for program direction.

#### FOSSIL ENERGY RESEARCH AND DEVELOPMENT (INCLUDING RESCISSION OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including de-feasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$534,000,000, to remain available until expended: Provided, That \$120,000,000 shall be available until September 30, 2013 for program direction: Provided further, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: Provided further, That of prior-year balances, \$187,000,000 are hereby rescinded: Provided further, That no rescission made by the previous proviso shall apply to any amount previously appropriated in Public Law 111-5 or designated by the Congress as an emergency requirement

pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, \$14,909,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

#### STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$192,704,000, to remain available until expended.

#### SPR PETROLEUM ACCOUNT

##### (INCLUDING RESCISSION OF FUNDS)

Of the amounts deposited in the SPR Petroleum Account established under section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247) in fiscal year 2011 which remain available for obligation under that section, \$500,000,000 are hereby permanently rescinded.

#### NORTHEAST HOME HEATING OIL RESERVE

##### (INCLUDING RESCISSION OF FUNDS)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$10,119,000, to remain available until expended: Provided, That amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2012; costs related to transportation, delivery, and storage; and sales of petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act (42 U.S.C. 6250a) are hereby permanently rescinded: Provided further, That notwithstanding section 181 of the Energy Policy and Conservation Act (42 U.S.C. 6250), for fiscal year 2012 and hereafter, the Reserve shall contain no more than 1 million barrels of petroleum distillate.

#### ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$105,000,000, to remain available until expended.

#### NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$235,721,000, to remain available until expended.

#### URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$472,930,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

#### SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.),

including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 49 passenger motor vehicles for replacement only, including one ambulance and one bus, \$4,889,000,000, to remain available until expended: Provided, That \$185,000,000 shall be available until September 30, 2013 for program direction.

#### ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110-69), as amended, \$275,000,000: Provided, That \$20,000,000 shall be available until September 30, 2013 for program direction.

#### TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That for necessary administrative expenses to carry out this Loan Guarantee program, \$38,000,000 is appropriated to remain available until expended: Provided further, That \$38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$0: Provided further, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

#### ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$6,000,000, to remain available until expended.

#### DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, \$237,623,000, to remain available until September 30, 2013, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total \$111,623,000 in fiscal year 2012 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2012, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$126,000,000.

#### OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$42,000,000, to remain available until expended.

#### ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance and one aircraft; \$7,233,997,000, to remain available until expended: Provided, That of such amount not more than \$89,425,000 may be made available for the B-61 Life Extension Program until the Administrator of the National Nuclear Security Administration submits to the Committees on Appropriations of the House of Representatives and the Senate a final report on the Phase 6.2a design definition and cost study.

#### DEFENSE NUCLEAR NONPROLIFERATION

##### (INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, \$2,324,303,000, to remain available until expended: Provided, That of the unobligated balances available under this heading, \$21,000,000 are hereby rescinded: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

#### NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,080,000,000, to remain available until expended: Provided, That \$40,000,000 shall be available until September 30, 2013 for program direction.

#### OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$410,000,000, to remain available until September 30, 2013.

#### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

##### DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance and one fire truck for replacement only, \$5,023,000,000, to

remain available until expended: Provided, That \$321,628,000 shall be available until September 30, 2013 for program direction.

#### OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, \$823,364,000: Provided, That \$114,086,000 shall be available until September 30, 2013 for program direction.

#### POWER MARKETING ADMINISTRATIONS

##### BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the Kootenai River Native Fish Conservation Aquaculture Program, Lolo Creek Permanent Weir Facility, and Improving Anadromous Fish production on the Warm Springs Reservation, and, in addition, for official reception and representation expenses in an amount not to exceed \$7,000. During fiscal year 2012, no new direct loan obligations may be made.

##### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$8,428,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$8,428,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to \$100,162,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

##### OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$45,010,000, to remain available

until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$33,118,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$11,892,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to \$40,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

##### CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$285,900,000, to remain available until expended, of which \$278,856,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$189,932,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$95,968,000, of which \$88,924,000 is derived from the Reclamation Fund: Provided further, That of the amount herein appropriated, not more than \$3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding 31 U.S.C. 3302, up to \$306,541,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

##### FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$4,169,000, to remain

available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$3,949,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$220,000: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

##### FEDERAL ENERGY REGULATORY COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$304,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed \$304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2012 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$0.

##### GENERAL PROVISIONS—DEPARTMENT OF ENERGY

###### (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading "Department of Energy—Energy Programs", enter into a multi-year contract, award a multi-year grant, or enter into a multi-year cooperative agreement unless the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future-year budget authority and the Secretary notifies the Committees on Appropriations of the House of Representatives and the Senate at least 14 days in advance.

(c) Except as provided in this section, the amounts made available by this title shall be expended as authorized by law for the projects and activities specified in the "Conference" column in the "Department of Energy" table included under the heading "Title III—Department of Energy" in the joint explanatory statement accompanying this Act.

(d) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days prior to the use of any proposed reprogramming which would cause any program, project, or activity funding level to increase or decrease by more than \$5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(e) Notwithstanding subsection (c), none of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity,

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act, or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(f)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 304. (a) SUBMISSION TO CONGRESS.—The Secretary of Energy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years energy program reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years energy program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years. A future-years energy program shall be included in the fiscal year 2014 budget submission to Congress and every fiscal year thereafter.

(b) ELEMENTS.—Each future-years energy program shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Secretary of Energy during the 5-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) The estimated expenditures and proposed appropriations shaped by high-level, prioritized program and budgetary guidance that is consistent with the administration's policies and out year budget projections and reviewed by the Department of Energy's (DOE) senior leadership

to ensure that the future-years energy program is consistent and congruent with previously established program and budgetary guidance.

(3) A description of the anticipated workload requirements for each DOE national laboratory during the 5-fiscal year period.

(c) CONSISTENCY IN BUDGETING.—

(1) The Secretary of Energy shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary of Energy in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years energy program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

SEC. 305. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

“(1) IN GENERAL.—No guarantee shall be made unless—

“(A) an appropriation for the cost of the guarantee has been made;

“(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

“(C) a combination of one or more appropriations under subparagraph (A) and one or more payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.”.

SEC. 306. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than \$10,000,000 are considered for purposes of section 4703 of Public Law 107-314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107-314 as a construction project with a current estimated cost of less than a minor construction threshold.

SEC. 307. In section 839b(h)(10)(B) of title 16, United States Code, strike “\$1,000,000” and insert “\$2,500,000”.

SEC. 308. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Health, Safety, and Security to ensure the project is in compliance with nuclear safety requirements.

SEC. 309. Of the amounts appropriated in this title, \$73,300,000 are hereby rescinded, to reflect savings from the contractor pay freeze instituted by the Department. The Department shall allocate the rescission among the appropriations made in this title.

SEC. 310. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds \$100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 311. None of the funds made available in this title may be used to make a grant allocation, discretionary grant award, discretionary contract award, or Other Transaction Agreement, or to issue a letter of intent, totaling in excess of \$1,000,000, or to announce publicly the intention to make such an allocation, award, or Agreement, or to issue such a letter, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an allocation, award, or Agreement, or issuing such a letter: Provided, That if the Secretary of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an allocation, award, or Agreement may be made, or a letter may be issued, without advance notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after the date on which such an allocation, award, or Agreement is made or letter issued: Provided further, That the notification shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account and program from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

SEC. 312. (a) Any determination (including a determination made prior to the date of enactment of this Act) by the Secretary pursuant to section 3112(d)(2)(B) of the USEC Privatization Act (110 Stat. 1321-335), as amended, that the sale or transfer of uranium will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry shall be valid for not more than 2 calendar years subsequent to such determination.

(b) Not less than 30 days prior to the transfer, sale, barter, distribution, or other provision of uranium in any form for the purpose of accelerating cleanup at a Federal site, the Secretary shall notify the House and Senate Committees on Appropriations of the following:

(1) the amount of uranium to be transferred, sold, bartered, distributed, or otherwise provided;

(2) an estimate by the Secretary of the gross market value of the uranium on the expected date of the transfer, sale, barter, distribution, or other provision of the uranium;

(3) the expected date of transfer, sale, barter, distribution, or other provision of the uranium;

(4) the recipient of the uranium; and

(5) the value of the services the Secretary expects to receive in exchange for the uranium, including any reductions to the gross value of the uranium by the recipient.

(c) Not later than June 30, 2012, the Secretary shall submit to the House and Senate Committees on Appropriations a revised excess uranium inventory management plan for fiscal years 2013 through 2018.

(d) Not later than December 31, 2011 the Secretary shall submit to the House and Senate Committees on Appropriations a report evaluating the economic feasibility of re-enriching depleted uranium located at Federal sites.

SEC. 313. None of the funds made available by this Act may be used to pay the salaries of Department of Energy employees to carry out section 407 of division A of the American Recovery and Reinvestment Act of 2009.

SEC. 314. (a) The Secretary of Energy may openly compete and issue an award to allow a third party, on a fee-for-service basis, to operate and maintain a metering station of the Strategic Petroleum Reserve that is underutilized (as defined in section 102-75.50 of title 41, Code of

Federal Regulations (or successor regulations)) and related equipment.

(b) Not later than 30 days before the issuance of such award, the Secretary of Energy shall certify to the Committees on Appropriations of the House of Representatives and the Senate that the award will not reduce the reliability or accessibility of the Strategic Petroleum Reserve, raise costs of oil in the local market, or negatively impact the supply of oil to current users.

(c) Funds collected under subsection (a) shall be deposited in the general fund of the Treasury.

SEC. 315. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

SEC. 316. Recipients of grants awarded by the Department in excess of \$1,000,000 shall certify that they will, by the end of the fiscal year, upgrade the efficiency of their facilities by replacing any lighting that does not meet or exceed the energy efficiency standard for incandescent light bulbs set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

#### TITLE IV

##### INDEPENDENT AGENCIES

###### APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$68,263,000, to remain available until expended.

###### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

###### SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$29,130,000, to remain available until September 30, 2013: Provided, That within 90 days of enactment of this Act, the Defense Nuclear Facilities Safety Board shall enter into an agreement for inspector general services with the Office of Inspector General for the Nuclear Regulatory Commission for fiscal years 2012 and 2013: Provided further, That at the expiration of such agreement, the Defense Nuclear Facilities Safety Board shall procure inspector general services annually thereafter.

###### DELTA REGIONAL AUTHORITY

###### SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$11,677,000, to remain available until expended.

###### DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$10,679,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: Provided, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities,

as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105-277), as amended by section 701 of appendix D, title VII, Public Law 106-113 (113 Stat. 1501A-280), and an amount not to exceed 50 percent for non-distressed communities.

###### NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$1,497,000, to remain available until expended: Provided, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

###### SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$250,000, to remain available until expended.

###### NUCLEAR REGULATORY COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,027,240,000, to remain available until expended: Provided, That of the amount appropriated herein, not more than \$9,000,000 may be made available for salaries and other support costs for the Office of the Commission: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at \$899,726,000 in fiscal year 2012 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than \$127,514,000: Provided further, That of the amounts appropriated under this heading, \$10,000,000 shall be for university research and development in areas relevant to their respective organization's mission, and \$5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

###### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$10,860,000, to remain available until September 30, 2013: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,774,000 in fiscal year 2012 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than \$1,086,000.

###### NUCLEAR WASTE TECHNICAL REVIEW BOARD

###### SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,400,000 to be derived from the Nuclear Waste Fund, and to remain available until expended.

###### OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$1,000,000.

###### GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. (a) None of the funds provided in this title for "Nuclear Regulatory Commission—Salaries and Expenses" shall be available for obligation or expenditure through a reprogramming of funds that—

(1) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(2) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(b) The Chairman of the Nuclear Regulatory Commission may not terminate any program, project, or activity without the approval of a majority vote of the Commissioners of the Nuclear Regulatory Commission approving such action.

(c) The Nuclear Regulatory Commission may waive the restriction on reprogramming under subsection (a) on a case-by-case basis by certifying to the Committees on Appropriations of the House of Representatives and the Senate that such action is required to address national security or imminent risks to public safety. Each such waiver certification shall include a letter from the Chairman of the Commission that a majority of Commissioners of the Nuclear Regulatory Commission have voted and approved the reprogramming waiver certification.

SEC. 402. The Nuclear Regulatory Commission shall require reactor licensees to re-evaluate the seismic, tsunami, flooding, and other external hazards at their sites against current applicable Commission requirements and guidance for such licenses as expeditiously as possible, and thereafter when appropriate, as determined by the Commission, and require each licensee to respond to the Commission that the design basis for each reactor meets the requirements of its license, current applicable Commission requirements and guidance for such license. Based upon the evaluations conducted pursuant to this section and other information it deems relevant, the Commission shall require licensees to update the design basis for each reactor, if necessary.

#### TITLE V

##### GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

SEC. 503. None of the funds made available under this Act may be expended for any new hire by any Federal agency funded in this Act that is not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 504. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of



such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 505. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 506. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations").

This division may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2012".

#### **DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012**

##### **TITLE I**

##### **DEPARTMENT OF THE TREASURY**

##### **DEPARTMENTAL OFFICES**

##### **SALARIES AND EXPENSES**

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; terrorism and financial intelligence activities; executive direction program activities; international affairs and economic policy activities; domestic finance and tax policy activities; and Treasury-wide management policies and programs activities, \$308,388,000: Provided, That of the amount appropriated under this heading, \$100,000,000 is for the Office of Terrorism and Financial Intelligence, of which not to exceed \$26,608,000 is available for administrative expenses: Provided further, That of the amount appropriated under this heading, not to exceed \$3,000,000, to remain available until September 30, 2013, is for information technology modernization requirements; not to exceed \$350,000 is for official reception and representation expenses; and not to exceed \$258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: Provided further, That of the amount appropriated under this heading, \$6,787,000, to remain available until September 30, 2013, is for the Treasury-wide Financial Statement Audit and Internal Control Program: Provided further, That of the amount appropriated under this heading, \$500,000, to remain available until September 30, 2013, is for secure space requirements: Provided further, That of the amount appropriated under this heading, up to \$3,400,000, to remain available until September 30, 2014, is to develop and implement pro-

grams within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: Provided further, That notwithstanding any other provision of law, of the amount appropriated under this heading, up to \$1,000,000 may be contributed to the Organization for Economic Cooperation and Development for the Department's participation in programs related to global tax administration.

##### **OFFICE OF INSPECTOR GENERAL**

##### **SALARIES AND EXPENSES**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$29,641,000, including hire of passenger motor vehicles; of which not to exceed \$100,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

##### **TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION**

##### **SALARIES AND EXPENSES**

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; \$151,696,000, of which not to exceed \$500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

##### **SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM**

##### **SALARIES AND EXPENSES**

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), \$41,800,000.

##### **FINANCIAL CRIMES ENFORCEMENT NETWORK**

##### **SALARIES AND EXPENSES**

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$110,788,000, of which not to exceed \$34,335,000 shall remain available until September 30, 2014: Provided, That funds appropriated in this account may be used to procure personal services contracts.

##### **TREASURY FORFEITURE FUND**

##### **(RESCISSION)**

Of the unobligated balances available under this heading, \$950,000,000 are rescinded.

##### **FINANCIAL MANAGEMENT SERVICE**

##### **SALARIES AND EXPENSES**

For necessary expenses of the Financial Management Service, \$217,805,000, of which not to exceed \$4,210,000 shall remain available until September 30, 2014, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

##### **ALCOHOL AND TOBACCO TAX AND TRADE BUREAU SALARIES AND EXPENSES**

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$99,878,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: Provided, That of the amount appropriated under this heading, \$2,000,000 shall be for the costs of special law enforcement agents to target tobacco smuggling and other criminal diversion activities.

##### **UNITED STATES MINT**

##### **UNITED STATES MINT PUBLIC ENTERPRISE FUND**

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2012 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$20,000,000.

##### **BUREAU OF THE PUBLIC DEBT**

##### **ADMINISTERING THE PUBLIC DEBT**

For necessary expenses connected with any public-debt issues of the United States, \$173,635,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$10,000,000 shall remain available until September 30, 2014 to reduce improper payments: Provided, That the sum appropriated herein from the general fund for fiscal year 2012 shall be reduced by not more than \$8,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at \$165,635,000. In addition, \$165,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

##### **COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT**

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, notwithstanding section 4707(e) of title 12, United States Code with regard to Small and/or Emerging Community Development Financial Institutions Assistance awards, \$221,000,000, to remain available until September 30, 2013; of which \$12,000,000, notwithstanding section 4707(e) of title 12, United States Code, shall be for financial assistance, technical assistance, training and outreach programs, designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers; of which, notwithstanding section 108(d) of such Act, up to \$22,000,000 shall be for a Healthy Food Financing Initiative to provide grants and loans to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the

availability of healthy food options in distressed communities; of which \$18,000,000 shall be for the Bank Enterprise Awards program; and of which up to \$22,965,000 may be used for administrative expenses, including administration of the New Markets Tax Credit; of which up to \$10,315,000 may be used for the cost of direct loans; and of which up to \$250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$25,000,000: Provided further, That of the funds awarded under this heading, not less than 10 percent shall be used for projects that serve populations living in persistent poverty counties (where such term is defined as any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000, and 2010 decennial censuses).

#### INTERNAL REVENUE SERVICE TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$2,239,703,000, of which not less than \$5,600,000 shall be for the Tax Counseling for the Elderly Program, of which not less than \$9,750,000 shall be available for low-income taxpayer clinic grants, of which not less than \$12,000,000, to remain available until September 30, 2013, shall be available for a Community Volunteer Income Tax Assistance matching grants program for tax return preparation assistance, of which not less than \$205,000,000 shall be available for operating expenses of the Taxpayer Advocate Service, and of which \$15,481,000 shall be for expenses necessary to implement the tax credit in title II of division A of the Trade Act of 2002 (Public Law 107-210).

#### ENFORCEMENT

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$5,299,367,000, of which not less than \$60,257,000 shall be for the Interagency Crime and Drug Enforcement program.

#### OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$3,947,416,000, of which up to \$250,000,000 shall remain available until September 30, 2013, for information technology support; of which up to \$65,000,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which not to exceed \$1,000,000 shall remain available until September 30, 2014, for research;

of which not less than \$2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed \$25,000 shall be for official reception and representation expenses: Provided, That not later than 14 days after the end of each quarter of each fiscal year, the Internal Revenue Service shall submit a report to the House and Senate Committees on Appropriations and the Comptroller General of the United States detailing the cost and schedule performance for its major information technology investments, including the purpose and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter: Provided further, That the Internal Revenue Service shall include, in its budget justification for fiscal year 2013, a summary of cost and schedule performance information for its major information technology systems.

#### BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, \$330,210,000, to remain available until September 30, 2014, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That not later than 14 days after the end of each quarter of each fiscal year, the Internal Revenue Service shall submit a report to the House and Senate Committees on Appropriations and the Comptroller General of the United States detailing the cost and schedule performance for CADE2 and Modernized e-File information technology investments, including the purposes and life-cycle stages of the investments; the reasons for any cost and schedule variances; the risks of such investments and the strategies the Internal Revenue Service is using to mitigate such risks; and the expected developmental milestones to be achieved and costs to be incurred in the next quarter.

#### ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information and protect taxpayers against identity theft.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

#### ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

##### (INCLUDING TRANSFERS OF FUNDS)

SEC. 105. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 106. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Special Inspector General for the Troubled Asset Relief Program, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 107. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 108. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 109. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 110. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 111. Section 122(g)(1) of Public Law 105-119 (5 U.S.C. 3104 note), is further amended by striking "12 years" and inserting "14 years".

SEC. 112. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 113. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the

Committees on Appropriations of the House of Representatives and the Senate.

SEC. 114. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

SEC. 115. Not to exceed \$5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 116. Section 5114(c) of title 31, United States Code (relating to engraving and printing currency and security documents), is amended by striking "for a period of not more than 4 years".

SEC. 117. In the current fiscal year and each fiscal year hereafter, any person who forwards to the Bureau of Engraving and Printing a mutilated paper currency claim equal to or exceeding \$10,000 for redemption will be required to provide the Bureau their taxpayer identification number.

SEC. 118. Section 5318(g)(2)(A) of title 31, United States Code, is amended—

(1) by striking clause (i) and inserting the following:

"(i) neither the financial institution, director, officer, employee, or agent of such institution (whether or not any such person is still employed by the institution), nor any other current or former director, officer, or employee of, or contractor for, the financial institution or other reporting person, may notify any person involved in the transaction that the transaction has been reported; and"; and

(2) in clause (ii)—

(A) by striking "no officer or employee of" and inserting "no current or former officer or employee of or contractor for"; and

(B) by inserting "or for" before "any State".

SEC. 119. Section 5319 of title 31, United States Code (relating to availability of reports), is amended by inserting after "title 5" the following: ", and may not be disclosed under any State, local, tribal, or territorial 'freedom of information', 'open government', or similar law".

SEC. 120. Section 5331(a) of title 31, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) who is engaged in a trade or business, and";

(2) by redesignating paragraph (2) as subparagraph (B);

(3) in subparagraph (B), as so redesignated, by adding "or" at the end; and

(4) by inserting after subparagraph (B), as so redesignated, the following new paragraph:

"(2) who is required to file a report under section 60501(g) of the Internal Revenue Code of 1986.".

SEC. 121. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days following the submission of the annual budget for the Administration submitted by the President: Provided, That such Capital Investment Plan shall include capital investment spending from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, the Working Capital Fund account, and the Treasury Forfeiture Fund account: Provided further, That such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

This title may be cited as the "Department of the Treasury Appropriations Act, 2012".

#### TITLE II

### EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

#### COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

#### THE WHITE HOUSE

##### SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$56,974,000.

#### EXECUTIVE RESIDENCE AT THE WHITE HOUSE

##### OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$13,425,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

##### REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding

debt on a United States Government claim under 31 U.S.C. 3717: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

#### WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$750,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

#### COUNCIL OF ECONOMIC ADVISERS

##### SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,192,000.

#### NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

##### SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, \$13,048,000.

#### OFFICE OF ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$112,952,000, of which \$10,403,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

#### OFFICE OF MANAGEMENT AND BUDGET

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, \$89,456,000, of which not to exceed \$3,000 shall be available for official representation expenses: Provided, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided

further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: Provided further, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: Provided further, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY  
SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469); not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$24,500,000: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS  
HIGH INTENSITY DRUG TRAFFICKING AREAS  
PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$238,522,000, to remain available until September 30, 2013, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: Provided, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy, of which up to \$2,700,000 may be used for auditing services and associated activities (including up to \$500,000 to ensure the continued operation and maintenance of the Performance Management System): Provided further, That, notwithstanding the requirements of Public Law 106-58, any unexpended funds obligated prior to fiscal year 2010 may be used for any other approved activities of that HIDTA, subject to reprogramming requirements: Provided further, That each HIDTA designated as of September 30, 2011, shall be funded at not less than the fiscal year 2011 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That the Director shall notify the Committees on Appropriations of the initial allo-

cation of fiscal year 2012 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), \$105,550,000, to remain available until expended, which shall be available as follows: \$92,000,000 for the Drug-Free Communities Program, of which \$2,000,000 shall be made available as directed by section 4 of Public Law 107-82, as amended by Public Law 109-469 (21 U.S.C. 1521 note); \$1,400,000 for drug court training and technical assistance; \$9,000,000 for anti-doping activities; \$1,900,000 for the United States membership dues to the World Anti-Doping Agency; and \$1,250,000 shall be made available as directed by section 1105 of Public Law 109-469.

INTEGRATED, EFFICIENT AND EFFECTIVE USES OF  
INFORMATION TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient and effective uses of information technology in the Federal Government, \$5,000,000, to remain available until expended: Provided, That the Director of the Office of Management and Budget may transfer these funds to one or more other agencies to carry out projects to meet these purposes: Provided further, That the Director of the Office of Management and Budget shall submit quarterly reports to the Committees on Appropriations of the House and the Senate identifying the savings achieved by the Office of Management and Budget's government-wide information technology reform efforts: Provided further, That such report shall include savings identified by fiscal year, agency and appropriation.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$988,000, to remain available until September 30, 2013.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,328,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$307,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFERS OF FUNDS AND RESCISSIONS)

SEC. 201. From funds made available in this Act under the headings "The White House", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisers", "National Security Council and Homeland Security Council", "Office of Administration", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: Provided further, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

SEC. 202. The Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and the Senate a report on the implementation of Executive Order 13563 (76 Fed. Reg. 3821; relating to Improving Regulation and Regulatory Review) by April 2, 2012. The report shall include information on—

- (a) increasing public participation in the rule-making process and reducing uncertainty;
- (b) improving coordination across Federal agencies to eliminate redundant, inconsistent, and overlapping regulations; and
- (c) identifying existing regulations that have been reviewed and determined to be outmoded, ineffective, or excessively burdensome.

SEC. 203. Within 120 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit a report to the Committees on Appropriations of the House and the Senate on the costs of implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203). Such report shall include—

(1) the estimated mandatory and discretionary obligations of funds through fiscal year 2014, by Federal agency and by fiscal year, including—

(A) the estimated obligations by cost inputs such as rent, information technology, contracts, and personnel;

(B) the methodology and data sources used to calculate such estimated obligations; and

(C) the specific section of such Act that requires the obligation of funds; and

(2) the estimated receipts through fiscal year 2014 from assessments, user fees, and other fees by the Federal agency making the collections, by fiscal year, including—

(A) the methodology and data sources used to calculate such estimated collections; and

(B) the specific section of such Act that authorizes the collection of funds.

SEC. 204. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account under the heading "Office of National Drug Control Policy", a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: Provided, That the reports required by

this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: Provided further, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 205. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 206. Not to exceed \$1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

SEC. 207. From the unobligated balances of prior year appropriations made available for the Counterdrug Technology Assessment Center, \$5,244,639 are rescinded.

SEC. 208. From the unobligated balances of prior year appropriations made available for Other Federal Drug Control Programs, \$359,958 for a chronic users study and \$5,723,403 for the National Anti-Drug Youth Media Campaign are rescinded.

SEC. 209. Of the unobligated balances available under the heading "Executive Office of the President and Funds Appropriated to the President—Partnership Fund for Program Integrity Innovation" in title II of division C of the Consolidated Appropriations Act, 2010 (Public Law 111-117), \$10,000,000 are rescinded. In addition to the amounts made available under such heading in this Act, \$10,000,000 are appropriated, to remain available until September 30, 2013.

This title may be cited as the "Executive Office of the President Appropriations Act, 2012".

### TITLE III

#### THE JUDICIARY

##### SUPREME COURT OF THE UNITED STATES

###### SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$74,819,000, of which \$2,000,000 shall remain available until expended.

###### CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, \$8,159,000, to remain available until expended.

##### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

###### SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$32,511,000.

##### UNITED STATES COURT OF INTERNATIONAL TRADE

###### SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of

the court, services, and necessary expenses of the court, as authorized by law, \$21,447,000.

##### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff, as authorized by law, \$5,015,000,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed \$5,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

###### DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, \$1,031,000,000, to remain available until expended.

###### FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), \$51,908,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

###### COURT SECURITY

###### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of

the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$500,000,000, of which not to exceed \$15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

##### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

###### SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$82,909,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

##### FEDERAL JUDICIAL CENTER

###### SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$27,000,000; of which \$1,800,000 shall remain available through September 30, 2013, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

##### JUDICIAL RETIREMENT FUNDS

###### PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$86,968,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$12,600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$4,200,000.

##### UNITED STATES SENTENCING COMMISSION

###### SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$16,500,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

##### ADMINISTRATIVE PROVISIONS—THE JUDICIARY

###### (INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 3314(a) of title 40, United States Code, shall be applied by substituting “Federal” for “executive” each place it appears.

SEC. 305. In accordance with 28 U.S.C. 561-569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 306. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking “20 years” and inserting “21 years”; and

(2) in the seventh sentence (related to the District of Hawaii), by striking “17 years” and inserting “18 years”.

This title may be cited as the “Judiciary Appropriations Act, 2012”.

#### TITLE IV DISTRICT OF COLUMBIA

##### FEDERAL FUNDS

##### FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$30,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

##### FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$14,900,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia

Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$232,841,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$12,830,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$114,209,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$66,712,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$39,090,000, to remain available until September 30, 2013, for capital improvements for District of Columbia courthouse facilities: Provided, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$3,000,000 of the funds provided under this heading among the items and entities funded under this heading but no such allocation shall be increased by more than 10 percent.

##### FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS (INCLUDING TRANSFER OF FUNDS)

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21-2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$55,000,000, to remain available until expended: Provided, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies: Provided further, That not more than \$10,000,000 of the funds provided in this account may be transferred to, and merged with, funds made available under the heading “Federal Payment to the District of Columbia Courts” for District of Columbia courthouse facilities.

##### FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$212,983,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$1,000,000 shall remain available until September 30, 2014 for relocation of the Pretrial Services Agency drug testing laboratory; of which \$153,548,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which \$59,435,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That not less than \$1,500,000 shall be available for re-entrant housing in the District of Columbia: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: Provided further, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$37,241,000: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$15,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

##### FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$1,800,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.



## FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2013, to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$205,000.

## FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$60,000,000, to remain available until expended, for payments authorized under the Scholarship for Opportunity and Results Act (division C of Public Law 112-10).

## FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, \$375,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

## FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, \$5,000,000.

## DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1-204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2012 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$10,916,966,000 (of which \$6,208,646,000 shall be from local funds, (including \$526,594,000 from dedicated taxes), \$1,015,449,000 shall be from Federal grant funds, \$1,499,115,000 from Medicaid payments, \$2,040,504,000 shall be from other funds, and \$25,677,000 shall be from private funds, and \$127,575,000 shall be from funds previously appropriated in this Act as Federal payments: Provided further, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: Provided further, That of these funds the District's intra-District authority shall be \$619,632,000: in addition, for capital construction projects, an increase of \$4,007,501,000, of which \$2,934,011,000 shall be from local funds, \$223,858,000 from the District of Columbia Highway Trust Fund, \$33,140,000 from the Local Transportation Fund, \$816,492,000 from Federal grant funds, and a rescission of \$2,849,882,000 of which \$1,796,345,000 shall be from local funds, \$749,426,000 from Federal grant funds, \$252,694,000 from the District of Columbia Highway Trust Fund, and \$51,416,000 from the Local Transportation Fund appropriated under this heading in prior fiscal years, for a net amount of \$1,157,619,000, to remain available until expended: Provided further, That the amounts provided under this heading are to be available, allocated, and expended as proposed under title III of the Fiscal Year 2012 Budget Request Act of 2011, at the rate set forth under "District of Columbia Funds Division of Expenses" as included in the Fiscal Year 2012 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or

unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2012, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the "District of Columbia Appropriations Act, 2012".

## TITLE V

## INDEPENDENT AGENCIES

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

## SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$2,900,000, to remain available until September 30, 2013, of which not to exceed \$1,000 is for official reception and representation expenses.

## CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

## SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102-281, \$450,000, to remain available until expended.

## CONSUMER PRODUCT SAFETY COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$4,000 for official reception and representation expenses, \$114,500,000, of which \$500,000 shall remain available until September 30, 2013, to implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by section 1405 of Public Law 100-140 (15 U.S.C. 8004).

## ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT SAFETY COMMISSION

SEC. 501. Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

"(5) The Chairman may provide to officers and employees of the Commission who are appointed or assigned by the Commission to serve abroad (as defined in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902)) travel benefits similar to those authorized for members of the Foreign Service of the United States under chapter 9 of such Act (22 U.S.C. 4081 et seq.)."

SEC. 502. (a) EXTENSION OF GRANT PROGRAM.—Section 1405(e) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004(e)) is amended by striking "2011" and inserting "2012".

(b) NEW SWIMMING POOLS.—Section 1405(b) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8004(b)) is amended by inserting "constructed after the date that is 6 months after the date of enactment of the Financial Services and General Government Appropriations Act, 2012" after "swimming pools".

SEC. 503. Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an

analysis of the potential safety risks associated with new and emerging consumer products, including chemicals and other materials used in their manufacture, taking into account the ability and authority of the Consumer Product Safety Commission—

(1) to identify, assess, and address such risks in a timely manner; and

(2) to keep abreast of the effects of new and emerging consumer products on public health and safety.

SEC. 504. Not later than 150 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an analysis of—

(1) the extent to which manufacturers comply with voluntary industry standards for consumer products, particularly with respect to inexpensive, imported products;

(2) whether there are consequences for such manufacturers for failing to comply with such standards;

(3) whether the Consumer Product Safety Commission has the authority and the ability to require compliance with such standards; and

(4) whether there are patterns of non-compliance with such standards among certain types of products or certain types of manufacturers.

## ELECTION ASSISTANCE COMMISSION

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107-252), \$11,500,000, of which \$2,750,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002, and of which \$1,250,000 shall be for the Office of Inspector General.

## FEDERAL COMMUNICATIONS COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$339,844,000: Provided, That \$339,844,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at \$0: Provided further, That any offsetting collections received in excess of \$339,844,000 in fiscal year 2012 shall not be available for obligation: Provided further, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2011, shall not be available for obligation: Provided further, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed \$85,000,000 for fiscal year 2012: Provided further, That of the amount appropriated under this heading, not less than \$9,750,000 shall be for the salaries and expenses of the Office of Inspector General.

## ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 510. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2011", each place it appears and inserting "December 31, 2013".

SEC. 511. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION  
OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$45,261,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION  
SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, \$66,367,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY  
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed \$1,500) and rental of conference rooms in the District of Columbia and elsewhere, \$24,723,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$311,563,000, to remain available until expended: Provided, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: Provided further, That, notwithstanding any other provision of law, not to exceed \$108,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: Provided further, That, notwithstanding any other provision of law, not to exceed \$21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting

collections are received during fiscal year 2012, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than \$182,563,000: Provided further, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION  
REAL PROPERTY ACTIVITIES  
FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$8,017,967,000, of which: (1) \$50,000,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses, and associated design and construction services): Provided, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section and will provide notification to the Committees within 15 days prior to any changes regarding the use of these funds; (2) \$280,000,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services, of which \$260,000,000 is for Basic Repairs and Alterations and \$20,000,000 is for a Judiciary Capital Security program: Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under

the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2013 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects; (3) \$126,801,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$5,210,198,000 for rental of space which shall remain available until expended; and (5) \$2,350,968,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2012, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES  
GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; \$61,115,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses; \$69,500,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$58,000,000: Provided, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of

stolen Government property: Provided further, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

**ELECTRONIC GOVERNMENT FUND  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses in support of inter-agency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, \$12,400,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purpose of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

**ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS**

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138, \$3,671,000.

**FEDERAL CITIZEN SERVICES FUND**

For necessary expenses of the Office of Citizen Services and Innovative Technologies, including services authorized by 5 U.S.C. 3109, \$34,100,000, to be deposited into the Federal Citizen Services Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed \$90,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2012 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

**ADMINISTRATIVE PROVISIONS—GENERAL  
SERVICES ADMINISTRATION  
(INCLUDING TRANSFERS OF FUNDS AND  
RESCISSION)**

SEC. 520. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 521. Funds in the Federal Buildings Fund made available for fiscal year 2012 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 522. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2013 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 523. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and serv-

ices as determined by the General Services Administration in consideration of the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 524. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 525. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

SEC. 526. Section 1703 of title 41 U.S.C. is amended in paragraph (i)(6) by:

(1) deleting "for training"; and  
(2) deleting "paragraph (2)" and inserting in lieu thereof "subparagraphs (A) and (C) to (J) of section 1122(a)(5) of this title".

SEC. 527. Of the amounts made available under the heading "Policy and Operations" for the maintenance, protection, and disposal of the U.S. Coast Guard Service Center at Governor's Island, New York and the Lorton Correctional Facility in Lorton, Virginia in prior years whether appropriated directly to the General Services Administration (GSA) or to any other agency of the Government and received by GSA for such purpose, \$4,600,000 are rescinded.

SEC. 528. Within 120 days of enactment, the General Services Administration shall submit a detailed report to the Committees on Appropriations of the House of Representatives and the Senate that describes each program, project, or activity that is funded by appropriations to General Services Administration but is not under the control or direction, in statute or in practice, of the Administrator of General Services.

**HARRY S TRUMAN SCHOLARSHIP FOUNDATION  
SALARIES AND EXPENSES**

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93-642, \$748,000, to remain available until expended.

**MERIT SYSTEMS PROTECTION BOARD  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$40,258,000, to remain available until September 30, 2013, together with not to exceed \$2,345,000, to remain available until September 30, 2013, for

administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

**MORRIS K. UDALL AND STEWART L. UDALL  
FOUNDATION**

**MORRIS K. UDALL AND STEWART L. UDALL TRUST  
FUND**

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), \$2,200,000, to remain available until expended, of which, notwithstanding sections 8 and 9 of such Act: (1) up to \$50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107-289); and (2) up to \$1,000,000 shall be available to carry out the activities authorized by section 6(7) of Public Law 102-259 (20 U.S.C. 5604(7)).

**ENVIRONMENTAL DISPUTE RESOLUTION FUND**

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$3,792,000, to remain available until expended.

**NATIONAL ARCHIVES AND RECORDS  
ADMINISTRATION  
OPERATING EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for necessary expenses in connection with the operations and maintenance of the electronic records archives to include all direct project costs associated with research, program management, and corrective and adaptive software maintenance, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, \$373,300,000: Provided, That all remaining balances appropriated in prior fiscal years under the heading "Electronic Records Archives" shall be transferred to this account.

**OFFICE OF INSPECTOR GENERAL**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110-409, 122 Stat. 4302-16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, \$4,100,000.

**REPAIRS AND RESTORATION**

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$9,100,000, to remain available until expended: Provided, That from amounts made available for the Military Personnel Records Center requirement study under this heading in Public Law 108-199, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan: Provided further, That from amounts made available under this heading in Public Law 111-8 for construction costs and related services for building the addition to the John F. Kennedy Presidential Library and Museum and other necessary expenses, including renovating the Library as needed in constructing the addition, the remaining unobligated balances shall be available to implement the National Archives and Records Administration Capital Improvement Plan.

NATIONAL HISTORICAL PUBLICATIONS AND  
RECORDS COMMISSION  
GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$5,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION  
CENTRAL LIQUIDITY FACILITY

During fiscal year 2012, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2012 shall not exceed \$1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN  
FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$1,247,000 shall be available until September 30, 2013 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS  
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$13,664,000.

OFFICE OF PERSONNEL MANAGEMENT  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$97,774,000, of which \$6,004,000 shall remain available until expended for the Enterprise Human Resources Integration project, of which \$642,000 may be for strengthening the capacity and capabilities of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 4001 et seq.)), including the recruitment, hiring, training, and retention of such workforce and information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management, and of which \$1,416,000 shall remain available until expended for the Human Resources Line of Business project; and in addition \$112,516,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: Provided further, That no

part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of OPM established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2012, accept donations of money, property, and personal services: Provided further, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$3,142,000, and in addition, not to exceed \$21,174,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS,  
EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS,  
EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND  
DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL  
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 107-304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$18,972,000.

POSTAL REGULATORY COMMISSION  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109-435), \$14,304,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT  
BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), \$900,000, to remain available until September 30, 2013.

RECOVERY ACCOUNTABILITY AND TRANSPARENCY  
BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Recovery Accountability and Transparency Board to carry out the provisions of title XV of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and to develop and test information technology resources and oversight mechanisms to enhance transparency of and detect and remediate waste, fraud, and abuse in Federal spending, \$28,350,000, to remain available until September 30, 2013.

SECURITIES AND EXCHANGE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,500 for official reception and representation expenses, \$1,321,000,000, to remain available until expended; of which not less than \$6,795,000 shall be for the Office of Inspector General; of which not to exceed \$45,000 shall be available for a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations and staffs to exchange views concerning securities matters, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance including: (1) incidental expenses such as meals; (2) travel and transportation; and (3) related lodging or subsistence: Provided, That fees and charges authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) shall be credited to this account as offsetting collections: Provided further, That not to exceed \$1,321,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2012 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2012 appropriation from the general fund estimated at not more than \$0.

SELECTIVE SERVICE SYSTEM  
SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750

for official reception and representation expenses; \$23,984,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

**SMALL BUSINESS ADMINISTRATION  
SALARIES AND EXPENSES**

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108-447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$417,348,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: Provided further, That the Small Business Administration may accept gifts in an amount not to exceed \$4,000,000 and may co-sponsor activities, each in accordance with section 132(a) of division K of Public Law 108-447, during fiscal year 2012: Provided further, That \$112,500,000 shall be available to fund grants for performance in fiscal year 2012 or fiscal year 2013 as authorized by section 21 of the Small Business Act, to remain available until September 30, 2013: Provided further, That \$20,000,000 shall remain available until September 30, 2013 for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: Provided further, That \$7,100,000 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2013: Provided further, That \$2,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

**OFFICE OF INSPECTOR GENERAL**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$16,267,000.

**OFFICE OF ADVOCACY**

For necessary expenses of the Office of Advocacy in carrying out the provisions of title II of Public Law 94-305 (15 U.S.C. 634a et seq.) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), \$9,120,000, to remain available until expended.

**BUSINESS LOANS PROGRAM ACCOUNT  
(INCLUDING TRANSFER OF FUNDS)**

For the cost of direct loans, \$3,678,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act (Public Law 85-536) and section 503 of the Small Business Investment Act of 1958 (Public Law 85-699), \$207,100,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2012 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed \$7,500,000,000: Provided further, That during fiscal year 2012

commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed \$17,500,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: Provided further, That during fiscal year 2012 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 shall not exceed \$3,000,000,000: Provided further, That during fiscal year 2012, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of \$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$147,958,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

**DISASTER LOANS PROGRAM ACCOUNT  
(INCLUDING TRANSFERS OF FUNDS)**

For administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, \$117,300,000, to be available until expended, of which \$1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which \$110,300,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which \$6,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses.

**ADMINISTRATIVE PROVISIONS—SMALL BUSINESS  
ADMINISTRATION  
(INCLUDING TRANSFER OF FUNDS)**

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 531. Section 7(d)(5)(D) of the Small Business Act (15 U.S.C. 636(d)(5)(D)) is amended by striking "three years" and inserting "7 years".

SEC. 532. Beginning in fiscal year 2013 and each fiscal year thereafter, the budget request for the Small Business Administration shall provided a detailed justification of any proposed changes from the enacted level by individual appropriation. The detailed justification shall include at a minimum a description of each credit and non-credit program including amount of funding and costs by appropriation account and fiscal year. For activities funded in multiple appropriations, the budget justification shall specify the amount included in each enacted appropriation, the amount proposed in the budget year and a justification for any proposed changes.

**UNITED STATES POSTAL SERVICE  
PAYMENT TO THE POSTAL SERVICE FUND**

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$78,153,000, which shall not be available for obligation until October 1, 2012: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not

less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2012.

**OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$241,468,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109-435).

**UNITED STATES TAX COURT  
SALARIES AND EXPENSES**

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$51,079,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

**TITLE VI  
GENERAL PROVISIONS—THIS ACT  
(INCLUDING RESCISSIONS)**

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in

fiscal year 2012, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: Provided, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That at a minimum the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations made available for salaries and expenses for fiscal year 2012 in this Act, shall remain available through September 30, 2013, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under chapter 15 of title 41, United States Code shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in chapter 83 of title 41, United States Code (popularly known as the Buy American Act), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 103 of title 41, United States Code).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107-204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2011, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2012 shall remain available until expended.

SEC. 618. From the unobligated balances of prior year appropriations made available for the Privacy and Civil Liberties Oversight Board, \$998,000 are rescinded.

SEC. 619. Section 1107 of title 31, United States Code, is amended by adding to the end thereof the following: "The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch."

SEC. 620. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 621. For purposes of Public Law 109-285, the period described in section 5134(f)(1)(B) of title 31, United States Code, shall be treated as a 2-year, 9-month period.

SEC. 622. The Help America Vote Act of 2002 (Public Law 107-252) is amended by:

(1) inserting in section 255(b)(42 U.S.C. 15405) "posted on the Commission's website with a notice" after "cause to have the plan";

(2) inserting in section 253(d)(42 U.S.C. 15403) "notice of" prior to "the State plan";

(3) inserting in section 254(a)(11)(42 U.S.C. 15404) "notice of" prior to "the change"; and

(4) inserting in section 254(a)(11)(C)(42 U.S.C. 15404) "notice of" prior to "the change".

SEC. 623. From the unobligated balances available in the Securities and Exchange Commission Reserve Fund established by section 991 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203), \$25,000,000 are rescinded.

SEC. 624. The Department of the Treasury, the Executive Office of the President, the Judiciary, the Federal Communications Commission, the Federal Trade Commission, the General Services Administration, the National Archives and Records Administration, the Securities and Exchange Commission, and the Small Business Administration shall provide the Committees on Appropriations of the House and the Senate a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 625. (a)(1) Notwithstanding any other provision of law, an Executive agency covered by this Act otherwise authorized to enter into contracts for either leases or the construction or alteration of real property for office, meeting, storage, or other space must consult with the General Services Administration before issuing a solicitation for offers of new leases or construction contracts, and in the case of succeeding leases, before entering into negotiations with the current lessor.

(2) Any such agency with authority to enter into an emergency lease may do so during any period declared by the President to require emergency leasing authority with respect to such agency.

(b) For purposes of this section, the term "Executive agency covered by this Act" means any Executive agency provided funds by this Act, but does not include the General Services Administration or the United States Postal Service.

SEC. 626. None of the funds made available in this Act may be used by the Federal Trade Commission to complete the draft report entitled "Interagency Working Group on Food Marketed to Children: Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts" unless the Interagency Working Group on Food Marketed to Children complies with Executive Order 13563.

SEC. 627. None of the funds made available by this Act may be used to pay the salaries and expenses for the following positions:

(1) Director, White House Office of Health Reform.

(2) Assistant to the President for Energy and Climate Change.

(3) Senior Advisor to the Secretary of the Treasury assigned to the Presidential Task Force on the Auto Industry and Senior Counselor for Manufacturing Policy.

(4) White House Director of Urban Affairs.

SEC. 628. None of the funds made available in this Act may be used by the Federal Communications Commission to remove the conditions imposed on commercial terrestrial operations in the Order and Authorization adopted by the Commission on January 26, 2011 (DA 11-133), or otherwise permit such operations, until the Commission has resolved concerns of potential widespread harmful interference by such commercial terrestrial operations to commercially available Global Positioning System devices.

SEC. 629. None of the funds made available by this Act may be expended for any new hire by any Federal agency funded in this Act that is



not verified through the E-Verify Program established under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 630. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation with respect to which any unpaid Federal tax liability has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 631. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted or had an officer or agent of such corporation acting on behalf of the corporation convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 632. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking the date specified in such section and inserting "August 1, 2012".

## TITLE VII

### GENERAL PROVISIONS—GOVERNMENT-WIDE

#### DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2012 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$13,197 except station wagons for which the maximum shall be \$13,631: Provided, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles: Provided further, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on emerg-

ing motor vehicle technology, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: Provided, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: Provided further, That for purposes of subsections (2) and (3) such affidavits shall be submitted prior to employment and updated thereafter as necessary: Provided further, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: Provided further, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: Provided further, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Ex-

ecutive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 711. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 712. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, or Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation or the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, or the Department of Energy performing intelligence functions; or

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 713. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 714. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 715. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and

4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.”: Provided, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) Effective 180 days after enactment of this Act, subsection (a) is amended by—

(1) striking “Executive Order No. 12958” and inserting “Executive Order No. 13526 (75 Fed. Reg. 707), or any successor thereto”;

(2) after “the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents);” inserting “sections 7(c) and 8H of the Inspector General Act of 1978 (5 U.S.C. App.) (relating to disclosures to an inspector general, the inspectors general of the Intelligence Community, and Congress); section 103H(g)(3) of the National Security Act of 1947 (50 U.S.C. 403–3h(g)(3) (relating to disclosures to the inspector general of the Intelligence Community); sections 17(d)(5) and 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5) and 403q(e)(3)) (relating to disclosures to the Inspector General of the Central Intelligence Agency and Congress);”; and

(3) after “Subversive Activities” inserting “Control”.

(c) A nondisclosure agreement entered into before the effective date of the amendment in subsection (b) may continue to be implemented and enforced after that effective date if it complies with the requirements of subsection (a) that were in effect prior to the effective date of the amendment in subsection (b).

SEC. 716. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of

any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 717. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee’s home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 718. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 719. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 720. (a) In this section, the term “agency”—

(1) means an Executive agency, as defined under 5 U.S.C. 105; and

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee’s time in the performance of official duties.

SEC. 721. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

#### (TRANSFER OF FUNDS)

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse “General Services Administration, Government-wide Policy” with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President’s Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): Provided further, That the total funds transferred or reimbursed shall not exceed \$17,000,000 for Government-Wide innovations, initiatives,

and activities: Provided further, That the funds transferred to or for reimbursement of "General Services Administration, Government-wide Policy" during fiscal year 2012 shall remain available for obligation through September 30, 2013: Provided further, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 723. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 724. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 725. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 726. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any non-governmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall

financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 727. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 728. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes, and supports the strict adherence to anti-doping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 729. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 730. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 731. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 732. (a) For fiscal year 2012, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in subsection (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 733. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 734. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 735. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 736. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508): Provided, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided further, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 737. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms "Great Lakes" and "Great Lakes State" have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d-22).

(2) **GREAT LAKES RESTORATION ACTIVITIES.**—The term “Great Lakes restoration activities” means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) **REPORT.**—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

**SEC. 738. (a) IN GENERAL.**—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) **WAIVERS.**—

(1) **IN GENERAL.**—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) **REPORT TO CONGRESS.**—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) **EXCEPTION.**—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

**SEC. 739.** None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled “Competitive Area” published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

**SEC. 740.** Section 743 of the Consolidated Appropriations Act, 2010 (Public Law 111-117; 31 U.S.C. 501 note) is amended in subsection (a)(3), by inserting after “exercise of an option” the following: “, and task orders issued under any such contract,”.

**SEC. 741.** During fiscal year 2012, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such

title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management’s average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

**SEC. 742.** Except as expressly provided otherwise, any reference to “this Act” contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

**SEC. 743. (a)** None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

(b) In this section, each of the terms “contribution”, “expenditure”, “independent expenditure”, “electioneering communication”, “candidate”, “election”, and “Federal office” has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

**SEC. 744.** Notwithstanding any other provision of law, until September 30, 2013, of the amounts made available for information technology investments under the heading “Independent Agencies, Commodity Futures Trading Commission” in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012 (division A of Public Law 112-55), the Chairman of the Commodity Futures Trading Commission may transfer not to exceed \$10,000,000 under such heading for salaries and expenses of such Commission: Provided, That any transfer pursuant to this section shall be subject to the notification procedures set forth in section 730 of such Act with respect to a reprogramming of funds and shall not be available for obligation or expenditure except in compliance with such procedures.

#### TITLE VIII

#### GENERAL PROVISIONS—DISTRICT OF COLUMBIA

##### (INCLUDING TRANSFER OF FUNDS)

**SEC. 801.** There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

**SEC. 802.** None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

**SEC. 803. (a)** None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United

States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2012.

**SEC. 804.** None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

**SEC. 805.** Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer’s or employee’s official duties. For purposes of this section, the term “official duties” does not include travel between the officer’s or employee’s residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

**SEC. 806. (a)** None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

**SEC. 807.** None of the Federal funds contained in this Act may be used to distribute any needle

or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 808. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 809. Hereafter, as part of the submission of the annual budget justification, the Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report addressing—

(1) crime, including the homicide rate, implementation of community policing, and the number of police officers on local beats;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;

(3) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools, repeated grade rates, high school graduation rates, and post-secondary education attendance rates;

(4) improvement in basic District services, including rat control and abatement; and

(5) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received.

SEC. 810. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 811. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 812. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2012 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 813. No later than 30 calendar days after the date of the enactment of this Act, the Chief

Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1-204.42).

SEC. 814. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 815. Notwithstanding any other laws, for this and succeeding fiscal years, the Director of the District of Columbia Public Defender Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the District of Columbia Public Defender Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services while acting within the scope of that person's office or employment, including, but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.

SEC. 816. Section 346 of the District of Columbia Appropriations Act, 2005 (Public Law 108-335) is amended—

(1) in the title, by striking "BIENNIAL";

(2) in subsection (a), by striking "Biennial management" and inserting "Management";

(3) in subsection (a), by striking "States." and inserting "States every five years."; and

(4) in subsection (b)(6), by striking "2" and inserting "5".

SEC. 817. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the "Financial Services and General Government Appropriations Act, 2012".

## **DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012**

### **TITLE I**

#### **DEPARTMENTAL MANAGEMENT AND OPERATIONS**

##### **OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT**

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$133,159,000: Provided, That not to exceed \$51,000 shall be for official reception and representation expenses, of which \$17,000 shall be made available to the Office of Policy for Visa Waiver Program negotiations in Washington, DC, and for other international activities: Provided further, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: Provided further, That of the total amount made available under this

heading, \$1,800,000 shall remain available until March 30, 2012, for the Office of Counter-narcotics Enforcement, of which up to \$1,800,000 may, notwithstanding section 503 of this Act, be transferred to the Office of Policy: Provided further, That amounts transferred pursuant to the preceding proviso shall remain available until September 30, 2012: Provided further, That the Assistant Secretary for Policy shall submit to the Committees on Appropriations of the Senate and the House of Representatives not later than March 30, 2012, an expenditure plan for the Office of Policy which includes a detailed description of any funds transferred to the Office for counternarcotics enforcement and activities related to risk management and analysis: Provided further, That \$30,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive plan for implementation of the biometric air exit system, as mandated in Public Law 110-53, including the estimated costs of implementation.

##### **OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT**

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$235,587,000, of which not to exceed \$2,500 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, \$5,000,000 shall remain available until September 30, 2016, solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and \$14,172,000 shall remain available until September 30, 2014, for the Human Resources Information Technology program: Provided further, That the Under Secretary for Management shall, pursuant to the requirements contained in the joint statement of managers accompanying this Act, provide to the Committees on Appropriations of the Senate and the House of Representatives a Comprehensive Acquisition Status Report with the President's budget for fiscal year 2013 as submitted under section 1105(a) of title 31, United States Code, and quarterly updates to such report not later than 30 days after the completion of each quarter.

##### **OFFICE OF THE CHIEF FINANCIAL OFFICER**

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$50,860,000.

##### **OFFICE OF THE CHIEF INFORMATION OFFICER**

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$257,300,000; of which \$105,500,000 shall be available for salaries and expenses; and of which \$151,800,000, to remain available until September 30, 2014, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: Provided, That the Department of Homeland Security Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan, to include each of fiscal years 2012 through 2015, for all information technology acquisition projects funded under this heading or funded by multiple components of the Department of Homeland Security through reimbursable agreements, that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(2) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities that are proposed in such budget or under-way;

(3) a detailed accounting of operations and maintenance and contractor services costs; and

(4) a current acquisition program baseline for each project, that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) aligns the acquisition programs covered by the baseline to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) defines life-cycle costs for such programs.

#### ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$338,068,000; of which not to exceed \$4,250 shall be for official reception and representation expenses; and of which \$141,521,000 shall remain available until September 30, 2013.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$117,000,000, of which not to exceed \$300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

#### TITLE II

#### SECURITY, ENFORCEMENT, AND INVESTIGATIONS

#### U.S. CUSTOMS AND BORDER PROTECTION

#### SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$8,680,118,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$38,250 shall be for official reception and representation expenses; of which not less than \$287,901,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2012, the overtime limitation prescribed in section 5(c)(1) of the Act

of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States in the fiscal year: Provided further, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, with the congressional budget justification, a multi-year investment and management plan, to include each fiscal year starting with the current fiscal year and the 3 subsequent fiscal years, for inspection and detection technology supporting operations under this heading, including all non-intrusive inspection and radiation detection technology, that provides—

(1) the funding level for all inspection and detection technology equipment by source;

(2) the inventory of inspection and detection technology equipment by type and age;

(3) the proposed appropriations for procurement of inspection and detection technology equipment by type, including quantity, for deployment, and for operations and maintenance;

(4) projected funding levels for procurement of inspection and detection technology equipment by type, including quantity, for deployment, and for operations and maintenance for each of the 3 subsequent fiscal years; and

(5) a current acquisition program baseline that—

(A) aligns the acquisition of each technology to mission requirements by defining existing capabilities of comparable legacy technology assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each technology will address such known capability gaps;

(B) defines life-cycle costs for each technology, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the technology; and

(C) includes a phase-out and decommissioning schedule delineated by fiscal year for existing legacy technology assets that each technology is intended to replace or recapitalize.

#### AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, \$334,275,000, to remain available until September 30, 2014, of which not less than \$140,000,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, \$25,000,000 may not be obligated for the Automated Commercial Environment program until the Commissioner of U.S. Customs and Border Protection submits to the Committees on Appropriations of the Senate and the House of Representatives, not later than 60 days after the date of enactment of this Act, an expenditure plan for the Automated Commercial Environment program including results to date, plans for the program, and a list of projects with associated funding from prior appropriations and provided by this Act.

#### BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, \$400,000,000, to re-

main available until September 30, 2014: Provided, That of the total amount made available under this heading, \$60,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a detailed plan for expenditure, prepared by the Commissioner of U.S. Customs and Border Protection, and submitted not later than 90 days after the date of enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and of other forms of tactical infrastructure and technology: Provided further, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for the Border Security Fencing, Infrastructure, and Technology account, that includes for each tactical infrastructure and technology deployment—

(1) the funding level in that budget and projected funding levels for each of the next 3 fiscal years, including a description of the purpose of such funds;

(2) the deployment plan, by border segment, that aligns each deployment to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements related to achieving operational control, and explaining how each tactical infrastructure or technology deployment will address such known capability gaps; and

(3) a current acquisition program baseline that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the most recent acquisition program baseline approved by the Department of Homeland Security Acquisition Review Board;

(B) includes a phase-out and life-cycle recapitalization schedule delineated by fiscal year for existing and new tactical infrastructure and technology deployments that each deployment is intended to replace or recapitalize; and

(C) includes qualitative performance metrics that assess the effectiveness of new and existing tactical infrastructure and technology deployments and inform the next multi-year investment and management plan related to achieving operational control of the Northern and Southwest borders of the United States.

#### AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and, at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$503,966,000, to remain available until September 30, 2014: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2012 without the prior approval of the Committees on Appropriations of



the Senate and the House of Representatives: Provided further, That the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on the update to the 5-year strategic plan for the air and marine program directed in conference report 109-241 accompanying Public Law 109-90 that addresses missions, structure, operations, equipment, facilities, and resources including deployment and command and control requirements, and includes a recapitalization plan with milestones and funding, and a detailed staffing plan with associated costs to achieve full staffing to meet all mission requirements.

#### CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, and maintain buildings, facilities, and related infrastructure necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, \$236,596,000, to remain available until September 30, 2016: Provided, That for fiscal year 2012 and thereafter, the annual budget submission of U.S. Customs and Border Protection for "Construction and Facilities Management" shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry: Provided further, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, an inventory of the real property of U.S. Customs and Border Protection and a plan for each activity and project proposed for funding under this heading that includes the full cost by fiscal year of each activity and project proposed and underway in fiscal year 2013.

#### U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations, including overseas vetted units operations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$5,528,874,000; of which not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$12,750 shall be for official reception and representation expenses; of which not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography tipline and activities to counter child exploitation; of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, \$15,770,000 shall be

for activities to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: Provided further, That of the total amount available, not less than \$1,600,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which \$189,064,000 shall remain available until September 30, 2013: Provided further, That the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make such progress: Provided further, That the Secretary of Homeland Security shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: Provided further, That funding made available under this heading shall maintain a level of not less than 34,000 detention beds through September 30, 2012: Provided further, That of the total amount provided, not less than \$2,750,843,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: Provided further, That of the total amount provided, \$10,300,000 shall remain available until September 30, 2013, for the Visa Security Program: Provided further, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: Provided further, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than "adequate" or the equivalent median score in any subsequent performance evaluation system: Provided further, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

#### AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$21,710,000, to remain available until September 30, 2016.

#### TRANSPORTATION SECURITY ADMINISTRATION AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$5,253,956,000, to remain available until September 30, 2013, of which not to exceed \$8,500 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed \$4,167,631,000 shall be for screening operations, of which \$543,103,000 shall be available for explosives detection systems; \$204,768,000 shall be for checkpoint support; and not to exceed \$1,086,325,000 shall be for aviation security direction and enforcement: Provided further, That of the amount made available in the preceding proviso for explosives detection systems, \$222,738,000 shall be available for the purchase and installation of these systems, of which not less than 10 percent shall be available for the purchase and installation of certified explosives

detection systems at medium- and small-sized airports: Provided further, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2012 so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$3,223,956,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2013: Provided further, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2012, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a): Provided further, That none of the funds made available in this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of 46,000 full-time equivalent screeners: Provided further, That the preceding proviso shall not apply to personnel hired as part-time employees: Provided further, That not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed report on—

(1) the Department of Homeland Security efforts and resources being devoted to develop more advanced integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs;

(2) how the Transportation Security Administration is deploying its existing passenger and baggage screener workforce in the most cost effective manner; and

(3) labor savings from the deployment of improved technologies for passenger and baggage screening and how those savings are being used to offset security costs or reinvested to address security vulnerabilities:

Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

#### SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, \$134,748,000, to remain available until September 30, 2013.

#### TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of

the Office of Transportation Threat Assessment and Credentialing, \$163,954,000, to remain available until September 30, 2013.

#### TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$1,031,926,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, \$20,000,000 may not be obligated for headquarters administration until the Administrator of the Transportation Security Administration submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, checkpoint support, and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2012: Provided further, That these plans shall be submitted not later than 60 days after the date of enactment of this Act.

#### FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$966,115,000.

#### COAST GUARD

##### OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than \$700,000) and repairs and service-life replacements, not to exceed a total of \$31,000,000; purchase or lease of boats necessary for overseas deployments and activities; minor shore construction projects not exceeding \$1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$7,051,054,000, of which \$598,000,000 shall be for defense-related activities, of which \$258,000,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed \$17,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: Provided further, That the Coast Guard shall comply with the requirements of section 527 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 4331 note) with respect to the Coast Guard Academy: Provided further, That of the funds provided under this heading, \$75,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a revised future-years capital investment plan for fiscal years 2013 through 2017, as specified under the heading Coast Guard "Acquisition, Construction, and Improvements" of this Act is submitted to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That funds made available under this heading for Overseas Contingency Operations/Global War on Terrorism may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

#### ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions

of the Coast Guard under chapter 19 of title 14, United States Code, \$13,500,000, to remain available until September 30, 2016.

#### RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the Coast Guard reserve program; personnel and training costs; and equipment and services; \$134,278,000.

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment; as authorized by law; \$1,403,924,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$20,000,000 shall remain available until September 30, 2016, for military family housing, of which not more than \$14,000,000 shall be derived from the Coast Guard Housing Fund, established pursuant to 14 U.S.C. 687; of which \$642,000,000 shall be available until September 30, 2016, to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; of which \$289,900,000 shall be available until September 30, 2016, to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability; of which \$161,140,000 shall be available until September 30, 2016, for other acquisition programs; of which \$180,692,000 shall be available until September 30, 2016, for shore facilities and aids to navigation, including waterfront facilities at Navy installations used by the Coast Guard; of which \$110,192,000 shall be available for personnel compensation and benefits and related costs: Provided, That the funds provided by this Act shall be immediately available and allotted to contract for long lead time materials, components, and designs for the sixth National Security Cutter notwithstanding the availability of funds for production costs or post-production costs: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

- (1) the proposed appropriations included in that budget;
- (2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;
- (3) projected funding levels for each fiscal year for the next 5 fiscal years or until acquisition program baseline or project completion, whichever is earlier;
- (4) an estimated completion date at the projected funding levels; and
- (5) a current acquisition program baseline for each capital asset, as applicable, that—

(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

(B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—

- (i) quantities planned for each fiscal year; and
- (ii) major acquisition and project events, including development of operational require-

ments, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Acquisition Review Board, if applicable;

(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

Provided further, That the Secretary of Homeland Security shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That subsections (a) and (b) of section 6402 of Public Law 110-28 shall apply with respect to the amounts made available under this heading.

#### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$27,779,000, to remain available until September 30, 2016, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

#### RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,440,157,000, to remain available until expended.

#### UNITED STATES SECRET SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles;

purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,661,237,000, of which not to exceed \$21,250 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which \$2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which \$6,000,000 shall be for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2013: Provided, That up to \$18,000,000 for protective travel shall remain available until September 30, 2013: Provided further, That up to \$19,307,000 for National Special Security Events shall remain available until September 30, 2013: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: Provided further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided further, That the Director of the United States Secret Service may enter into an agreement to provide such protection on a fully reimbursable basis: Provided further, That of the total amount made available under this heading, \$43,843,000, to remain available until September 30, 2014, is for information integration and technology transformation: Provided further, That \$20,000,000 made available in the preceding proviso shall not be obligated to purchase or install information technology equipment until the Department of Homeland Security Chief Information Officer submits a report to the Committees on Appropriations of the Senate and the House of Representatives certifying that all plans for integration and transformation are consistent with Department of Homeland Security data center migration and enterprise architecture requirements: Provided

further, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, \$5,380,000, to remain available until September 30, 2016.

#### TITLE III

#### PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

##### NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

##### MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, \$50,695,000: Provided, That not to exceed \$4,250 shall be for official reception and representation expenses: Provided further, That, subject to section 503 of this Act, the Secretary of Homeland Security may transfer up to \$4,241,000 to the Office of Policy under the heading Departmental Management and Operations "Office of the Secretary and Executive Management" for activities related to risk management and analysis: Provided further, That in the preceding proviso notification shall take place not later than 90 days after the date of enactment of this Act: Provided further, That any funds not transferred pursuant to the penultimate proviso shall be available solely to close out the Office of Risk Management and Analysis not later than September 30, 2012, and shall not be available for further transfer or reprogramming pursuant to section 503 of this Act.

##### INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$888,243,000, of which \$200,000,000 shall remain available until September 30, 2013: Provided, That the Under Secretary for the National Protection and Programs Directorate shall submit a plan for expenditure for the National Cyber Security Division and the Office of Infrastructure Protection, to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act.

##### FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives not later than December 31, 2011, that the operations of the Federal Protective Service will be fully funded in fiscal year 2012 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,371 full-time equivalent staff and 1,007 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to

as "in-service field staff"): Provided further, That an expenditure plan for fiscal year 2012 shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: Provided further, That the Director of the Federal Protective Service shall include with the submission of the President's fiscal year 2013 budget a strategic human capital plan that aligns fee collections to personnel requirements based on a current threat assessment.

##### UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the United States Visitor and Immigrant Status Indicator Technology program, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), \$306,802,000, of which \$9,400,000 is for development of a comprehensive plan for implementation of biometric air exit and improvements to biographic entry-exit capabilities: Provided, That of the total amount made available under this heading, \$194,295,000 is to remain available until September 30, 2014: Provided further, That of the total amount provided, \$50,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology program until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan, to include each fiscal year starting with the current fiscal year, and the following 3 fiscal years, for the United States Visitor and Immigrant Status Indicator Technology program that includes—

(1) the proposed appropriations for each activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered, noting any deviations in cost or performance from the prior fiscal year expenditure or investment and management plan;

(2) the total estimated cost, projected funding by fiscal year, and projected timeline of completion for all enhancements, modernizations, and new capabilities proposed in such budget and underway, including and clearly delineating associated efforts and funds requested by other agencies within the Department of Homeland Security and in the Federal Government, and detailing any deviations in cost, performance, schedule, or estimated date of completion provided in the prior fiscal year expenditure or investment and management plan; and

(3) a detailed accounting of operations and maintenance, contractor services, and program costs associated with the management of identity services.

##### OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, \$167,449,000; of which \$29,671,000 is for salaries and expenses and \$90,164,000 is for BioWatch operations: Provided, That \$47,614,000 shall remain available until September 30, 2013, for biosurveillance, BioWatch Generation 3, chemical defense, medical and health planning and coordination, and workforce health protection: Provided further, That not to exceed \$2,500 shall be for official reception and representation expenses: Provided further, That the Assistant Secretary for the Office of Health Affairs shall submit an expenditure plan for fiscal year 2012 to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY  
SALARIES AND EXPENSES

For necessary expenses of the Federal Emergency Management Agency, \$895,350,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394): Provided, That not to exceed \$2,500 shall be for official reception and representation expenses: Provided further, That the Administrator of the Federal Emergency Management Agency may reprogram funds made available under this heading between programs, projects, and activities prior to April 16, 2012, notwithstanding section 503 of this Act: Provided further, That \$1,400,000 of the funds available for the Office of the Administrator of the Federal Emergency Management Agency shall not be available for obligation until the Administrator of the Federal Emergency Management Agency submits to the Committees on Appropriations of the Senate and the House of Representatives the National Preparedness Report required by Public Law 109-295 and a comprehensive plan to implement a system to measure the effectiveness of grants to State and local communities in fiscal year 2012: Provided further, That for purposes of planning, coordination, execution, and decision making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of the Homeland Security Act of 2002 (Public Law 107-296): Provided further, That of the total amount made available under this heading, \$41,250,000 shall be for the Urban Search and Rescue Response System, of which not to exceed \$1,600,000 may be made available for administrative costs; \$5,493,000 shall be for the Office of National Capital Region Coordination; not to exceed \$12,000,000 shall remain available until September 30, 2013, for capital improvements at the Mount Weather Emergency Operations Center; and not less than \$13,662,000 shall be for expenses related to modernization of automated systems: Provided further, That the Administrator of the Federal Emergency Management Agency, in consultation with the Department of Homeland Security Chief Information Officer, shall submit to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan, not later than 180 days after the date of enactment of this Act, for the funds specified in the preceding proviso related to modernization of automated systems, that includes—

- (1) a comprehensive plan to automate and modernize information systems to resolve current inefficiencies, integrate data, and aid in better performance of executing the Agency-wide mission;
- (2) a description of the appropriations for each project and activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered;
- (3) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities

ties proposed and underway covering a period of no less than 3 years;

- (4) a detailed accounting of operations and maintenance and contractor services costs; and
- (5) the current or planned acquisition programs including—

(A) how the programs align to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address a known capability gap;

(B) how programs provide quantifiable information that aids in understanding national emergency management capabilities;

(C) how programs ensure information sharing among homeland security partners; and

(D) life-cycle costs for all acquisitions.

STATE AND LOCAL PROGRAMS  
(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, \$1,349,681,000, which shall be distributed, according to threat, vulnerability, and consequence, at the discretion of the Secretary of Homeland Security based on the following authorities:

(1) The State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): Provided, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2012, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) The Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604).

(3) The Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(4) The Citizen Corps Program.

(5) Public Transportation Security Assistance and Railroad Security Assistance, under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135 and 1163), including Amtrak security: Provided, That such public transportation security assistance shall be provided directly to public transportation agencies.

(6) Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1182).

(7) Port Security Grants in accordance with 46 U.S.C. 70107.

(8) The Driver's License Security Grants Program in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

(9) The Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(10) Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c).

(11) Buffer Zone Protection Program Grants.

(12) Organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high risk of a terrorist attack:

Provided, That of the amount provided under this heading, \$50,000,000 shall be for Operation Stonegarden and no less than \$100,000,000 shall be for areas at the highest threat of a terrorist attack: Provided further, That \$231,681,000 shall be for training, exercises, technical assistance, and other programs, of which \$155,500,000 shall be for training of State, local, and tribal emergency response providers: Provided further, That for grants under paragraphs (1) through

(12), applications for grants shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application: Provided further, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: Provided further, That 6.8 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency "Salaries and Expenses" account for program administration: Provided further, That for grants under paragraphs (1) and (2), the installation of communication towers is not considered construction of a building or other physical facility: Provided further, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That in fiscal year 2012: (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended; (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train state and local emergency response providers; and (c) subject to (b), nothing in (a) prohibits the Center for Domestic Preparedness from providing training to employees of the Federal Emergency Management Agency in existing chemical, biological, radiological, nuclear, explosives, mass casualty, and medical surge courses pursuant to 5 U.S.C. 4103 without reimbursement for the cost of such training.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$675,000,000, to remain available until September 30, 2013, of which \$337,500,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$337,500,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a): Provided, That not to exceed 5 percent of the amount available under this heading shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$350,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS  
PROGRAM

The aggregate charges assessed during fiscal year 2012, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall

not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2012, and remain available until expended.

#### UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$44,038,000.

#### DISASTER RELIEF FUND

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$700,000,000, to remain available until expended, of which \$24,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters: Provided, That the Administrator of the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds made available in this or any other Act for disaster readiness and support not later than 60 days after the date of enactment of this Act: Provided further, That the Administrator of the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes from the initial plan: Provided further, That the matter under this heading in title III of division E of Public Law 110-161 is amended by striking the fourth proviso: Provided further, That the Administrator of the Federal Emergency Management Agency shall submit to the Committees on Appropriations of the Senate and the House of Representatives the following reports, including a specific description of the methodology and the source data used in developing such reports:

(1) an estimate of the following amounts shall be submitted for the budget year at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code:

(A) the unobligated balance of funds to be carried over from the prior fiscal year to the budget year;

(B) the unobligated balance of funds to be carried over from the budget year to the budget year plus 1;

(C) the amount of obligations for non-catastrophic events for the budget year;

(D) the amount of obligations for the budget year for catastrophic events delineated by event and by State;

(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current year, the budget year, the budget year plus 1, the budget year plus 2, and the budget year plus 3 and beyond;

(F) the amount of previously obligated funds that will be recovered for the budget year;

(G) the amount that will be required for obligations for emergencies, as described in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)), major disasters, as described in section 102(2) of the Robert T. Stafford Disaster Relief

and Emergency Assistance Act (42 U.S.C. 5122(2)), fire management assistance grants, as described in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187), surge activities, and disaster readiness and support activities;

(H) the amount required for activities not covered under section 251(b)(2)(D)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii); Public Law 99-177);

(2) an estimate or actual amounts, if available, of the following for the current fiscal year shall be submitted not later than the fifth day of each month beginning with the first full month after the date of enactment of this Act:

(A) a summary of the amount of appropriations made available by source, the transfers executed, the previously allocated funds recovered, and the commitments, allocations, and obligations made;

(B) a table of disaster relief activity delineated by month, including—

(i) the beginning and ending balances;

(ii) the total obligations to include amounts obligated for fire assistance, emergencies, surge, and disaster support activities;

(iii) the obligations for catastrophic events delineated by event and by State; and

(iv) the amount of previously obligated funds that are recovered;

(C) a summary of allocations, obligations, and expenditures for catastrophic events delineated by event; and

(D) the date on which funds appropriated will be exhausted.

#### DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

#### FLOOD HAZARD MAPPING AND RISK ANALYSIS PROGRAM

For necessary expenses, including administrative costs, under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$97,712,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended.

#### NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), \$171,000,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); of which not to exceed \$22,000,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than \$149,000,000 shall be available for flood plain management and flood mapping, which shall remain available until September 30, 2013: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2012, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of:

(1) \$132,000,000 for operating expenses;

(2) \$1,007,571,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) \$60,000,000, which shall remain available until expended for flood mitigation actions; of which not less than \$10,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a); of which \$10,000,000 shall be for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030); and of which \$40,000,000 shall be for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017):

Provided further, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Insurance Act of 1968, notwithstanding subsection (f)(8) of such section 102 (42 U.S.C. 4012a(f)(8)) and subsection 1366(i) and paragraphs (2) and (3) of section 1367(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(i), 4104d(b)(2)–(3)): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation.

#### NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), \$35,500,000, to remain available until expended: Provided, That the total administrative costs associated with such grants shall not exceed \$3,000,000 of the total amount made available under this heading.

#### EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

#### TITLE IV

#### RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

#### UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$102,424,000 for the E-Verify Program, as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: Provided, That notwithstanding any other provision of law, funds otherwise made available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: Provided further, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

# FEDERAL LAW ENFORCEMENT TRAINING CENTER SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$238,957,000; of which up to \$48,978,000 shall remain available until September 30, 2013, for materials and support costs of Federal law enforcement basic training; of which \$300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed \$10,200 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note), as amended by Public Law 111-83 (123 Stat. 2166), is further amended by striking "December 31, 2012" and inserting "December 31, 2014": Provided further, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: Provided further, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

## ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$32,456,000, to remain available until September 30, 2016: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

## SCIENCE AND TECHNOLOGY MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$135,000,000: Provided, That not to exceed \$8,500 shall be for official reception and representation expenses.

## RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects, development, test and evaluation, ac-

quisition, and operations as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), and the purchase or lease of not to exceed 5 vehicles, \$533,000,000, of which \$356,500,000, to remain available until September 30, 2014; and of which \$176,500,000, to remain available until September 30, 2016, solely for operation and construction of laboratory facilities.

## DOMESTIC NUCLEAR DETECTION OFFICE MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office, as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, \$38,000,000: Provided, That not to exceed \$2,500 shall be for official reception and representation expenses: Provided further, That not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a strategic plan of investments necessary to implement the Department of Homeland Security's responsibilities under the domestic component of the global nuclear detection architecture that shall:

(1) define each Departmental entity's roles and responsibilities in support of the domestic detection architecture, including any existing or planned programs to pre-screen cargo or conveyances overseas;

(2) identify and describe the specific investments being made by Departmental organizations in fiscal year 2012, and planned for fiscal year 2013, to support the domestic architecture and the security of sea, land, and air pathways into the United States;

(3) describe the investments necessary to close known vulnerabilities and gaps, including associated costs and timeframes, and estimates of feasibility and cost effectiveness; and

(4) explain how the Department's research and development funding is furthering the implementation of the domestic nuclear detection architecture, including specific investments planned for each of fiscal years 2012 and 2013.

## RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, \$215,000,000, to remain available until September 30, 2014.

## SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$37,000,000, to remain available until September 30, 2014.

## TITLE V GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation

or expenditure through a reprogramming of funds that:

(1) creates a new program, project, or activity;

(2) eliminates a program, project, office, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or

(5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2012 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or reduces the numbers of personnel by 10 percent as approved by the Congress; or

(3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103-356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2012: Provided, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to



make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2012 budget: Provided further, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: Provided further, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: Provided further, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: Provided further, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations for salaries and expenses for fiscal year 2012 in this Act shall remain available through September 30, 2013, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of an Act authorizing intelligence activities for fiscal year 2012.

SEC. 507. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used to—

(1) make or award a grant allocation, grant, contract, other transaction agreement, task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of \$1,000,000;

(2) award a task or delivery order requiring an obligation of funds in an amount greater than \$10,000,000 from multi-year Department of Homeland Security funds or a task or delivery order that would cause cumulative obligations of multi-year funds in a single account to exceed 50 percent of the total amount appropriated; or

(3) announce publicly the intention to make or award items under paragraph (1) or (2), including a contract covered by the Federal Acquisition Regulation.

(b) The Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making an award or issuing a letter as described in that subsection.

(c) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(d) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn.

(e) The Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the

House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under "State and Local Programs".

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, and 530, of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110-161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under subsection (a) of section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such subsection.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration", and "Transportation Security Support" for fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to Coast Guard "Acquisition, Construction, and Improvements" for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 518. Section 532(a) of Public Law 109-295 (120 Stat. 1384) is amended by striking "2011" and inserting "2012".

SEC. 519. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 520. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the "Office of the Secretary and Executive Management", the "Office of the Under Secretary for Management", or the "Office of the Chief Financial Officer", may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract to which the waiver applies and an explanation of why the waiver authority was used: Provided, That the Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: Provided further, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 6, 2012.

SEC. 521. None of the funds provided by this or previous appropriations Acts shall be used to

fund any position designated as a Principal Federal Official (or the successor thereto) for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies unless—

(1) The responsibilities of the Principal Federal Official do not include operational functions related to incident management, including coordination of operations, and are consistent with the requirements of subsection 509(c) and subsections 503(c)(3) and (c)(4)(A) of the Homeland Security Act of 2002 (6 U.S.C. 319(c) and 313(c)(3) and (c)(4)(A)) and section 302 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5143);

(2) Not later than 10 business days after the later of the date on which the Secretary of Homeland Security appoints the Principal Federal Official and the date on which the President issues a declaration under section 401 or section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191, respectively), the Secretary of Homeland Security shall submit a notification of the appointment of the Principal Federal Official and a description of the responsibilities of such Official and how such responsibilities are consistent with paragraph (1) to the Committees on Appropriations of the Senate and the House of Representatives, the Transportation and Infrastructure Committee of the House of Representatives, and the Homeland Security and Governmental Affairs Committee of the Senate; and

(3) Not later than 60 days after the date of enactment of this Act, the Secretary shall provide a report specifying timeframes and milestones regarding the update of operations, planning and policy documents, and training and exercise protocols, to ensure consistency with paragraph (1) of this section.

SEC. 522. None of the funds made available in this or any other Act for fiscal years 2012 and thereafter may be used to enforce section 4025(1) of Public Law 108–458 unless the Administrator of the Transportation Security Administration reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 523. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 524. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 525. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 526. None of the funds made available in this or any other Act for fiscal year 2012 and thereafter may be used to destroy or put out to pasture any horse or other equine belonging to any component or agency of the Department of Homeland Security that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 527. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking “Until September 30, 2011,” and inserting “Until September 30, 2012,”;

(2) by striking subsection (b);

(3) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(4) in subsection (c)(1) (as redesignated by paragraph (3) of this section), by striking “September 30, 2011,” and inserting “September 30, 2012,”.

SEC. 528. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 529. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 48 hours of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b).

SEC. 530. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 531. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 532. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 533. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A-76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 534. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703.1 (g)(4)(B) of title 31, United States Code (as added by Public Law

102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: Provided, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 535. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 536. If the Administrator of the Transportation Security Administration determines that an airport does not need to participate in the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Administrator shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

SEC. 537. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date on which the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall publish on the Web site of the Federal Emergency Management Agency a report regarding that decision that shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 538. (a) Notwithstanding any other provision of law during fiscal year 2012 or any subsequent fiscal year, if the Secretary of Homeland Security determines that the National Bio- and Agro-defense Facility should be located at a site other than Plum Island, New York, the Secretary shall ensure that the Administrator of General Services sells through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as may be necessary to protect Government interests and meet program requirements.

(b) The proceeds of such sale described in subsection (a) shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology “Research, Development, Acquisition, and Operations” account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration.

SEC. 539. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 540. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note), as amended by section 550 of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83), is further amended by striking “on October 4, 2011” and inserting “on October 4, 2012”.

SEC. 541. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 542. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC. 543. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 544. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 545. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler program of the Transportation Security Administration shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled “Risk Management Guide for Information Technology Systems”;

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled “Recommended Security Controls for Federal Information Systems and Organizations,”; and

(3) any supplemental standards established by the Administrator of the Transportation Security Administration (referred to in this section as the “Administrator”).

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall be known as the Sponsoring Entity.

(c) The Administrator shall require any company covered by subsection (a) to provide, not later than 30 days after the date of enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

SEC. 546. For fiscal year 2012 and thereafter, for purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j), a rural area shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 547. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 548. (a) Not later than 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

(1) certifies that the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code, has been met; or

(2) includes a strategy to comply with the requirements under title 44901(g) of title 49, United States Code, including—

(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States in foreign air transportation (as that term is defined in section 40102 of that title); and

(B) specification of—

(i) the percentage of such air cargo that is being screened; and

(ii) the schedule for achieving screening of 100 percent of such air cargo.

(b) The Administrator shall continue to submit reports described in subsection (a)(2) every 180 days thereafter until the Administrator certifies that the Transportation Security Administration has achieved screening of 100 percent of such air cargo.

SEC. 549. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 550. (a) None of the funds made available in this Act may be obligated for construction of the National Bio- and Agro-defense Facility until the Department of Homeland Security—

(1) completes 50 percent of design planning for the National Bio- and Agro-defense Facility;

(2) submits to the Committees on Appropriations of the Senate and the House of Representatives a revised site-specific biosafety and biosecurity mitigation risk assessment that describes how to significantly reduce risks of conducting essential research and diagnostic testing at the National Bio- and Agro-defense Facility and addresses shortcomings identified in the National Academy of Sciences' evaluation of the initial site-specific biosafety and biosecurity mitigation risk assessment; and

(3) submits to the Committees on Appropriations of the Senate and the House of Representatives the results of the National Academy of Sciences' review of the risk assessment as described in subsection (c).

(b) The revised site-specific biosafety and biosecurity mitigation risk assessment required by subsection (a) shall—

(1) include a quantitative risk assessment for foot-and-mouth disease virus, in particular epidemiological and economic impact modeling to determine the overall risk of operating the facility for its expected 50-year life span, taking into account strategies to mitigate risk of foot-and-mouth disease virus release from the laboratory and ensure safe operations at the approved National Bio- and Agro-defense Facility site;

(2) address the impact of surveillance, response, and mitigation plans (developed in consultation with local, State, and Federal authorities and appropriate stakeholders) if a release occurs, to detect and control the spread of disease; and

(3) include overall risks of the most dangerous pathogens the Department of Homeland Security expects to hold in the National Bio- and Agro-defense Facility's biosafety level 4 facility, and effectiveness of mitigation strategies to reduce those risks.

(c) The Department of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the adequacy and validity of the risk assessment required by subsection (a). The National Academy of Sciences shall submit a report on such evaluation within four months after the date the Department of Homeland Security concludes its risk assessment.

SEC. 551. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, \$10,000,000 shall be available to United States Citizenship and Immigration Services in fiscal year 2012 for the purpose of providing an immigrant integration grants program.

(b) None of the funds made available to United States Citizenship and Immigration Services for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 552. For an additional amount for necessary expenses for reimbursement of the actual costs to State and local governments for providing emergency management, public safety, and security at events, as determined by the Administrator of the Federal Emergency Management Agency, related to the presence of a National Special Security Event, \$7,500,000, to remain available until September 30, 2013.

SEC. 553. Notwithstanding the 10 percent limitation contained in section 503(c) of this Act, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to \$20,000,000 from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 5 days in advance of such transfer.

SEC. 554. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary re-employment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

SEC. 555. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 556. (a) For an additional amount for data center migration, \$70,000,000.

(b) Funds made available in subsection (a) for data center migration may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 557. For fiscal year 2012 and thereafter, U.S. Customs and Border Protection's Advanced Training Center is authorized to charge fees for any service and/or thing of value it provides to Federal Government or non-government entities or individuals, so long as the fees charged do not exceed the full costs associated with the service or thing of value provided: Provided, That notwithstanding 31 U.S.C. 3302(b), fees collected by the Advanced Training Center are

to be deposited into a separate account entitled "Advanced Training Center Revolving Fund", and be available, without further appropriations, for necessary expenses of the Advanced Training Center program, and are to remain available until expended.

SEC. 558. Section 559(e) of Public Law 111-83 is amended—

(a) in the matter preceding the first proviso, by striking "law, sell" and inserting "law, hereafter sell"; and

(b) in the first proviso—

(1) by striking "shall be deposited" and inserting "shall hereafter be deposited"; and

(2) by striking "subject to appropriation," and inserting "without further appropriations,".

SEC. 559. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that specific U.S. Immigration and Customs Enforcement Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities by directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities, subject to such terms and conditions as necessary to protect Government interests and meet program requirements: Provided, That the proceeds, net of the costs of sale incurred by the General Services Administration and U.S. Immigration and Customs Enforcement, shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing U.S. Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate: Provided further, That any sale or collocation of federally owned detention facilities shall not result in the maintenance of fewer than 34,000 detention beds: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to the announcement of any proposed sale or collocation.

SEC. 560. For an additional amount for the "Office of the Under Secretary for Management", \$55,979,000, to remain available until expended, for necessary expenses to plan, acquire, construct, renovate, remediate, equip, furnish, and occupy buildings and facilities for the consolidation of department headquarters at St. Elizabeths and associated mission support consolidation: Provided, That the Committees on Appropriations of the Senate and the House of Representatives shall receive an expenditure plan not later than 90 days after the date of enactment of this Act detailing the allocation of these funds.

SEC. 561. None of the funds made available by this Act may be used to enforce the requirements in—

(1) section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)(1)(A));

(2) section 34(a)(1)(B) of such Act;

(3) section 34(c)(1) of such Act;

(4) section 34(c)(2) of such Act;

(5) section 34(c)(4)(A) of such Act; and

(6) section 34(a)(1)(E) of such Act.

SEC. 562. Notwithstanding the requirement under section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)(1)(A)) that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security, in making grants under section 34 of such Act

using the funds appropriated for fiscal year 2011, shall grant waivers from the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section: Provided, That section 34(a)(1)(E) of such Act shall not apply with respect to funds appropriated for fiscal year 2011 for grants under section 34 of such Act: Provided further, That the Secretary of Homeland Security, in making grants under section 34 of such Act, shall ensure that funds appropriated for fiscal year 2011 are made available for the hiring, rehiring, or retention of firefighters.

SEC. 563. For fiscal year 2012 and thereafter, notwithstanding section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) and 31 U.S.C. 3302, in the event that a spill of national significance occurs, any payment of amounts from the Oil Spill Liability Trust Fund pursuant to section 1012(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(1)) for the removal costs incurred by the Coast Guard for such spill, shall be credited directly to the accounts of the Coast Guard current at the time such removal costs were incurred or when reimbursement is received: Provided, That such amounts shall be merged with and, without further appropriations, made available for the same time period and the same purpose as the appropriation to which it is credited.

SEC. 564. (a) CIVIL PENALTIES FOR CIRCUMVENTING SECURITY SCREENING.—Section 46301(a)(5)(A)(i) of title 49, United States Code, is amended—

(1) by striking "or chapter 449" and inserting "chapter 449"; and

(2) by inserting ", or section 46314(a)" after "44909".

(b) CRIMINAL PENALTIES FOR CIRCUMVENTING SECURITY SCREENING.—Section 46314(b)(2) of title 49, United States Code, is amended by inserting "with intent to evade security procedures or restrictions or" after "of this section".

(c) NOTICE OF PENALTIES.—Section 46314 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(c) NOTICE OF PENALTIES.—

"(1) IN GENERAL.—Each operator of an airport in the United States that is required to establish an air transportation security program pursuant to section 44903(c) shall ensure that signs that meet such requirements as the Secretary of Homeland Security may prescribe providing notice of the penalties imposed under section 46301(a)(5)(A)(i) and subsection (b) of this section are displayed near all screening locations, all locations where passengers exit the sterile area, and such other locations at the airport as the Secretary of Homeland Security determines appropriate.

"(2) EFFECT OF SIGNS ON PENALTIES.—An individual shall be subject to a penalty imposed under section 46301(a)(5)(A)(i) or subsection (b) of this section without regard to whether signs are displayed at an airport as required by paragraph (1)."

SEC. 565. (a) SHORT TITLE.—This section may be cited as the "Disaster Assistance Recoupment Fairness Act of 2011".

(b) DEBTS SINCE 2005.—

(1) DEFINITION.—In this section, the term "covered assistance" means assistance provided—

(A) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(B) in relation to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005, and ending on December 31, 2010.

(2) WAIVER AUTHORITY.—The Administrator of the Federal Emergency Management Agency—

(A) subject to subparagraph (B) and paragraph (3), may waive a debt owed to the United

States related to covered assistance provided to an individual or household if—

(i) the covered assistance was distributed based on an error by the Federal Emergency Management Agency;

(ii) there was no fault on behalf of the debtor; and

(iii) the collection of the debt would be against equity and good conscience; and

(B) may not waive a debt under subparagraph (A) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

(3) PRESUMPTION OF REPAYMENT.—In determining whether to waive a debt under paragraph (2), the Administrator of the Federal Emergency Management Agency shall presume that, if the adjusted gross income (as defined under section 62 of the Internal Revenue Code of 1986) of the household of the debtor for the last taxable year ending in or with the calendar year preceding the date on which the income is determined exceeds \$90,000, the debtor should be required to make at least a partial payment on the debt.

(4) REPORTING.—Not later than 3 months after the date of enactment of this Act, and every 3 months thereafter until the date that is 18 months after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report that assesses the cost-effectiveness of the efforts of the Federal Emergency Management Agency to recoup improper payments under the Individuals and Household Program under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) to—

(A) the Committee on Homeland Security and Governmental Affairs and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate; and

(B) the Committee on Homeland Security, the Committee on Transportation and Infrastructure, and the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives.

SEC. 566. (a) Notwithstanding section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and subject to subsection (b), recipients of Small Business Administration Disaster loans for disaster-related damage to their homes may be eligible for reimbursement at the discretion of the state, under Section 404 of that Act, for documented and eligible mitigation work performed on their home.

(b) LIMITATIONS.—

(1) Any reimbursement provided to or on behalf of a homeowner pursuant to subsection (a) shall not exceed the amount of the disaster loan that may be used and was used for disaster mitigation activities; and

(2) Subsection (a) shall only apply if the disaster loan and assistance provided under section 404 were made available in response to the same disaster declaration.

(3) Shall be applicable only to disasters declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005 and ending on August 28, 2006.

(c) If a state chooses to use funds under section 404 to reimburse homeowners as provided in subsection (a), it shall make payments in the following order:

(1) First, to the Small Business Administration on behalf of the eligible homeowner for the purpose of reducing, but not below zero, the homeowner's outstanding debt obligation to the Small Business Administration for the disaster loan; and

(2) Second, any remaining reimbursement shall be paid directly to the homeowner.

SEC. 567. None of the funds made available under this Act or any prior appropriations Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 568. The Commissioner of U.S. Customs and Border Protection and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement each shall submit to the Committees on Appropriations of the Senate and the House of Representatives with the congressional budget justification, a multi-year investment and management plan, to include each year starting with the current fiscal year and the 3 subsequent fiscal years, for their respective Offices of Information Technology to include for that office—

(1) the funding level by source for all funds to be executed;

(2) the funding included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(3) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities proposed in the current fiscal year or underway; and

(4) a detailed accounting of operation and maintenance costs.

SEC. 569. The Secretary of Homeland Security shall ensure enforcement of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

#### (RESCISSIONS)

SEC. 570. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) \$2,577,000 from Coast Guard “Acquisition, Construction, and Improvements”;

(2) \$5,355,296 from U.S. Immigration and Customs Enforcement “Salaries and Expenses”;

(3) \$99,012 from U.S. Immigration and Customs Enforcement “Violent Crime Reduction Programs”;

(4) \$3,332,541 from U.S. Customs and Border Protection “Salaries and Expenses”;

(5) \$3,121,248 from Department of Homeland Security “Office for Domestic Preparedness”;

(6) \$678,213 from Federal Emergency Management Agency “National Predisaster Mitigation Fund”;

(7) \$5,201,000 from “Working Capital Fund”;

(8) \$95,998 from “Counterterrorism Fund”;

(9) \$41,091 from U.S. Customs and Border Protection “Violent Crime Reduction Fund”;

(10) \$153,095 from U.S. Immigration and Customs Enforcement “Violent Crime Reduction Trust Fund”.

#### (RESCISSIONS)

SEC. 571. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of Department of Homeland Security Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 147) are rescinded:

(1) \$178,783 from “Analysis and Operations”;

(2) \$1,619,907 from U.S. Customs and Border Protection “Salaries and Expenses”;

(3) \$296,022 from Transportation Security Administration “Federal Air Marshals”;

(4) \$37,800,412 from Coast Guard “Operating Expenses”;

(5) \$879,153 from Coast Guard “Acquisition, Construction, and Improvements”;

(6) \$1,104,347 from United States Secret Service “Salaries and Expenses”;

(7) \$97,046 from National Protection and Programs Directorate “Management and Administration”;

(8) \$78,764 from National Protection and Programs Directorate “Infrastructure Protection and Information Security”;

(9) \$117,133 from Office of Health Affairs “Salaries and Expenses”;

(10) \$1,301,581 from “United States Citizenship and Immigration Services”;

(11) \$369,032 from Federal Law Enforcement Training Center “Salaries and Expenses”;

(12) \$279,098 from Science and Technology “Management and Administration”;

(13) \$1,072,938 from Domestic Nuclear Detection Office “Management and Administration”;

(14) \$216,744 from Federal Emergency Management Agency “Management and Administration”.

#### (RESCISSIONS)

SEC. 572. Of the funds appropriated to the Department of Homeland Security, the following unobligated balances are hereby rescinded from the following accounts and programs in the specified amounts:

(1) \$10,000,000 from U.S. Immigration and Customs Enforcement “Salaries and Expenses”;

(2) \$10,000,000 from U.S. Immigration and Customs Enforcement “Automation Modernization”;

(3) \$5,000,000 from U.S. Customs and Border Protection “Automation Modernization”: Provided, That no funds shall be rescinded from prior year appropriations provided for the TECS modernization program;

(4) \$71,300,000 from Transportation Security Administration “Aviation Security” account 70x0550;

(5) \$7,000,000 from U.S. Customs and Border Protection “Border Security Fencing, Infrastructure, and Technology”;

(6) \$2,427,336 from Coast Guard “Acquisition, Construction, and Improvements”;

(7) \$5,000,000 from the “Office of the Chief Information Officer” related to Emerg2; and

(8) \$27,400,000 from National Protection and Programs Directorate “United States Visitor and Immigrant Indicator Technology”.

SEC. 573. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) are each amended by striking “September 30, 2011” and inserting “the earlier of the date of the enactment into law of an Act that specifically amends the date specified in this section or May 31, 2012”.

This division may be cited as the “Department of Homeland Security Appropriations Act, 2012”.

### **DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012**

#### TITLE I

#### DEPARTMENT OF THE INTERIOR

#### BUREAU OF LAND MANAGEMENT

#### MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), \$961,900,000, to remain available until expended; of which \$3,000,000 shall be available in fiscal year 2012 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump-sum grant without regard to when expenses are incurred.

In addition, \$32,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from \$6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, \$39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2012 so as to result in a final appropriation estimated at not more than \$961,900,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

#### CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$3,576,000, to remain available until expended.

#### LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, \$22,380,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

#### OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$112,043,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

#### RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all monies received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: Provided, That not to exceed \$600,000 shall be available for administrative expenses.

#### SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use

authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

#### MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$10,000: Provided, That notwithstanding Public Law 90-620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

#### UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, \$1,228,142,000, to remain available until

September 30, 2013 except as otherwise provided herein: Provided, That not to exceed \$20,902,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$7,472,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2010; of which not to exceed \$1,500,000 shall be used for any activity regarding petitions to list species that are indigenous to the United States pursuant to subsections (b)(3)(A) and (b)(3)(B); and, of which not to exceed \$1,500,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are not indigenous to the United States: Provided further, That, in fiscal year 2012 and hereafter of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That in fiscal year 2012 and hereafter, of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

#### CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; \$23,088,000, to remain available until expended.

#### LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$54,720,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 4601-9, not more than \$5,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed \$160,000 for administrative expenses: Provided, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

#### COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), \$47,757,000, to remain available until expended, of which \$22,757,000 is to be derived from the Cooperative Endangered Species Conservation Fund; and of which \$25,000,000 is to be derived from the Land and Water Conservation Fund.

#### NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$13,980,000.

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conserva-

tion Act, as amended (16 U.S.C. 4401 et seq.), \$35,554,000, to remain available until expended.

#### NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), \$3,792,000, to remain available until expended.

#### MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), \$9,481,000, to remain available until expended.

#### STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$61,421,000, to remain available until expended: Provided, That of the amount provided herein, \$4,275,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That \$5,741,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting \$10,016,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2012 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2013, shall be reapportioned, together with funds appropriated in 2014, in the manner provided herein.

#### ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United



States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, \$2,240,152,000, of which \$9,832,000 for planning and interagency coordination in support of Everglades restoration and \$97,883,000 for maintenance, repair, or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2013.

##### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, \$59,975,000: Provided, That section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312) is amended by striking "2011" and inserting "2013".

##### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$56,000,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2013.

##### CONSTRUCTION

##### (INCLUDING RESCISSION OF FUNDS)

For construction, improvements, repair, or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), \$159,621,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the project to repair damage to the Washington Monument may be issued that includes the full scope of the project, so long as the solicitation and contract shall contain the clause "availability of appropriated funds" found in CFR section 52.232.18 of title 48.

From funds previously made available under this heading, \$4,000,000 are rescinded.

##### LAND AND WATER CONSERVATION FUND

##### (RESCISSION)

The contract authority provided for fiscal year 2012 by 16 U.S.C. 4601-10a is rescinded.

##### LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$102,060,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$45,000,000 is for the State assistance program and of which \$9,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

##### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

##### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,069,744,000, to remain available until September 30, 2013; of which \$51,569,700 shall remain available until expended for satellite operations; and of which \$7,292,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost: Provided, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topo-

graphic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

##### ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

##### BUREAU OF OCEAN ENERGY MANAGEMENT

##### OCEAN ENERGY MANAGEMENT

For expenses necessary for granting leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, \$59,792,000, to remain available until September 30, 2013; and an amount not to exceed \$101,082,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, that are collected and disbursed by the Secretary, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2012, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent \$101,082,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$101,082,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That for fiscal year 2012 and each fiscal year thereafter, the term "qualified Outer Continental Shelf revenues", as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109-432, shall include only the portion or rental revenues that would have been collected by the

Secretary at the rental rates in effect before August 5, 1993: Provided further, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

BUREAU OF SAFETY AND ENVIRONMENTAL  
ENFORCEMENT  
OFFSHORE SAFETY AND ENVIRONMENTAL  
ENFORCEMENT

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, \$61,473,000, to remain available until September 30, 2013; and an amount not to exceed \$59,081,000 to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, that are collected and disbursed by the Secretary, from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2012, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent \$59,081,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$59,081,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That for fiscal year 2012 and each fiscal year thereafter, the term "qualified Outer Continental Shelf revenues", as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109-432, shall include only the portion of rental revenues that would have been collected by the Secretary at the rental rates in effect before August 5, 1993.

For an additional amount, \$62,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2012, as provided in this Act: Provided, That to the extent that such amounts are not realized from such fees, the amount needed to reach \$62,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That to the extent that amounts realized from such fees exceed \$62,000,000, the amounts realized in excess of \$62,000,000 shall be credited to this appropriation and remain available until expended: Provided further, That for fiscal year 2012, not less than 50 percent of the inspection fees collected by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$14,923,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND  
ENFORCEMENT  
REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, \$122,950,000, to remain available until September 30, 2013: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training: Provided further, That, in fiscal year 2012, up to \$40,000 collected by the Office of Surface Mining from permit fees pursuant to section 507 of Public Law 95-87 (30 U.S.C. 1257) shall be credited to this account as discretionary offsetting collections, to remain available until expended: Provided further, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than \$122,910,000: Provided further, That, in subsequent fiscal years, all amounts collected by the Office of Surface Mining from permit fees pursuant to section 507 of Public Law 95-87 (30 U.S.C. 1257) shall be credited to this account as discretionary offsetting collections, to remain available until expended.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, \$27,443,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS AND BUREAU OF  
INDIAN EDUCATION

OPERATION OF INDIAN PROGRAMS  
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$2,371,532,000, to remain available until September 30, 2013 except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$74,911,000 shall be for welfare assistance

payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$219,560,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2012, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed \$590,484,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2012, and shall remain available until September 30, 2013; and of which not to exceed \$48,049,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$46,327,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2011 for the operation of Bureau-funded schools, and up to \$500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2011, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2013, may be transferred during fiscal year 2014 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2014: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$123,828,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2012, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to grant schools under Public Law 100-

297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within 18 months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

#### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 108-447, and 111-11, and for implementation of other land and water rights settlements, \$32,855,000, to remain available until expended.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, \$7,114,000, of which \$964,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed \$73,365,796.

#### ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services

funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995, except that any school or school program that was closed and removed from the Bureau school system between 1951 and 1972, and its respective tribe's relationship with the Federal Government was terminated, shall be reinstated to the Bureau system and supported at a level based on its grade structure and average student enrollment for the 2009-2010, 2010-2011 and 2011-2012 school years. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

#### DEPARTMENTAL OFFICES

##### OFFICE OF THE SECRETARY

##### DEPARTMENTAL OPERATIONS

For necessary expenses for management of the Department of the Interior, including the collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law, \$262,317,000, to remain available until September 30, 2013; of which not to exceed

\$15,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which \$12,712,000 for the Office of Valuation Services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; and of which \$38,300,000 shall remain available until expended for the purpose of mineral revenue management activities: Provided, That, for fiscal year 2012, up to \$400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901-6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided further, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than \$100: Provided further, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That, notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2012 and deposit the amount deducted to miscellaneous receipts of the Treasury.

#### INSULAR AFFAIRS

##### ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108-188, \$87,997,000, of which: (1) \$78,517,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$9,480,000 shall be available until September 30, 2013 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely

maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

#### COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$3,318,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99-658 and Public Law 108-188.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108-188 and Public Law 104-134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

#### OFFICE OF THE SOLICITOR

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$66,296,000.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$49,471,000.

#### OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

##### FEDERAL TRUST PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$152,319,000, to remain available until expended, of which not to exceed \$31,171,000 from this or any other Act, shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Salaries and Expenses" account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2012, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not

commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$15 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

#### DEPARTMENT-WIDE PROGRAMS

##### WILDLAND FIRE MANAGEMENT

##### (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$566,495,000, to remain available until expended, of which not to exceed \$6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109-154), or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure ac-

countability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into noncompetitive sole-source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: Provided further, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations: Provided further, That before obligating any of the funds provided herein for wildland fire suppression, the Secretary of the Interior shall obligate all unobligated balances previously made available under this heading that, when appropriated, were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985 and notify the Committees on Appropriations of the House of Representatives and the Senate in writing of the imminent need to begin obligating funds provided herein for wildland fire suppression: Provided further, That of the funds made available under this heading for wildland fire suppression in fiscal year 2011, \$82,000,000 are rescinded.

#### FLAME WILDFIRE SUPPRESSION RESERVE FUND

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of the Interior and as a reserve fund for suppression and Federal emergency response activities, \$92,000,000, to remain available until expended: Provided, That such amounts are available only for transfer to the "Wildland Fire Management" account and only following a declaration by the Secretary that either (1) a wildland fire suppression event meets certain previously established risk-based written criteria for significant complexity, severity, or threat posed by the fire or (2) funds in the "Wildland Fire Management" account will be exhausted within 30 days.

#### CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42

U.S.C. 9601 et seq.), \$10,149,000, to remain available until expended.

#### NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

##### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 191j et seq.), \$6,263,000, to remain available until expended.

##### WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, information technology improvements of general benefit to the Department, strengthening the Department's acquisition workforce capacity and capabilities, and consolidation of facilities and operations throughout the Department, \$62,019,000, to remain available until expended: Provided, That such funds shall be available for training, recruitment, retention, and hiring members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act as amended (41 U.S.C. 401 et seq.): Provided further, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House of Representatives and Senate Committees on Appropriations: Provided further, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93-638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

##### ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

##### (INCLUDING TRANSFERS OF FUNDS)

#### EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no

funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

#### EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106-224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" and "FLAME Wildfire Suppression Reserve Fund" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

#### AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

#### AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs

and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

#### REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2012. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

#### PAYMENT OF FEES

SEC. 106. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with *Cobell v. Salazar* to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in *Cobell v. Salazar*.

#### EVERGLADES ECOSYSTEM RESTORATION

SEC. 107. This and any subsequent fiscal year, the National Park Service is authorized to implement modifications to the Tamiami Trail as described in, and in accordance with, the preferred alternative identified in the final environmental impact statement noticed in the Federal Register on December 14, 2010, (75 Fed. Reg. 77896), relating to restoration efforts of the Everglades ecosystem.

#### ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 108. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

#### OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 109. (a) In fiscal year 2012, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the "Ocean Energy Management" account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2012 shall be:

- (1) \$10,500 for facilities with no wells, but with processing equipment or gathering lines;
- (2) \$17,000 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and

(3) \$31,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2012. Fees for fiscal year 2012 shall be:

(1) \$30,500 per inspection for rigs operating in water depths of 500 feet or more; and

(2) \$16,700 per inspection for rigs operating in water depths of less than 500 feet.

(d) The Secretary shall bill designated operators under subsection (b) within 60 days, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsection (c) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing.

#### OIL AND GAS LEASING INTERNET PROGRAM

SEC. 110. Notwithstanding section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)), the Secretary of the Interior shall have the authority to establish an oil and gas leasing Internet program, under which the Secretary may conduct lease sales through methods other than oral bidding.

#### INDIAN PROBATE JUDGES

SEC. 111. Section 108 of Public Law 109–54 (the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006) is amended by striking “in fiscal years 2006 through 2010, for the purpose of reducing the backlog of” and inserting “for fiscal year 2006 and each fiscal year thereafter, for the purpose of adjudicating”.

#### BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION AND ENFORCEMENT REORGANIZATION

SEC. 112. The Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation and Enforcement, may establish accounts and transfer funds among and between the offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in the report accompanying this Act.

#### AUTHORIZED USE OF INDIAN EDUCATION FUNDS

SEC. 113. Beginning July 1, 2008, any funds (including investments and interest earned, except for construction funds) held by a Public Law 100–297 grant or a Public Law 93–638 contract school shall, upon retrocession to or re-assumption by the Bureau of Indian Education, remain available to the Bureau of Indian Education for a period of 5 years from the date of retrocession or re-assumption for the benefit of the programs approved for the school on October 1, 1995.

#### CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

SEC. 114. (a) Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c) (except that the 5-year term restriction in subsection (d) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

(b) During fiscal year 2012 and subsequent fiscal years, in carrying out work involving cooperation with any State or political subdivision thereof, the Bureau of Land Management may record obligations against accounts receivable from any such entities.

#### BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS

SEC. 115. (a)(1) Notwithstanding any other provision of law or Federal regulation, including section 586(c) of title 40, United States Code, the Director of the BIE, or the Director's designee, is authorized to enter into agreements with public and private persons and entities that provide for such persons and entities to rent or lease the land or facilities of a Bureau-operated school for such periods of time as the school is Bureau operated, in exchange for a consideration (in the form of funds) that benefits the school, as determined by the head of the school.

(2) Funds received under paragraph (1) shall be retained by the school and used for school purposes otherwise authorized by law. Any funds received under paragraph (1) are hereby made available until expended for such purposes, notwithstanding section 3302 of title 31, United States Code.

(3) Nothing in this section shall be construed to allow for the diminishment of, or otherwise affect, the appropriation of funds to the budget accounts for the operation and maintenance of Bureau-operated schools. No funds shall be withheld from the distribution to the budget of any Bureau-operated school due to the receipt by the school of a benefit in accordance with this section.

(b) Notwithstanding any provision of title 5, United States Code, or any regulation promulgated under such title, education personnel who are under the direction and supervision of the Secretary of the Interior may participate in a fundraising activity for the benefit of a Bureau-operated school in an official capacity as part of their official duties. When participating in such an official capacity, the employee may use the employee's official title, position, and authority. Nothing in this subsection shall be construed to authorize participation in political activity (as such term is used in section 7324 of title 5, United States Code) otherwise prohibited by law.

(c) The Secretary of the Interior shall promulgate regulations to carry out this section not later than 16 months after the date of the enactment of this Act. Such regulations shall include—

(1) standards for the appropriate use of Bureau-operated school lands and facilities by third parties under a rental or lease agreement;

(2) provisions for the establishment and administration of mechanisms for the acceptance of consideration for the use and benefit of a school in accordance with this section (including, in appropriate cases, the establishment and administration of trust funds);

(3) accountability standards to ensure ethical conduct; and

(4) provisions for monitoring the amount and terms of consideration received, the manner in which the consideration is used, and any results achieved by such use.

(d) Provisions of this section shall apply to fiscal years 2012 through 2014.

#### AUTHORIZED USE OF FUNDS

SEC. 116. Section 3006 of Public Law 111–212 is amended by striking “For fiscal years 2010 and 2011” and inserting “For fiscal years 2010 through 2012”.

#### MASS MARKING OF SALMONIDS

SEC. 117. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark

that can be readily identified by commercial and recreational fishers.

#### PROHIBITION ON USE OF FUNDS

SEC. 118. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

#### YUKON-CHARLEY NATIONAL PRESERVE

SEC. 119. None of the funds made available by this Act may be used by the Secretary of the Interior to implement or enforce regulations concerning boating within Yukon-Charley National Preserve, including waters subject to the jurisdiction of the United States, pursuant to section 3(h) of Public Law 91–383 (16 U.S.C. 1a–2(h)) or any other authority. This section does not affect the authority of the Coast Guard to regulate the use of waters subject to the jurisdiction of the United States within the Yukon-Charley National Preserve.

#### REPUBLIC OF PALAU

SEC. 120. (a) IN GENERAL.—Subject to subsection (c), the United States Government, through the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2012 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the “Compact”).

(b) PROGRAMMATIC ASSISTANCE.—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2012 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

#### (c) LIMITATIONS ON ASSISTANCE.—

(1) IN GENERAL.—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) TRUST FUND.—If the Government of Palau withdraws more than \$5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

#### HIRING AUTHORITIES

#### SEC. 121. (a) DIRECT HIRE AUTHORITY.—

(1) During fiscal year 2012 and thereafter, the Secretary of the Interior may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, a qualified candidate described in paragraph (1) directly to a position with a land managing agency of the Department of the Interior for which the candidate meets Office of Personnel Management qualification standards.

(2) Paragraph (1) applies with respect to a former resource assistant (as defined in section 203 of the Public Land Corps Act (16 U.S.C. 1722)) who—

(A) completed a rigorous undergraduate or graduate summer internship with a land managing agency, such as the National Park Service Business Plan Internship;



(B) successfully fulfilled the requirements of the internship program; and

(C) subsequently earned an undergraduate or graduate degree from an accredited institution of higher education.

(3) The direct hire authority under this subsection may not be exercised with respect to a specific qualified candidate after the end of the two-year period beginning on the date on which the candidate completed the undergraduate or graduate degree, as the case may be.

(b) LOCAL HIRE AUTHORITY.—Section 1308 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3198) is amended—

(1) in subsection (a), by striking “establish a program” and inserting “establish an excepted service appointment authority.”;

(2) in subsection (b), by striking “competitive service as defined in section 2102 of such title for which such person is eligible under subchapter I of chapter 33 of such title, in selection to such position” and inserting “excepted service as defined in section 2103 of such title”;

(3) in subsection (e), by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following new paragraph (2): “(2) CONVERSION TO COMPETITIVE SERVICE.—Employees who satisfactorily complete two years of continuous service in a permanent appointment made under subsection (a) and who meet satisfactory performance and competitive service qualification requirements shall have their appointment converted to competitive service career-conditional or career employment as appropriate. This paragraph applies to individuals appointed on or after March 30, 2009. An employee who does not meet competitive service qualification requirements after two years of continuous service in an appointment made under subsection (a) shall be converted upon meeting such qualification requirements. Temporary and time-limited appointments will be made in the excepted service. There is no provision for conversion to competitive service when appointments are time-limited.”.

(c) GULF OF MEXICO REGION.—For fiscal years 2012 and 2013, funds made available in this title for the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement may be used by the Secretary of the Interior to establish higher minimum rates of basic pay for employees of the Department of the Interior in the Gulf of Mexico Region in the Geophysicist (GS-1313), Geologist (GS-1350), and Petroleum Engineer (GS-0881) job series at grades 5 through 15 at rates no greater than 25 percent above the minimum rates of basic pay normally scheduled, and such higher rates shall be consistent with the subsections (e) through (h) of section 5305 of title 5, United States Code.

#### BUREAU OF LAND MANAGEMENT ACTIONS REGARDING GRAZING ON PUBLIC LANDS

SEC. 122. (a) EXHAUSTION OF ADMINISTRATIVE REVIEW REQUIRED.—

(1) For fiscal years 2012 and 2013 only, a person may bring a civil action challenging a decision of the Bureau of Land Management concerning grazing on public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))) in a Federal district court only if the person has exhausted the administrative hearings and appeals procedures established by the Department of the Interior, including having filed a timely appeal and a request for stay.

(2) An issue may be considered in the judicial review of a decision referred to in paragraph (1) only if the issue was raised in the administrative review process described in such paragraph.

(3) An exception to the requirement of exhausting the administrative review process before seeking judicial review shall be available if a Federal court finds that the agency failed or was unable to make information timely avail-

able during the administrative review process for issues of material fact. For the purposes of this paragraph, the term “timely” means within 120 calendar days after the date that the challenge to the agency action or amendment at issue is received for administrative review.

(b) ACCEPTANCE OF DONATION OF CERTAIN EXISTING PERMITS OR LEASES.—

(1) During fiscal year 2012 and thereafter, the Secretary of the Interior shall accept the donation of any valid existing permits or leases authorizing grazing on public lands within the California Desert Conservation Area. With respect to each permit or lease donated under this paragraph, the Secretary shall terminate the grazing permit or lease, ensure a permanent end (except as provided in paragraph (2)), to grazing on the land covered by the permit or lease, and make the land available for mitigation by allocating the forage to wildlife use consistent with any applicable Habitat Conservation Plan, section 10(a)(1)(B) permit, or section 7 consultation under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) If the land covered by a permit or lease donated under paragraph (1) is also covered by another valid existing permit or lease that is not donated under such paragraph, the Secretary of the Interior shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under paragraph (1). To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under paragraph (1), the Secretary shall not allow grazing use to exceed the authorized level under the remaining valid existing permit or lease that is not donated.

#### TRAILING LIVESTOCK OVER PUBLIC LAND

SEC. 123. During fiscal years 2012 through 2013 only, the Bureau of Land Management may, at its sole discretion, review planning and implementation decisions regarding the trailing of livestock across public lands, including, but not limited to, issuance of crossing or trailing authorizations or permits, under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Temporary trailing or crossing authorizations across public lands shall not be subject to protest and/or appeal under subpart E of part 4 of title 43, Code of Federal Regulations, and subpart 4160 of part 4100 of such title.

#### LEASE AUTHORIZATION

SEC. 124. (a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) may lease to the Savannah Bar Pilots Association, or a successor organization, no more than 30,000 square feet of land and improvements within Fort Pulaski National Monument (referred to in this section as the “Monument”) at the location on Cockspur Island that has been used continuously by the Savannah Bar Pilots Association since 1940.

(b) RENTAL FEE AND PROCEEDS.—

(1) RENTAL FEE.—For the lease authorized by this Act, the Secretary shall require a rental fee based on fair market value adjusted, as the Secretary deems appropriate, for amounts to be expended by the lessee for property preservation, maintenance, or repair and related expenses.

(2) PROCEEDS.—Disposition of the proceeds from the rental fee required pursuant to paragraph (1) shall be made in accordance with section 3(k)(5) of Public Law 91-383 (16 U.S.C. 1a-2(k)(5)).

(c) TERMS AND CONDITIONS.—A lease entered into under this section—

(1) shall be for a term of no more than 10 years and, at the Secretary’s discretion, for successive terms of no more than 10 years at a time; and

(2) shall include any terms and conditions the Secretary determines to be necessary to protect

the resources of the Monument and the public interest.

(d) EXEMPTION FROM APPLICABLE LAW.—Except as provided in section 2(b)(2) of this Act, the lease authorized by this Act shall not be subject to section 3(k) of Public Law 91-383 (16 U.S.C. 1a-2(k)) or section 321 of Act of June 30, 1932 (40 U.S.C. 1302).

#### WILD LANDS FUNDING PROHIBITION

SEC. 125. None of the funds made available in this Act or any other Act may be used to implement, administer, or enforce Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010: Provided, That nothing in this section shall restrict the Secretary’s authorities under sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712).

#### TITLE II

#### ENVIRONMENTAL PROTECTION AGENCY SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$795,000,000, to remain available until September 30, 2013.

#### ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed \$19,000 for official reception and representation expenses, \$2,682,514,000, to remain available until September 30, 2013: Provided, That of the funds included under this heading, not less than \$410,375,000 shall be for Geographic Programs specified in the explanatory statement accompanying this Act.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$42,000,000, to remain available until September 30, 2013.

#### BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$36,428,000, to remain available until expended.

#### HAZARDOUS SUBSTANCE SUPERFUND (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) \$1,215,753,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2011, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,215,753,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated

to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, \$9,955,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2013, and \$23,016,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2013.

#### LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, \$104,309,000, to remain available until expended, of which \$73,809,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; \$30,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

#### INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$18,274,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

#### STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,618,727,000, to remain available until expended, of which \$1,468,806,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which \$919,363,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That for fiscal year 2012, to the extent there are sufficient eligible project applications, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: Provided further, That for fiscal year 2012, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; \$5,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$10,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided further, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water,

sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; \$95,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; \$30,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; and \$1,090,558,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which \$49,396,000 shall be for carrying out section 128 of CERCLA, as amended, \$9,980,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, \$18,463,000 of the funds available for grants under section 106 of the Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs, and, in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, \$1,550,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2012 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2012, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2012, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: Provided further, That for fiscal year 2012, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the

Northern Marianas, and United States Virgin Islands: Provided further, That for fiscal year 2012, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: Provided further, That not less than 20 percent but not more than 30 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 20 percent but not more than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act, except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds \$1,000,000,000: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That for fiscal year 2012 and hereafter, the Administrator may transfer funds provided for tribal set-asides through funds appropriated for the Clean Water State Revolving Funds and for the Drinking Water State Revolving Funds between those accounts in such manner as the Administrator deems appropriate, but not to exceed the transfer limits given to States under section 302(a) of Public Law 104-182.

#### ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

##### (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For fiscal year 2012, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110-94, the Pesticide Registration Improvement Renewal Act.

The Administrator is authorized to transfer up to \$300,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the

heading "Environmental Programs and Management" to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances available to the Administrator of the Environmental Protection Agency, \$50,000,000 are permanently rescinded: Provided, That of these funds, \$5,000,000 shall be rescinded from unobligated balances within the "Hazardous Substance Superfund" account; \$5,000,000 shall be rescinded from unobligated Brownfields balances within the "State and Tribal Assistance Grants" account; \$5,000,000 shall be rescinded from unobligated Mexico Border balances within the "State and Tribal Assistance Grants" account; \$5,000,000 shall be rescinded from unobligated Diesel Emissions Reduction Act balances within the "State and Tribal Assistance Grants" account; \$20,000,000 shall be rescinded from unobligated categorical grant balances within the "State and Tribal Assistance Grants" account; and \$10,000,000 shall be rescinded from unobligated Clean Water State Revolving Funds balances within the "State and Tribal Assistance Grants" account: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For fiscal year 2012 and each fiscal year thereafter, the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both.

For fiscal year 2012 and each fiscal year thereafter, the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j-12).

Notwithstanding section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604), the Administrator may authorize the expenditure or transfer of up to \$10,000,000 from any appropriation in this title, in addition to the amounts included in the "Inland Oil Spill Programs" account, for removal activities related to actual oil spills 5 days after notifying the House and Senate Committees on Appropriations of the intention to expend or transfer such funds: Provided, That no funds shall be expended or transferred under this authority until the Administrator determines that amounts made available for expenditure in the "Inland Oil Spill Programs" account will be exhausted within 30 days: Provided further, That such funds shall be replenished to the appropriation that was the source of the expenditure or transfer, following EPA's receipt of reimbursement from the Oil Spill Liability Trust Fund pursuant to the Oil Pollution Act of 1990.

# TITLE III RELATED AGENCIES DEPARTMENT OF AGRICULTURE FOREST SERVICE

## FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$295,773,000, to remain available until expended: Provided, That of the funds provided, \$64,372,000 is for the forest inventory and analysis program.

## STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$253,331,000, to remain available until expended, as authorized by law; of which \$53,388,000 is to be derived from the Land and Water Conservation Fund.

## NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,556,628,000, to remain available until expended: Provided, That of the funds provided, \$336,049,000 shall be for forest products: Provided further, That of the funds provided, \$40,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): Provided further, That of the funds provided, up to \$68,000,000 is for the Integrated Resource Restoration pilot program for Region 1, Region 3 and Region 4: Provided further, That of the funds provided for forest products, up to \$44,585,000 may be transferred to support the Integrated Resource Restoration pilot program in the preceding proviso.

## CAPITAL IMPROVEMENT AND MAINTENANCE (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$394,721,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, reconstruction, decommissioning (including decommissioning unauthorized roads not part of the transportation system), and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: Provided, That \$45,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered, or sensitive species or community water sources: Provided further, That funds becoming available in fiscal year 2012 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated: Provided further, That of the funds provided for decommissioning of roads, up to \$13,000,000 may be transferred to the "National Forest System" to support the Integrated Resource Restoration pilot program.

## LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund

Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$52,605,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

## ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$955,000, to be derived from forest receipts.

## ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended (16 U.S.C. 4601-516-617a, 555a; Public Law 96-586; Public Law 76-589, 76-591; and Public Law 78-310).

## RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

## GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$45,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

## MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$2,577,000, to remain available until expended.

## WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$1,737,631,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law, \$7,262,000 of funds appropriated under this appropriation shall be available for the Forest

Service in support of fire science research authorized by the Joint Fire Science Program, including all Forest Service authorities for the use of funds, such as contracts, grants, research joint venture agreements, and cooperative agreements: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, \$317,584,000 is for hazardous fuels reduction activities, \$21,734,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$55,564,000 is for State fire assistance, \$6,366,000 is for volunteer fire assistance, \$15,983,000 is for forest health activities on Federal lands and \$8,366,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That up to \$15,000,000 of the funds provided herein may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels reduction and for training or monitoring associated with such hazardous fuels reduction activities on Federal land or on non-Federal land if the Secretary determines such activities implement a community wildfire protection plan (or equivalent) and benefit resources on Federal land: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106-393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the "State and Private Forestry" appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed \$5,000,000 may be used to make grants, using any authorities available to the Forest Service under the "State and Private Forestry" appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: Provided further, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That before obligating any of the funds provided herein for wildland fire suppression, the Secretary of Agriculture shall obligate all unobligated balances previously made available under this heading

(including the unobligated balances transferred to Forest Service accounts under this heading by division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329, 122 Stat. 3594)) that, when appropriated, were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985 and notify the Committees on Appropriations of the House of Representatives and the Senate in writing of the imminent need to begin obligating funds provided herein for wildland fire suppression: Provided further, That funds designated for wildfire suppression, including funds transferred from the "FLAME Wildfire Suppression Reserve Fund", shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs: Provided further, That of the funds for hazardous fuels reduction, up to \$21,000,000 may be transferred to the "National Forest System" to support the Integrated Resource Restoration pilot program.

**FLAME WILDFIRE SUPPRESSION RESERVE FUND**  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for large fire suppression operations of the Department of Agriculture and as a reserve fund for suppression and Federal emergency response activities, \$315,886,000, to remain available until expended: Provided, That such amounts are available only for transfer to the "Wildland Fire Management" account and only following a declaration by the Secretary that either (1) a wildland fire suppression event meets certain previously established risk-based written criteria for significant complexity, severity, or threat posed by the fire or (2) funds in the "Wildland Fire Management" account will be exhausted within 30 days.

**ADMINISTRATIVE PROVISIONS—FOREST SERVICE**  
(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon the Secretary's notification of the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings "Wildland Fire Management" and "FLAME Wildfire Suppression Reserve Fund" will be obligated within 30 days: Provided, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with U.S., private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), U.S. private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106-224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107-107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the joint explanatory statement of the managers accompanying this Act.

Not more than \$82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than \$14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center. Nothing in this paragraph shall limit the Forest Service portion of implementation costs to be paid to the Department of Agriculture for the Financial Management Modernization Initiative.

Of the funds available to the Forest Service up to \$5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993, Public Law 103-82, as amended by Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109-154.

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, up to \$3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefiting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than \$300,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal

funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, \$3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefiting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed \$55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance and decommissioning. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar nonlitigation-related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$3,872,377,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450),

shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That \$844,927,000 for contract medical care, including \$51,500,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That of the funding provided for information technology activities and, notwithstanding any other provision of law, \$4,000,000 shall be allocated at the discretion of the Director of the Indian Health Service: Provided further, That of the funds provided, up to \$36,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of the Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of the Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of the Act (25 U.S.C. 1613a and 1616a): Provided further, That notwithstanding any other provision of law, the amounts made available within this account for the methamphetamine and suicide prevention and treatment initiative and for the domestic violence prevention initiative shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$472,193,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2012, of which not to exceed \$10,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et

seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

##### INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$441,052,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed \$2,700,000 from this account and the “Indian Health Services” account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed \$500,000 shall be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

##### ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian

Sanitation Facilities Act and Public Law 93-638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-termination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

#### NATIONAL INSTITUTES OF HEALTH

##### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$79,054,000.

#### AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

##### TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reau-

thorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$76,337,000, of which up to \$1,000 per eligible employee of the Agency for Toxic Substances and Disease Registry shall remain available until expended for Individual Learning Accounts: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2012, and existing profiles may be updated as necessary.

#### OTHER RELATED AGENCIES

##### EXECUTIVE OFFICE OF THE PRESIDENT COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$3,153,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

##### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

#### SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$11,147,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

#### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

#### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$7,750,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6,

Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

#### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

#### PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$8,533,000.

#### SMITHSONIAN INSTITUTION

#### SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$636,530,000, to remain available until September 30, 2013, except as otherwise provided herein; of which not to exceed \$20,137,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

#### FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$175,000,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109, and of which \$75,000,000 shall be to complete design and begin construction of the National Museum of African American History and Culture: Provided, That during fiscal year 2012 and any succeeding fiscal year, a single procurement for construction of the National Museum of African American History and Culture, as authorized under section 8 of the National Museum of African American History and Culture Act (20 U.S.C. 80-6), may be issued that includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.



NATIONAL GALLERY OF ART  
SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$114,066,000, of which not to exceed \$3,481,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION, AND RENOVATION OF  
BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, \$14,516,000, to remain available until expended. Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING  
ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$23,200,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$13,650,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR  
SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$11,005,000, to remain available until September 30, 2013.

NATIONAL FOUNDATION ON THE ARTS AND THE  
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, \$146,255,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach

activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES  
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, \$146,255,000, to remain available until expended, of which \$135,500,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and \$10,755,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including \$8,370,000 for the purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS  
SALARIES AND EXPENSES

For expenses of the Commission of Fine Arts under Chapter 91 of title 40, United States Code, \$2,400,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL  
AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956a), as amended, \$2,000,000.

ADMINISTRATIVE PROVISION

The item relating to "National Capital Arts and Cultural Affairs" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as enacted into law by section 101(d) of Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a) is amended—

(1) by deleting the last sentence in the second paragraph and replacing it with the following: "Each eligible organization must have its principal place of business in the District of Colum-

bia and in a facility or facilities located in the District of Columbia."; and

(2) In the third paragraph, by deleting "in addition to those herein named" at the end of the sentence.

ADVISORY COUNCIL ON HISTORIC PRESERVATION  
SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$6,108,000.

NATIONAL CAPITAL PLANNING COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, \$8,154,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM  
HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$50,798,000, of which \$515,000 shall remain available until September 30, 2014, for the Museum's equipment replacement program; and of which \$1,900,000 for the Museum's repair and rehabilitation program and \$1,264,000 for the Museum's outreach initiatives program shall remain available until expended.

PRESIDIO TRUST  
PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$12,000,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION  
SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, \$2,000,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106-79, \$30,990,000, to remain available until expended: Provided, That beginning in fiscal year 2012 and thereafter, any procurement for the construction of the permanent memorial to Dwight D. Eisenhower, as authorized by section 8162 of the Department of Defense Appropriations Act, 2000 (16 U.S.C. 431 note; Public Law 106-79), as amended by section 8120 of the Department of Defense Appropriations Act, 2002 (Public Law 107-117), may be issued which includes the full scope of the project: Provided further, That the solicitation and contract with respect to the procurement shall contain the "availability of funds" clause described in section 52.232.18 of title 48, Code of Federal Regulations: Provided further, That the funds appropriated herein shall be deemed to satisfy the criteria for issuing a permit contained in 40 U.S.C. 8906(a)(4) and (b).

TITLE IV  
GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

LIMITATION ON CONSULTING SERVICES

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public

record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

#### RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

#### OBLIGATION OF APPROPRIATIONS

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

#### PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

#### DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

#### GIANT SEQUOIA

SEC. 406. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2011.

#### MINING APPLICATIONS

SEC. 407. (a) **LIMITATION OF FUNDS.**—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) **EXCEPTIONS.**—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) **REPORT.**—On September 30, 2013, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) **MINERAL EXAMINATIONS.**—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall

allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

#### CONTRACT SUPPORT COSTS

SEC. 408. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, 108-447, 109-54, 109-289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Laws 110-5 and 110-28), Public Laws 110-92, 110-116, 110-137, 110-149, 110-161, 110-329, 111-6, 111-8, 111-88, and 112-10 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2011 for such purposes, except that the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

#### FOREST MANAGEMENT PLANS

SEC. 409. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

#### PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 410. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

#### AMENDMENTS TO THE TEMPORARY EMERGENCY WILDFIRE SUPPRESSION ACT

SEC. 411. The Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m et seq.) is amended—

(1) in the first section (42 U.S.C. 1856m note)—  
(A) by striking “That this” and inserting the following:

#### “SECTION 1. SHORT TITLE.

“This”; and

(B) by striking “Temporary”;

(2) by striking section 2 (42 U.S.C. 1856m) and inserting the following:

#### “SEC. 2. DEFINITIONS.

“In this Act:

“(1) **ASSUME ANY AND ALL LIABILITY.**—The term ‘assume any and all liability’ means—

“(A) the payment of—

“(i) any judgment, settlement, fine, penalty, or cost assessment (including prevailing party legal fees) associated with the applicable litigation; and

“(ii) any cost incurred in handling the applicable litigation (including legal fees); and

“(B) with respect to a Federal firefighter, arranging for, and paying the costs of, representation in the applicable litigation.

“(2) **FEDERAL FIREFIGHTER.**—The term ‘Federal firefighter’ means an individual furnished by the Secretary of Agriculture or the Secretary of the Interior under an agreement entered into under section 3.

“(3) **FOREIGN FIRE ORGANIZATION.**—The term ‘foreign fire organization’ means any foreign governmental, public, or private entity that has wildfire protection resources.

“(4) **FOREIGN FIREFIGHTER.**—The term ‘foreign firefighter’ means an individual furnished by a foreign fire organization under an agreement entered into under section 3.

“(5) **WILDFIRE.**—The term ‘wildfire’ means any forest or range fire.

“(6) **WILDFIRE PROTECTION RESOURCES.**—The term ‘wildfire protection resources’ means any personnel, supplies, equipment, or other resources required for wildfire presuppression and suppression activities.”;

(3) in section 3 (42 U.S.C. 1856n)—

(A) in subsection (a)—

(i) by striking “(a)(1) The Secretary of Agriculture” and inserting the following:

“(a) **EXCHANGE OF WILDFIRE PROTECTION RESOURCES UNDER A RECIPROCAL AGREEMENT WITH A FOREIGN FIRE ORGANIZATION.**—

“(1) **AUTHORITY TO ENTER INTO A RECIPROCAL AGREEMENT.**—The Secretary of Agriculture”; and

(ii) in paragraph (2), by striking “(2) Any agreement” and inserting the following:

“(2) **REQUIREMENTS FOR A RECIPROCAL AGREEMENT.**—Any agreement”;;

(B) in subsection (b)—

(i) by striking “(b) In the absence” and inserting the following:

“(b) **EXCHANGE OF WILDFIRE PROTECTION RESOURCES WITHOUT A RECIPROCAL AGREEMENT.**—In the absence”; and

(ii) in paragraph (1), by striking “United States, and” and inserting “United States; and”;

(C) in subsection (c), by striking “(c) Notwithstanding” and inserting the following:

“(c) **REIMBURSEMENT UNDER AGREEMENTS WITH CANADA.**—Notwithstanding”; and

(D) in subsection (d)—

(i) by striking “(d) Any service” and inserting the following:

“(d) **SERVICE PERFORMED UNDER THIS ACT BY FEDERAL EMPLOYEES.**—

“(1) **IN GENERAL.**—Any service”; and

(ii) in the second sentence, by striking “The” and inserting the following:

“(2) **EFFECT.**—Except as provided in section 4, the”;

(4) by redesignating section 4 (42 U.S.C. 1856o) as section 5;

(5) by inserting after section 3 the following:

#### “SEC. 4. RECIPROCAL AGREEMENTS WITH LIABILITY COVERAGE.

“(a) **PROTECTION FROM LIABILITY FOR FOREIGN FIREFIGHTERS AND FOREIGN FIRE ORGANIZATIONS.**—Subject to subsection (b), in an agreement with a foreign fire organization entered into under section 3, the Secretary of Agriculture and the Secretary of the Interior may provide that—

“(1) a foreign firefighter shall be considered to be an employee of the United States for purposes of tort liability while the foreign firefighter is

acting within the scope of an official duty under the agreement; and

“(2) any claim against the foreign fire organization or any legal organization associated with the foreign firefighter that arises out of an act or omission of the foreign firefighter in the performance of an official duty under the agreement, or that arises out of any other act, omission, or occurrence for which the foreign fire organization or legal organization associated with the foreign firefighter is legally responsible under applicable law, may be prosecuted only—

“(A) against the United States; and

“(B) as if the act or omission were the act or omission of an employee of the United States.

“(b) PROTECTION FROM LIABILITY FOR FEDERAL FIREFIGHTERS AND THE FEDERAL GOVERNMENT.—The Secretary of Agriculture and the Secretary of the Interior may provide the protections under subsection (a) if the foreign fire organization agrees—

“(1) to assume any and all liability for any legal action brought against the Federal firefighter for an act or omission of the Federal firefighter while acting within the scope of an official duty under the agreement; and

“(2) to the extent the United States or any legal organization associated with the Federal firefighter is not entitled to immunity from the jurisdiction of the courts having jurisdiction over the foreign fire organization receiving the services of the Federal firefighters, to assume any and all liability for any legal action brought against the United States or the legal organization arising out of—

“(A) an act or omission of the Federal firefighter in the performance of an official duty under the agreement; or

“(B) any other act, omission, or occurrence for which the United States or the legal organization associated with the Federal firefighter is legally responsible under the laws applicable to the foreign fire organization.”; and

(6) in section 5 (as redesignated by paragraph (4))—

(A) by striking “under section 3(c)” and inserting “under this Act”; and

(B) in the proviso—

(i) by striking “wildfire protection resources or personnel” each place it appears and inserting “wildfire protection resources (including personnel)”;

(ii) by inserting “for wildfire suppression activities” before “unless”; and

(iii) by striking “provide wildfire protection” and inserting “provide wildfire suppression”.

#### CONTRACTING AUTHORITIES

SEC. 412. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the “Secretaries”) may, in evaluating bids and proposals, through fiscal year 2013, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population moni-

toring, road decommissioning, trail maintenance or improvement, or habitat restoration or management: Provided further, That the terms “rural community” and “economically disadvantaged” shall have the same meanings as in section 2374 of Public Law 101-624 (16 U.S.C. 6612): Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

#### LIMITATION ON TAKINGS

SEC. 413. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

#### TIMBER SALE REQUIREMENTS

SEC. 414. No timber sale in Alaska's Region 10 shall be advertised if the indicated rate is deficit (defined as the value of the timber is not sufficient to cover all logging and stumpage costs and provide a normal profit and risk allowance under the Forest Service's appraisal process) when appraised using a residual value appraisal. The western red cedar timber from those sales which is surplus to the needs of the domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

#### EXTENSION OF GRAZING PERMITS

SEC. 415. The terms and conditions of section 325 of Public Law 108-108 (117 Stat. 1307), regarding grazing permits at the Department of the Interior and the Forest Service, shall remain in effect for fiscal years 2012 and 2013. A grazing permit or lease issued by the Secretary of the Interior for lands administered by the Bureau of Land Management that is the subject of a request for a grazing preference transfer shall be issued, without further processing, for the remaining time period in the existing permit or lease using the same mandatory terms and conditions. If the authorized officer determines a change in the mandatory terms and conditions is required, the new permit must be processed as directed in section 325 of Public Law 108-108.

#### PROHIBITION ON NO-BID CONTRACTS

SEC. 416. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93-638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

#### POSTING OF REPORTS

SEC. 417. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

#### NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 418. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

#### NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 419. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, on grants awarded made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

#### USE OF COMPETITIVE GRANT FUNDS

SEC. 420. Section 6(d) of Public Law 96–297 (16 U.S.C. 431 note), as added by section 101 of Public Law 108–126, is amended by inserting “, except funds awarded through competitive grants,” after “No Federal funds”.

#### FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT

SEC. 421. Section 503(f) of the Forest Service Realignment and Enhancement Act of 2005 (title V of Public Law 109–54; 16 U.S.C. 580d note), as amended by section 422(1) of Public Law 111–8 (123 Stat. 748), is further amended by striking “2011” and inserting “2016”.

#### SERVICE FIRST

SEC. 422. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996; 43 U.S.C. 1701 note), concerning Service First authorities, as amended by section 428 of Public Law 109–54 (119 Stat. 555–556) and section 418 of Public Law 111–8 (123 Stat. 747), is amended—

(1) by striking in the first sentence “In fiscal years 2001 through 2011”, and inserting “In fiscal year 2012 and each fiscal year thereafter”; and

(2) by striking in the first sentence “pilot programs” and inserting “programs.”

#### FEDERAL, STATE, COOPERATIVE FOREST, RANGELAND AND WATERSHED RESTORATION IN UTAH

SEC. 423. The authority provided by section 337 of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3012), as amended, shall remain in effect until September 30, 2013.

#### STATUS OF BALANCES OF APPROPRIATIONS

SEC. 424. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity.

#### REPORT ON USE OF CLIMATE CHANGE FUNDS

SEC. 425. Not later than 120 days after the date on which the President's fiscal year 2013 budget request is submitted to Congress, the President shall submit a comprehensive report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency funding, domestic and international, for climate change programs, projects and activities in fiscal year 2011, including an accounting of funding by agency with each agency identifying climate change programs, projects and activities and associated costs by line item as presented in the President's Budget Appendix, and including citations and linkages where practicable to each strategic plan that is driving funding within each climate change program, project and activity listed in the report.

#### PROHIBITION ON USE OF FUNDS

SEC. 426. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon diox-

ide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

#### GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 427. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

#### FOREST SERVICE PRE-DECISIONAL OBJECTION PROCESS

SEC. 428. Hereafter, upon issuance of final regulations, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall apply section 105(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515(a)), providing for a pre-decisional objection process, to proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans developed under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and documented with a Record of Decision or Decision Notice, in lieu of subsections (c), (d), and (e) of section 322 of Public Law 102–381 (16 U.S.C. 1612 note), providing for an administrative appeal process: Provided, That if the Chief of the Forest Service determines an emergency situation exists for which immediate implementation of a proposed action is necessary, the proposed action shall not be subject to the pre-decisional objection process, and implementation shall begin immediately after the Forest Service gives notice of the final decision for the proposed action: Provided further, That this section shall not apply to an authorized hazardous fuel reduction project under title I of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.).

#### SILVICULTURAL ACTIVITIES

SEC. 429. From the date of enactment of this Act until September 30, 2012, the Administrator of the Environmental Protection Agency shall not require a permit under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), nor shall the Administrator directly or indirectly require any State to require a permit, for discharges of stormwater runoff from roads, the construction, use, or maintenance of which are associated with silvicultural activities, or from other silvicultural activities involving nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, or surface drainage.

#### CLAIM MAINTENANCE FEE AMENDMENTS

SEC. 430. Section 10101 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f) is amended—

(1) in subsection (a)—

(A) by striking so much as precedes the second sentence and inserting the following:

“(a) CLAIM MAINTENANCE FEE.—

“(1) LODE MINING CLAIMS, MILL SITES, AND TUNNEL SITES.—The holder of each unpatented lode mining claim, mill site, or tunnel site, located pursuant to the mining laws of the United States on or after August 10, 1993, shall pay to the Secretary of the Interior, on or before September 1 of each year, to the extent provided in advance in appropriations Acts, a claim maintenance fee of \$100 per claim or site, respectively.”; and

(B) by adding at the end the following:

“(2) PLACER MINING CLAIMS.—The holder of each unpatented placer mining claim located pursuant to the mining laws of the United States located before, on, or after August 10, 1993, shall pay to the Secretary of the Interior, on or before September 1 of each year, the claim maintenance fee described in subsection (a), for

each 20 acres of the placer claim or portion thereof.”; and

(2) in subsection (b), by striking the first sentence and inserting the following: “The claim maintenance fee under subsection (a) shall be paid for the year in which the location is made, at the time the location notice is recorded with the Bureau of Land Management.”.

#### DOMESTIC LIVESTOCK GRAZING

SEC. 431. (a) PROHIBITION REGARDING POTENTIAL DOMESTIC SHEEP AND BIGHORN SHEEP CONTACT ON NATIONAL FOREST SYSTEM LAND.—Notwithstanding any other provision of law or regulation (other than the Endangered Species Act of 1973 and regulations issued under such Act), none of the funds made available by this Act or made available by any other Act for fiscal year 2012 only may be used to carry out—

(1) any new management restrictions on domestic sheep on parcels of National Forest System land (as defined in the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) with potential domestic sheep and bighorn sheep (whether native or nonnative) contact in excess of the management restrictions that existed on July 1, 2011; or

(2) any other agency regulation for managing bighorn sheep populations on any allotment of such National Forest System land if the management action will result in a reduction in the number of domestic livestock permitted to graze on the allotment or in the distribution of livestock on the allotment.

(b) EXCEPTION.—Notwithstanding subsection (a), the Secretary of Agriculture may make such management changes as the Secretary determines to be necessary to manage bighorn sheep if the management changes—

(1) are consistent with the wildlife plans of the relevant State fish and game agency and determined in consultation with that agency; and

(2) are developed in consultation with the affected permittees.

(c) BUREAU OF LAND MANAGEMENT LANDS.—In circumstances involving conflicts between bighorn sheep and domestic sheep grazing on public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the Bureau of Land Management may only modify or cancel domestic sheep grazing permits after consulting with the appropriate State fish and game agency. However, if the State in question has an approved State Wildlife Management Plan that addresses, with specificity, bighorn sheep management, then the Bureau of Land Management modification or cancellation of permits in that State shall conform to the bighorn sheep management objectives in the State Wildlife Management Plan, unless conformance would be inconsistent with Federal statute or regulation. The Bureau of Land Management shall be bound by the requirements of this subsection until September 30, 2012.

(d) VOLUNTARY CLOSURE OF ALLOTMENTS.—Nothing in this section shall be construed as limiting the voluntary closure of existing domestic sheep allotments when the closure is agreed to in writing between the permittee and the Secretary of the Interior or the Secretary of Agriculture and is carried out for the purpose of reducing conflicts between domestic sheep and bighorn sheep.

(e) WAIVER OF GRAZING PERMITS AND LEASES.—The Secretary of the Interior and the Secretary of Agriculture may accept the voluntary waiver of any valid existing lease or permit authorizing grazing on National Forest System land described in subsection (a) or public lands described in subsection (c). If the grazing permit or lease for a grazing allotment is only partially within the area of potential domestic sheep and bighorn sheep contact, the affected permittee may elect to waive only the portion of

the grazing permit or lease that is within that area. The Secretary concerned shall—

(1) terminate each permit or lease waived or portion of a permit or lease waived under this subsection;

(2) ensure a permanent end to domestic sheep grazing on the land covered by the waived permit or lease or waived portion of the permit or lease unless or until there is no conflict with bighorn sheep management; and

(3) provide for the reimbursement of range improvements in compliance with section 4 of the Act of June 28, 1934 (commonly known as the Taylor Grazing Act; 43 U.S.C. 315c).

#### AIR EMISSIONS FROM OUTER CONTINENTAL SHELF ACTIVITIES

SEC. 432. (a) It is the purpose of this section to ensure that the energy policy of the United States focuses on the expeditious and orderly development of domestic energy resources in a manner that protects human health and the environment.

(b) Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended—

(1) in the first sentence, by inserting “(other than Outer Continental Shelf sources located offshore of the North Slope Borough of the State of Alaska)” after “Outer Continental Shelf sources located offshore of the States along the Pacific, Arctic and Atlantic Coasts”; and

(2) in the fourth sentence, by inserting “and this Act” after “regulations”.

(c) Section 328(b) of the Clean Air Act (42 U.S.C. 7627(b)) is amended in the first sentence—

(1) by striking “Gulf Coast”; and

(2) by inserting “or are adjacent to the North Slope Borough of the State of Alaska” after “Alabama”.

(d) The transfer of air quality permitting authority pursuant to this section shall not invalidate or stay—

(1) any air quality permit pending or existing as of the date of the enactment of this Act; or

(2) any proceeding related thereto.

(e)(1) The Comptroller General of the United States shall undertake a study on the process for air quality permitting in the Outer Continental Shelf.

(2) The study shall consist of a comparison of air quality permitting for Outer Continental Shelf sources (as such term is defined in section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) by the Department of the Interior with such permitting by the Environmental Protection Agency, taking into account the time elapsed between application and permit approval, the number of applications, and the experiences and assessments of the applicants.

(3) In carrying out the study, the Comptroller General shall consult with the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and applicants for air quality permits.

(4) The Comptroller General shall complete the study and submit a report on the results of the study to the Congress not later than September 30, 2014.

#### FUNDING PROHIBITION

SEC. 433. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent and made a determination that this further action is not

necessary to protect the interests of the Government.

#### LIMITATION WITH RESPECT TO DELINQUENT TAX DEBTS

SEC. 434. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation with respect to which any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

#### ALASKA NATIVE REGIONAL HEALTH ENTITIES

SEC. 435. (a) Notwithstanding any other provision of law and until October 1, 2013, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursement of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

#### GENERAL REDUCTION

SEC. 436. (a) ACROSS-THE-BOARD RESCIS- SIONS.—There is hereby rescinded an amount equal to 0.16 percent of the budget authority provided for fiscal year 2012 for any discretionary appropriation in titles I through IV of this Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading “Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians”, the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2012, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefore to the House and Senate Committees on Appropriations.

(d) OMB REPORT.—Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the

Senate a report specifying the account and amount of each rescission made pursuant to this section.

This division may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012”.

#### DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

##### TITLE I

##### DEPARTMENT OF LABOR

##### EMPLOYMENT AND TRAINING ADMINISTRATION

##### TRAINING AND EMPLOYMENT SERVICES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Workforce Investment Act of 1998 (referred to in this Act as “WIA”), the Second Chance Act of 2007, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992 (“WANTO”), including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA, \$3,195,383,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, \$2,605,268,000 as follows:

(A) \$770,922,000 for adult employment and training activities, of which \$58,922,000 shall be available for the period July 1, 2012, through June 30, 2013, and of which \$712,000,000 shall be available for the period October 1, 2012 through June 30, 2013;

(B) \$825,914,000 for youth activities, which shall be available for the period April 1, 2012 through June 30, 2013; and

(C) \$1,008,432,000 for dislocated worker employment and training activities, of which \$148,432,000 shall be available for the period July 1, 2012 through June 30, 2013, and of which \$860,000,000 shall be available for the period October 1, 2012 through June 30, 2013.

Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice: Provided further, That notwithstanding section 128(a)(1) of the WIA, the amount available to the Governor for statewide workforce investment activities shall not exceed 5 percent of the amount allotted to the State from each of the appropriations under the preceding subparagraphs;

(2) for federally administered programs, \$487,053,000 as follows:

(A) \$224,112,000 for the dislocated workers assistance national reserve, of which \$24,112,000 shall be available for the period July 1, 2012 through June 30, 2013, and of which \$200,000,000 shall be available for the period October 1, 2012 through June 30, 2013: Provided, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That funds provided to carry out section 171(d) of the WIA may be used

for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That none of the funds shall be obligated to carry out section 173(e) of the WIA;

(B) \$47,652,000 for Native American programs, which shall be available for the period July 1, 2012 through June 30, 2013;

(C) \$84,451,000 for migrant and seasonal farm-worker programs under section 167 of the WIA, including \$78,253,000 for formula grants (of which not less than 70 percent shall be for employment and training services), \$5,689,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$509,000 for other discretionary purposes, which shall be available for the period July 1, 2012 through June 30, 2013: Provided, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) \$998,000 for carrying out the WANTO, which shall be available for the period July 1, 2012 through June 30, 2013; and

(E) \$79,840,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2012 through June 30, 2013; and

(F) \$50,000,000 to be available to the Secretary of Labor (referred to in this title as "Secretary") for the Workforce Innovation Fund to carry out projects that demonstrate innovative strategies or replicate effective evidence-based strategies that align and strengthen the workforce investment system in order to improve program delivery and education and employment outcomes for beneficiaries, which shall be for the period July 1, 2012 through September 30, 2013: Provided, That amounts shall be available for awards to States or State agencies that are eligible for assistance under any program authorized under the WIA, consortia of States, or partnerships, including regional partnerships: Provided further, That not more than 5 percent of the funds available for workforce innovation activities shall be for technical assistance and evaluations related to the projects carried out with these funds;

(3) for national activities, \$103,062,000, as follows:

(A) \$6,616,000, in addition to any amounts available under paragraph (2), for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2012 through June 30, 2013: Provided, That funds made available by Public Law 112-10 that were designated for grants to address the employment and training needs of young parents may be used for other pilots, demonstrations, and research activities and for implementation activities related to the VOW to Hire Heroes Act of 2011 and may be transferred to "State Unemployment Insurance and Employment Service Operations" to carry out such implementation activities;

(B) \$80,390,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2012 through June 30, 2013, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA: Provided, That of this amount, \$20,000,000 shall be for competitive grants to national and regional intermediaries for activities that prepare young ex-offenders and school dropouts for employment, with a priority for projects serving high-crime, high-poverty areas;

(C) \$9,581,000 for Evaluation, which shall be available for the period July 1, 2012 through June 30, 2013; and

(D) \$6,475,000 for the Workforce Data Quality Initiative, under the authority of section

171(c)(2) of the WIA, which shall be available for the period July 1, 2012 through June 30, 2013, and which shall not be subject to the requirements of section 171(c)(4)(D).

#### OFFICE OF JOB CORPS

To carry out subtitle C of title I of the WIA, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration, and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA, \$1,706,171,000, plus reimbursements, as follows:

(1) \$1,572,049,000 for Job Corps Operations, which shall be available for the period July 1, 2012 through June 30, 2013;

(2) \$104,990,000 for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available for the period July 1, 2012 through June 30, 2015: Provided, That the Secretary may transfer up to 15 percent of such funds to meet the operational needs of such centers or to achieve administrative efficiencies: Provided further, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June 30, 2013; and

(3) \$29,132,000 for necessary expenses of the Office of Job Corps, which shall be available for obligation for the period October 1, 2011 through September 30, 2012:

Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

#### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (referred to in this Act as "OAA"), \$449,100,000, which shall be available for the period July 1, 2012 through June 30, 2013, and may be recaptured and reobligated in accordance with section 517(c) of the OAA.

#### FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2012 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, including benefit payments, allowances, training, employment and case management services, and related State administration provided pursuant to section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, \$1,100,100,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2012.

#### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$86,231,000, together with not to exceed \$3,958,441,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) \$3,181,154,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including not less than \$10,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501-8523, and the administration of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjust-

ment assistance under the Trade Act of 1974 and under section 231(a) of the Trade Adjustment Assistance Extension Act of 2011, and shall be available for obligation by the States through December 31, 2012, except that funds used for automation acquisitions or competitive grants awarded to States for improved operations, or reemployment and eligibility assessments and improper payments shall be available for obligation by the States through September 30, 2014, and funds used for unemployment insurance workloads experienced by the States through September 30, 2012 shall be available for Federal obligation through December 31, 2012;

(2) \$11,287,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) \$679,531,000 from the Trust Fund, together with \$22,638,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2012 through June 30, 2013;

(4) \$20,952,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed \$1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) \$65,517,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which \$50,418,000 shall be available for the Federal administration of such activities, and \$15,099,000 shall be available for grants to States for the administration of such activities; and

(6) \$63,593,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171 (e)(2)(C) of the WIA and shall be available for Federal obligation for the period July 1, 2012 through June 30, 2013:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2012 is projected by the Department of Labor to exceed 4,832,000, an additional \$28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: Provided further, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Secretary may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service



automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A-87: Provided further, That the Secretary, at the request of a State participating in a consortium with other States, may reallocate funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request.

In addition, \$50,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

#### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the "Federal Unemployment Benefits and Allowances" account, such sums as may be necessary, which shall be available for obligation through September 30, 2013.

#### PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$97,320,000, together with not to exceed \$50,040,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

#### EMPLOYEE BENEFITS SECURITY ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$183,500,000.

#### PENSION BENEFIT GUARANTY CORPORATION

##### PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2012, for the Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2012 shall be available for obligations for administrative expenses in excess of \$476,901,000: Provided further, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2012, an amount not to exceed an additional \$9,200,000 shall be available through September 30, 2013, for obligation for administrative expenses for every 20,000 additional terminated participants: Provided further, That an additional \$50,000 shall be made available through September 30, 2013, for obligation for investment management fees for every \$25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses or extraordinary multiemployer program related expenses after approval by the Office of Management and Budget and notification of the

Committees on Appropriations of the House of Representatives and the Senate.

#### WAGE AND HOUR DIVISION

##### SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$227,491,000.

#### OFFICE OF LABOR MANAGEMENT STANDARDS

##### SALARIES AND EXPENSES

For necessary expenses for the Office of Labor Management Standards, \$41,367,000.

#### OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

##### SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, \$105,386,000.

#### OFFICE OF WORKERS' COMPENSATION PROGRAMS

##### SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, \$115,939,000, together with \$2,124,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Worker's Compensation Act.

##### SPECIAL BENEFITS

##### (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, \$350,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under 5 U.S.C. 8104 by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2011, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2012: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$59,488,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, \$17,253,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, \$26,769,000;

(3) For periodic roll management and medical review, \$15,466,000; and

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or

a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

##### SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, \$141,227,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2013, \$40,000,000, to remain available until expended.

#### ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$52,147,000, to remain available until expended: Provided, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim such identifying information (including Social Security account number) as may be prescribed.

#### BLACK LUNG DISABILITY TRUST FUND

##### (INCLUDING TRANSFER OF FUNDS)

Such sums as may be necessary from the Black Lung Disability Trust Fund ("Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501(d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2012 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed \$32,906,000 for transfer to the Office of Workers' Compensation Programs, "Salaries and Expenses"; not to exceed \$25,217,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed \$327,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

#### OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$565,857,000, including not to exceed \$104,393,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act ("Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2012, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of

the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That \$10,729,000 shall be available for Susan Harwood training grants.

#### MINE SAFETY AND HEALTH ADMINISTRATION

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Mine Safety and Health Administration, \$374,000,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,499,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; and, in addition, the Secretary may transfer from amounts provided under this heading up to \$3,000,000 to "Departmental Management" for activities related to the Office of the Solicitor's caseload before the Federal Mine Safety and Health Review Commission; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and

to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

#### BUREAU OF LABOR STATISTICS

##### SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$342,921,000, together with not to exceed \$67,303,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which \$1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act.

#### OFFICE OF DISABILITY EMPLOYMENT POLICY

##### SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$38,953,000.

#### DEPARTMENTAL MANAGEMENT

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three passenger motor vehicles, \$346,683,000, together with not to exceed \$326,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That \$66,500,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2012: Provided further, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: Provided further, That \$40,000,000 shall be for programs to combat exploitative child labor internationally: Provided further, That not less than \$6,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: Provided further, That \$8,500,000 shall be used for program evaluation and shall be available for obligation through September 30, 2013: Provided further, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: Provided further, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce.

#### VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$212,060,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–

4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2012, of which \$2,444,000 is for the National Veterans' Employment and Training Services Institute.

In addition, to carry out Department of Labor programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the WIA, \$52,879,000, of which \$14,622,000 shall be available for obligation for the period July 1, 2012 through June 30, 2013.

#### IT MODERNIZATION

For necessary expenses for Department of Labor centralized infrastructure technology investment activities related to support systems and modernization, \$19,852,000.

#### OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$77,937,000, together with not to exceed \$5,909,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

#### GENERAL PROVISIONS

SEC. 101. None of the funds appropriated by this Act for the Job Corps shall be used to pay the salary and bonuses of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

#### (TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than competitive grants for training in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 105. None of the funds made available by this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such

funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. Notwithstanding this section, the limitation on salaries for the Job Corps shall continue to be governed by section 101.

SEC. 106. The Secretary shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of WIA, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 107. Notwithstanding section 102, the Secretary may transfer funds made available to the Employment and Training Administration by this Act or by Public Law 112-10, either directly or through a set-aside, for technical assistance services to grantees to "Program Administration" when it is determined that those services will be more efficiently performed by Federal employees.

(INCLUDING TRANSFER OF FUNDS)

SEC. 108. (a) The Secretary may reserve not more than 0.5 percent from each appropriation made available in this Act identified in subsection (b) in order to carry out evaluations of any of the programs or activities that are funded under such accounts. Any funds reserved under this section shall be transferred to "Departmental Management" for use by the Office of the Chief Evaluation Officer within the Department of Labor, and shall be available for obligation through September 30, 2013: Provided, That such funds shall only be available if the Chief Evaluation Officer of the Department of Labor submits a plan to the Committees on Appropriations of the House of Representatives and the Senate describing the evaluations to be carried out 15 days in advance of any transfer.

(b) The accounts referred to in subsection (a) are: "Office of Job Corps", "State Unemployment Insurance and Employment Service Operations", "Employee Benefits Security Administration", "Office of Workers' Compensation Programs", "Wage and Hour Division", "Office of Federal Contract Compliance Programs", "Office of Labor Management Standards", "Occupational Safety and Health Administration", "Mine Safety and Health Administration", and "Veterans Employment and Training".

SEC. 109. None of the funds made available by this Act may be used to promulgate the Definition of "Fiduciary" regulation (Regulatory Identification Number 1210-AB32) published by the Employee Benefits Security Administration of the Department of Labor on October 22, 2010 (75 Fed. Reg. 65263).

SEC. 110. None of the amounts made available under this Act may be used to implement the rule entitled "Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program" (76 Fed. Reg. 3452 (January 19, 2011)).

SEC. 111. None of the funds made available by this Act may be used to continue the development of or to promulgate, administer, enforce, or otherwise implement the Occupational Injury and Illness Recording and Reporting Requirements—Musculoskeletal Disorders (MSD) Column regulation (Regulatory Identification Number 1218-AC45) being developed by the Occupational Safety and Health Administration of the Department of Labor.

SEC. 112. None of the funds made available by this Act may be used to implement or enforce the proposed rule entitled "Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors" regulation published by the Mine Safety and Health Administration (MSHA) of the Department of Labor on October 19, 2010 (75 Fed. Reg. 64412, RIN 1219-AB64) until—

(1) the Government Accountability Office—

(A) issues, at a minimum, an interim report which—

(i) evaluates the completeness of MSHA's data collection and sampling, to include an analysis of whether such data supports current trends of the incidence of lung disease arising from occupational exposure to respirable coal mine dust across working underground coal miners; and

(ii) assesses the sufficiency of MSHA's analytical methodology; and

(B) not later than 240 days after enactment of this Act, submits the report described in subparagraph (A) to the Committees on Appropriations of the House of Representatives and the Senate; or

(2) the deadline described in paragraph (1)(B) for submission of the report has passed.

SEC. 113. None of the funds made available by this Act may be used by the Secretary to administer or enforce 29 CFR 779.372(c)(4).

This title may be cited as the "Department of Labor Appropriations Act, 2012".

## TITLE II

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### HEALTH RESOURCES AND SERVICES ADMINISTRATION

##### PRIMARY HEALTH CARE

For carrying out titles II and III of the Public Health Service Act (referred to in this Act as the "PHS Act") with respect to primary health care and the Native Hawaiian Health Care Act of 1988, \$1,598,957,000, of which \$129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided, That no more than \$40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act, including associated administrative expenses and relevant evaluations: Provided further, That no more than \$95,073,000 shall be available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services (referred to in this Act as "HHS") pertaining to administrative claims made under such law.

##### HEALTH WORKFORCE

For carrying out titles III, VII, and VIII of the PHS Act with respect to the health workforce, section 1128E of the Social Security Act, and the Health Care Quality Improvement Act of 1986, \$734,402,000: Provided, That sections 747(c)(2), 751(j)(2), and the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of the PHS Act shall not apply to funds made available under this heading: Provided further, That for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services (referred to in this title as "Secretary") may waive any of the requirements contained in sections 751(d)(2)(A) and

751(d)(2)(B) of such Act for the full project period of a grant under such section: Provided further, That no funds shall be available for section 340G-1 of the PHS Act: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under such Act sufficient to recover the full costs of operating the National Practitioner Data Bank and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That funds transferred to this account to carry out section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under such sections.

##### MATERNAL AND CHILD HEALTH

For carrying out titles III, XI, XII, and XIX of the PHS Act with respect to maternal and child health, title V of the Social Security Act, and section 712 of the American Jobs Creation Act of 2004, \$863,607,000: Provided, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not more than \$79,586,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and \$10,400,000 shall be available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act.

##### RYAN WHITE HIV/AIDS PROGRAM

For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, \$2,326,665,000, of which \$1,995,670,000 shall remain available to the Secretary of Health and Human Services through September 30, 2014, for parts A and B of title XXVI of the PHS Act, and of which not less than \$900,000,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act: Provided, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund Special Projects of National Significance under section 2691.

##### HEALTH CARE SYSTEMS

For carrying out titles III and XII of the PHS Act with respect to health care systems, and the Stem Cell Therapeutic and Research Act of 2005, \$83,526,000.

##### RURAL HEALTH

For carrying out titles III and IV of the PHS Act with respect to rural health, section 427(a) of the Federal Coal Mine Health and Safety Act, the Cardiac Arrest Survival Act of 2000, and sections 711 and 1820 of the Social Security Act, \$139,832,000, of which \$41,118,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program: Provided, That of the funds made available under this heading for Medicare rural hospital flexibility grants, \$15,000,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology and \$1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for grants under section 1820(g)(6) available for the purchase and implementation of telehealth services, including

pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs electronic health record system: Provided further, That notwithstanding section 338J(k) of the PHS Act, \$10,055,000 shall be available for State Offices of Rural Health.

#### FAMILY PLANNING

For carrying out the program under title X of the PHS Act to provide for voluntary family planning projects, \$297,400,000: Provided, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.

#### PROGRAM MANAGEMENT

For program support in the Health Resources and Services Administration, \$161,815,000: Provided, That funds made available under this heading may be used to supplement program support funding provided under the headings "Primary Health Care", "Health Workforce", "Maternal and Child Health", "Ryan White HIV/AIDS Program", "Health Care Systems", and "Rural Health".

#### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the PHS Act. For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, \$2,841,000.

#### VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund ("Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1998, pursuant to subtitle 2 of title XXI of the PHS Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed \$6,489,000 shall be available from the Trust Fund to the Secretary.

#### CENTERS FOR DISEASE CONTROL AND PREVENTION

##### IMMUNIZATION AND RESPIRATORY DISEASES

For carrying out titles II, III, VII, XVII, and XXI, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to immunization and respiratory diseases, \$579,375,000: Provided, That in addition to amounts provided herein, \$12,864,000 shall be available from amounts available under section 241 of the PHS Act to carry out the National Immunization Surveys.

##### HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES, AND TUBERCULOSIS PREVENTION

For carrying out titles II, III, VII, XVII, XXIII, and XXVI of the PHS Act with respect to HIV/AIDS, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, \$1,105,995,000.

##### EMERGING AND ZOO NOTIC INFECTIOUS DISEASES

For carrying out titles II, III, VII, and XVII, and section 2821 of the PHS Act, titles II and IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act, with respect to emerging and zoonotic infectious diseases, \$253,919,000.

#### CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

For carrying out titles II, III, VII, XI, XV, XVII, and XIX of the PHS Act with respect to chronic disease prevention and health promotion, \$760,700,000: Provided, That funds appropriated under this account may be available for making grants under section 1509 of the PHS Act for not less than 21 States, tribes, or tribal organizations.

#### BIRTH DEFECTS, DEVELOPMENTAL DISABILITIES, DISABILITIES AND HEALTH

For carrying out titles II, III, VII, XI, and XVII of the PHS Act with respect to birth defects, developmental disabilities, disabilities and health, \$138,072,000.

#### PUBLIC HEALTH SCIENTIFIC SERVICES

For carrying out titles II and III of the PHS Act with respect to health statistics, surveillance, informatics, and workforce development, \$144,795,000: Provided, That in addition to amounts provided herein, \$247,769,000 shall be available from amounts available under section 241 of the PHS Act to carry out Public Health Scientific Services.

#### ENVIRONMENTAL HEALTH

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to environmental health, \$105,598,000.

#### INJURY PREVENTION AND CONTROL

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to injury prevention and control, \$138,480,000.

#### NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

For carrying out titles II, III, VII, and XVII of the PHS Act, sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act, section 13 of the Mine Improvement and New Emergency Response Act, and sections 20, 21, and 22 of the Occupational Safety and Health Act, with respect to occupational safety and health, \$182,903,000: Provided, That in addition to amounts provided herein, \$110,724,000 shall be available from amounts available under section 241 of the PHS Act.

#### EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$55,358,000, to remain available until expended, of which \$4,500,000 shall be for use by or in support of the Advisory Board on Radiation and Worker Health ("Board") to carry out its statutory responsibilities, including obtaining audits, technical assistance, and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports: Provided, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106-554.

#### GLOBAL HEALTH

For carrying out titles II, III, VII and XVII of the PHS Act with respect to global health, \$349,547,000, of which \$118,023,000 for international HIV/AIDS shall remain available through September 30, 2013: Provided, That funds may be used for purchase and insurance of official motor vehicles in foreign countries.

#### PUBLIC HEALTH PREPAREDNESS AND RESPONSE

For carrying out titles II, III, VII, and XVII of the PHS Act with respect to public health preparedness and response, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations,

\$1,306,906,000, of which \$509,486,000 shall remain available until expended for the Strategic National Stockpile under section 319F-2 of the PHS Act.

#### CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For carrying out titles II, III, VII, XVII and XIX, and section 2821 of the PHS Act and for cross-cutting activities and program support that supplement activities funded under the headings "Immunization and Respiratory Diseases", "HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention", "Emerging and Zoonotic Infectious Diseases", "Chronic Disease Prevention and Health Promotion", "Birth Defects, Developmental Disabilities, Disabilities and Health", "Environmental Health", "Injury Prevention and Control", "National Institute for Occupational Safety and Health", "Employees Occupational Illness Compensation Program Act", "Global Health", "Public Health Preparedness and Response", and "Public Health Scientific Services", \$621,445,000, of which \$30,000,000 shall be available until September 30, 2013 for business services, of which \$25,000,000 shall be available until September 30, 2016 for equipment, construction and renovation of facilities, and of which \$80,000,000 shall be for the Preventive Health and Health Services Block Grant Program: Provided, That paragraphs (1) through (3) of subsection (b) of section 2821 of the PHS Act shall not apply to funds appropriated under this heading and in all other accounts of the Centers for Disease Control and Prevention (referred to in this title as "CDC"): Provided further, That funds appropriated under this heading and in all other accounts of CDC may be used to support the purchase, hire, maintenance, and operation of aircraft for use and support of the activities of CDC: Provided further, That employees of CDC or the Public Health Service, both civilian and commissioned officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or HHS during the period of detail or assignment: Provided further, That CDC may use up to \$10,000 from amounts appropriated to CDC in this Act for official reception and representation expenses when specifically approved by the Director of CDC: Provided further, That in addition, such sums as may be derived from authorized user fees, which shall be credited to the appropriation charged with the cost thereof: Provided further, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program shall be available through September 30, 2013: Provided further, That of the funds made available under this heading, up to \$1,000 per eligible employee of CDC shall be made available until expended for Individual Learning Accounts: Provided further, That CDC may establish a Working Capital Fund, with the authorities equivalent to those provided in 42 U.S.C. 231, to improve the provision of supplies and service.

#### NATIONAL INSTITUTES OF HEALTH

##### NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cancer, \$5,081,788,000, of which up to \$8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute—Frederick Federally Funded Research and Development Center in Frederick, Maryland.

##### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,084,851,000.

NATIONAL INSTITUTE OF DENTAL AND  
CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to dental disease, \$411,488,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE  
AND KIDNEY DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to diabetes and digestive and kidney disease, \$1,800,447,000.

NATIONAL INSTITUTE OF NEUROLOGICAL  
DISORDERS AND STROKE

For carrying out section 301 and title IV of the PHS Act with respect to neurological disorders and stroke, \$1,629,445,000.

NATIONAL INSTITUTE OF ALLERGY AND  
INFECTIOUS DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to allergy and infectious diseases, \$4,499,215,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL  
SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to general medical sciences, \$2,434,637,000: Provided, That not less than \$276,480,000 is provided for the Institutional Development Awards program.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE  
OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the PHS Act with respect to child health and human development, \$1,323,900,000.

## NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to eye diseases and visual disorders, \$704,043,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH  
SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, \$686,869,000.

## NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the PHS Act with respect to aging, \$1,105,530,000.

NATIONAL INSTITUTE OF ARTHRITIS AND  
MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the PHS Act with respect to arthritis and musculoskeletal and skin diseases, \$536,801,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER  
COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the PHS Act with respect to deafness and other communication disorders, \$417,061,000.

## NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the PHS Act with respect to nursing research, \$145,043,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND  
ALCOHOLISM

For carrying out section 301 and title IV of the PHS Act with respect to alcohol abuse and alcoholism, \$460,389,000.

## NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the PHS Act with respect to drug abuse, \$1,055,362,000.

## NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the PHS Act with respect to mental health, \$1,483,068,000.

## NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the PHS Act with respect to human genome research, \$513,844,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING  
AND BIOENGINEERING

For carrying out section 301 and title IV of the PHS Act with respect to biomedical imaging and bioengineering research, \$338,998,000.

NATIONAL CENTER FOR COMPLEMENTARY AND  
ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to complementary and alternative medicine, \$128,299,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND  
HEALTH DISPARITIES

For carrying out section 301 and title IV of the PHS Act with respect to minority health and health disparities research, \$276,963,000.

## JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the PHS Act), \$69,754,000.

## NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the PHS Act with respect to health information communications, \$338,278,000, of which \$4,000,000 shall be available until September 30, 2013, for improvement of information systems: Provided, That in fiscal year 2012, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health (referred to in this title as "NIH"): Provided further, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

NATIONAL CENTER FOR ADVANCING  
TRANSLATIONAL SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to translational sciences, \$576,456,000: Provided, That up to \$10,000,000 shall be available to implement section 402C of the PHS Act, relating to the Cures Acceleration Network: Provided further, That funds appropriated may be used to support the reorganization and activities required to eliminate the National Center for Research Resources: Provided further, That the Director of the NIH shall ensure that, of all funds made available to Institute, Center, and Office of the Director accounts within "Department of Health and Human Services, National Institutes of Health", at least \$487,767,000 is provided to the Clinical and Translational Sciences Awards program.

## OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, NIH, \$1,461,880,000, of which up to \$25,000,000 shall be used to carry out section 213 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That NIH is authorized to collect third-party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: Provided further, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That \$193,880,000 shall be available for continuation of the National Children's Study: Provided further, That \$545,962,000 shall be available for the Common Fund established under section 402A(c)(1) of the PHS Act: Provided further, That of the funds provided \$10,000 shall be for

official reception and representation expenses when specifically approved by the Director of the NIH: Provided further, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to \$8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

## BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by NIH, including the acquisition of real property, \$125,581,000, to remain available until September 30, 2016.

SUBSTANCE ABUSE AND MENTAL HEALTH  
SERVICES ADMINISTRATION  
MENTAL HEALTH

For carrying out titles III, V, and XIX of the PHS Act with respect to mental health, and the Protection and Advocacy for Individuals with Mental Illness Act, \$934,853,000: Provided, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A shall be available for carrying out section 1971 of the PHS Act: Provided further, That in addition to amounts provided herein, \$21,039,000 shall be available under section 241 of the PHS Act to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX: Provided further, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2012: Provided further, That of the amount appropriated under this heading, \$45,800,000 shall be for the National Child Traumatic Stress Initiative as described in section 582 of the PHS Act.

## SUBSTANCE ABUSE TREATMENT

For carrying out titles III, V, and XIX of the PHS Act with respect to substance abuse treatment and section 1922(a) of the PHS Act with respect to substance abuse prevention, \$2,123,993,000: Provided, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; and (2) \$2,000,000 to evaluate substance abuse treatment programs: Provided further, That no funds shall be available for the National All Schedules Prescription Reporting system.

## SUBSTANCE ABUSE PREVENTION

For carrying out titles III and V of the PHS Act with respect to substance abuse prevention, \$186,361,000.

## HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For program support and cross-cutting activities that supplement activities funded under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention" in carrying out titles III, V and XIX of the PHS Act and the Protection and Advocacy for Individuals with Mental Illness Act in the Substance Abuse and Mental Health Services Administration, \$109,106,000: Provided, That in addition to amounts provided herein, \$27,428,000 shall be available under section 241 of the PHS Act to supplement funds available to carry out national surveys on drug abuse and mental health, to collect and analyze program data, and to conduct public awareness and technical assistance activities: Provided further, That funds

made available under this heading may be used to supplement program support funding provided under the headings "Mental Health", "Substance Abuse Treatment", and "Substance Abuse Prevention".

#### AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

##### HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the PHS Act, part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, \$369,053,000 shall be available from amounts available under section 241 of the PHS Act, notwithstanding subsection 947(c) of such Act: Provided, That in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until September 30, 2013.

#### CENTERS FOR MEDICARE AND MEDICAID SERVICES GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$184,279,110,000, to remain available until expended.

For making, after May 31, 2012, payments to States under title XIX or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2012 for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2013, \$90,614,082,000, to remain available until expended.

Payment under such title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

#### PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D-16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d)(3) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$230,741,378,000.

In addition, for making matching payments under section 1844 and benefit payments under section 1860D-16 of the Social Security Act that were not anticipated in budget estimates, such sums as may be necessary.

#### PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the PHS Act, the Clinical Laboratory Improvement Amendments of 1988, and other responsibilities of the Centers for Medicare and Medicaid Services, not to exceed \$3,879,476,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until September 30, 2017: Provided, That all funds derived in accordance with 31 U.S.C. 9701

from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That \$34,000,000, to remain available through September 30, 2013, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That the Secretary is directed to collect fees in fiscal year 2012 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That \$44,000,000 shall be available for the State high-risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006.

#### HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$310,377,000, to remain available through September 30, 2013, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which \$219,879,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage under Part C and the Medicare Prescription Drug Program under Part D of the Social Security Act and for activities described in section 1893(b) of such Act, of which \$29,730,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act, of which \$31,038,000 shall be for the Medicaid and Children's Health Insurance Program ("CHIP") program integrity activities, and of which \$29,730,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: Provided, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2012 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation.

#### ADMINISTRATION FOR CHILDREN AND FAMILIES

##### PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, \$2,305,035,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2013, \$1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for

the current fiscal year, such sums as may be necessary.

#### LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, \$3,478,246,000: Provided, That all but \$497,000,000 of such funds shall be allocated as though the total appropriation for such payments for fiscal year 2012 was less than \$1,975,000,000: Provided further, That notwithstanding section 2609A(a), of the amounts appropriated under section 2602(b), not more than \$3,000,000 of such amounts may be reserved by the Secretary for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies and procedures.

#### REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, \$769,789,000, of which up to \$9,794,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act, section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000 for fiscal year 2012 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2014.

#### PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, \$2,282,627,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That \$19,433,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be available to the Secretary for a competitive grant for the operation of a national toll free hotline and Web site to develop and disseminate child care consumer education information for parents and help parents access child care in their local community: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, \$291,248,000 shall be reserved by the States for activities authorized under section 658G, of which \$106,813,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That \$9,890,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

#### SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

#### CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child



Abuse Prevention and Treatment Act, sections 303 and 313 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, section 291 of the Help America Vote Act of 2002, part B-1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act ("CSBG Act"), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, \$9,926,709,000, of which \$39,421,000, to remain available through September 30, 2013, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2012: Provided, That \$7,983,633,000 shall be for making payments under the Head Start Act: Provided further, That for purposes of allocating funds described by the immediately preceding proviso, the term "base grant" as used in subsection (a)(7)(A) of section 640 of such Act with respect to funding provided to a Head Start agency (including each Early Head Start agency) for fiscal year 2011 shall be calculated as described in such subsection and to which amount shall be added 50 percent of the amount of funds appropriated under the heading "Department of Health and Human Services, Administration for Children and Families, Children and Family Services Programs" in Public Law 111-5 and provided to such agency for carrying out expansion of Head Start programs, as that phrase is used in subsection (a)(4)(D) of such section 640, and provided to such agency as the ongoing funding level for operations in the 12-month period beginning in fiscal year 2010: Provided further, That \$713,630,000 shall be for making payments under the CSBG Act: Provided further, That \$35,340,000 shall be for sections 680 and 678E(b)(2) of the CSBG Act, of which not less than \$30,000,000 shall be for section 680(a)(2) and not less than \$4,990,000 shall be for section 680(a)(3)(B) of such Act: Provided further, That in addition to amounts provided herein, \$5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: Provided further, That these procedures shall apply to such grant funds made available after November 29, 1999: Provided further, That funds appropriated for

section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That \$5,245,000 shall be for activities authorized by section 291 of the Help America Vote Act of 2002: Provided further, That \$1,996,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: Provided further, That up to \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

#### PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, \$345,000,000 and section 437 of such Act, \$63,184,000.

#### PAYMENTS FOR FOSTER CARE AND PERMANENCY

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$5,153,000,000.

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, for the first quarter of fiscal year 2013, \$2,100,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV-E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

#### ADMINISTRATION ON AGING

##### AGING SERVICES PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 ("OAA"), section 398 and title XXIX of the PHS Act, section 119 of the Medicare Improvements for Patients and Providers Act of 2008, \$1,473,703,000: Provided, That amounts appropriated under this heading may be used for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated through rigorous evaluation to be evidence-based and effective: Provided further, That none of the funds provided shall be used to carry out sections 1701 and 1703 of the PHS Act (with respect to chronic disease self-management activity grants), except that such funds may be used for necessary expenses associated with administering any such grants awarded prior to the date of the enactment of this Act: Provided further, That the total amount available for fiscal year 2012 under this and any other Act to carry out activities related to Aging and Disability Resource Centers under subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the OAA shall not exceed the amount obligated for such purposes for fiscal year 2010 from funds available under Public Law 111-117: Provided further, That notwithstanding any other provision of this Act, funds made available under this heading to carry out section 311 of the OAA may be transferred to the Secretary of Agriculture in accordance with such section.

#### OFFICE OF THE SECRETARY

##### GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six passenger motor vehicles, and for carrying out titles III, XVII, and XXI of the PHS Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$475,221,000, together with \$69,211,000 from the amounts available under section 241 of the PHS

Act to carry out national health or human services research and evaluation activities: Provided, That of this amount, \$53,783,000 shall be for minority AIDS prevention and treatment activities: Provided further, That of the funds made available under this heading, \$104,790,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not less than \$75,000,000 shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, of which not less than \$25,000,000 shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy, and of which any remaining amounts shall be available for training and technical assistance, evaluation, outreach, and additional program support activities: Provided further, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, \$8,455,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: Provided further, That of the funds made available under this heading, \$5,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2)(A)-(H) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: Provided further, That grants made under the authority of section 510(b)(2)(A)-(H) of the Social Security Act shall be made only to public and private entities that agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That funds provided in this Act for embryo adoption activities may be used to provide to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: Provided further, That such services shall be provided consistent with 42 CFR 59.5(a)(4).

#### OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), \$72,147,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

#### OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, \$16,446,000: Provided, That in addition to amounts provided herein, \$44,811,000 shall be available from amounts available under section 241 of the PHS Act.

#### OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of

1978, \$50,178,000: Provided, That of such amount, necessary sums shall be available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: Provided further, That at least 40 percent of the funds provided in this Act for the Office of Inspector General shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

#### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$41,016,000.

#### RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

#### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

##### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, \$569,452,000; of which \$10,000,000 shall remain available until September 30, 2014 to support emergency operations.

From funds transferred to this account pursuant to the fourth paragraph under this heading in Public Law 111-117, up to \$415,000,000 shall be available for expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, and other administrative expenses of the Biomedical Advanced Research and Development Authority to support additional advanced research and development.

#### GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the PHS Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in HHS, prior to the preparation and submission of a report by the Secretary to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 205. Notwithstanding section 241(a) of the PHS Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

##### (TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget

and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for HHS in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

##### (TRANSFER OF FUNDS)

SEC. 207. The Director of the NIH, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

##### (TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for NIH, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the PHS Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the PHS Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. Notwithstanding any other provision of law, no provider of services under title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. In order for HHS to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2012:

(1) The Secretary may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a

manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of HHS. The Department of State shall cooperate fully with the Secretary to ensure that HHS has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

SEC. 213. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of NIH ("Director") may use funds available under section 402(b)(7) or 402(b)(12) of the PHS Act to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 214. Funds which are available for Individual Learning Accounts for employees of CDC and the Agency for Toxic Substances and Disease Registry ("ATSDR") may be transferred to appropriate accounts of CDC, to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 215. Notwithstanding any other provisions of law, discretionary funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102-408.

SEC. 216. Not to exceed \$45,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed \$3,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 217. Of the amounts made available for NIH, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the PHS Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 218. None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

SEC. 219. None of the funds appropriated or otherwise made available in this Act may be expended to advance the creation of a Federally Funded Research and Development Center at the Centers for Medicare and Medicaid Services, prior to a Federal Register notice being issued that outlines: how this proposal would meet the specific requirements identified in FAR 35.017-2; agency procedures that ensure small business competitiveness is maintained; and the outline of a transparent award and governance process to be employed.

SEC. 220. (a) The Secretary shall establish a publicly accessible website to provide information regarding the uses of funds made available under section 4002 of Public Law 111-148.

(b) With respect to funds provided for fiscal year 2012, the Secretary shall include on the website established under subsection (a) at a minimum the following information:

(1) In the case of each transfer of funds under section 4002(c), a statement indicating the program or activity receiving funds, the operating division or office that will administer the funds, and the planned uses of the funds, to be posted not later than the day after the transfer is made.

(2) Identification (along with a link to the full text) of each funding opportunity announcement, request for proposals, or other announcement or solicitation of proposals for grants, cooperative agreements, or contracts intended to be awarded using such funds, to be posted not later than the day after the announcement or solicitation is issued.

(3) Identification of each grant, cooperative agreement, or contract with a value of \$25,000 or more awarded using such funds, including the purpose of the award and the identity of the recipient, to be posted not later than 5 days after the award is made.

(4) A report detailing the uses of all funds transferred under section 4002(c) during the fiscal year, to be posted not later than 90 days after the end of the fiscal year.

(5) Semi-annual reports from each entity awarded a grant, cooperative agreement, or contract from such funds with a value of \$25,000 or more, summarizing the activities undertaken and identifying any sub-grants or sub-contracts awarded (including the purpose of the award and the identity of the recipient), to be posted not later than 30 days after the end of each 6-month period.

SEC. 221. (a) ESTABLISHMENT OF NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES; ELIMINATION OF NATIONAL CENTER FOR RESEARCH RESOURCES.—

(1) IN GENERAL.—Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended—

(A) in the subpart heading, by striking "National Center for Research Resources" and inserting "National Center for Advancing Translational Sciences";

(B) by striking sections 480 and 481; and

(C) by amending section 479 to read as follows:

**"SEC. 479. NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES.**

**"(a) PURPOSE.**—The purpose of the National Center for Advancing Translational Sciences (in this subpart referred to as the 'Center') is to advance translational sciences, including by—

**"(1)** coordinating and developing resources that leverage basic research in support of translational science; and

**"(2)** developing partnerships and working cooperatively to foster synergy in ways that do not create duplication, redundancy, and competition with industry activities.

**"(b) CLINICAL TRIAL ACTIVITIES.**—

**"(1) IN GENERAL.**—The Center may develop and provide infrastructure and resources for all phases of clinical trials research. Except as provided in paragraph (2), the Center may support clinical trials only through the end of phase IIA.

**"(2) EXCEPTION.**—The Center may support clinical trial activities through the end of phase IIB for a treatment for a rare disease or condition (as defined in section 526 of the Federal Food, Drug, and Cosmetic Act) so long as—

**"(A)** the Center gives public notice for a period of at least 120 days of the Center's intention to support the clinical trial activities in phase IIB;

**"(B)** no public or private organization provides credible written intent to the Center that the organization has timely plans to further the clinical trial activities or conduct clinical trials of a similar nature beyond phase IIA; and

**"(C)** the Center ensures that support of the clinical trial activities in phase IIB will not increase the Federal Government's liability beyond the award value of the Center's support.

**"(c) ANNUAL REPORT.**—The Center shall publish an annual report that, with respect to all research supported by the Center, includes a complete list of—

**"(1)** the molecules being studied;

**"(2)** clinical trial activities being conducted;

**"(3)** the methods and tools in development;

**"(4)** ongoing partnerships, including—

**"(A)** the rationale for each partnership;

**"(B)** the status of each partnership;

**"(C)** the funding provided by the Center to other entities pursuant to each partnership; and

**"(D)** the activities which have been transferred to industry pursuant to each partnership; and

**"(5)** known research activity of other entities that is or will expand upon research activity of the Center."

**(2) LIST OF INSTITUTES AND CENTERS.**—Section 401(b)(21) of the Public Health Service Act (42 U.S.C. 281(b)(21)) is amended by striking "National Center for Research Resources" and inserting "National Center for Advancing Translational Sciences".

**(b) ASSIGNMENT OF CERTAIN FUNCTIONS OF FORMER NATIONAL CENTER FOR RESEARCH RESOURCES.**—

**(1) BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.**—Section 481A of the Public Health Service Act (42 U.S.C. 287a-2)—

(A) is redesignated as section 404I and is moved to follow section 404H of such Act (42 U.S.C. 283j); and

(B) is amended—

(i) in subsection (a)(1), by striking "acting through the Director of the Center or the Director of the National Institute of Allergy and Infectious Diseases" and inserting "acting through the Office of the Director of NIH or the

Director of the National Institute of Allergy and Infectious Diseases";

(ii) in subsections (c), (d), (e), and (f)(2), by striking "Director of the Center or the Director of the National Institute of Allergy and Infectious Diseases" each place it appears and inserting "Director of NIH, acting through the Office of the Director of NIH or the National Institute of Allergy and Infectious Diseases,";

(iii) in subsection (b)(2), by striking "Director of the Center" each place it appears and inserting "Director of NIH";

(iv) in subsections (b)(3)(A), (f)(1), and (g), by striking the comma at the end of "Director of the Center," each place it appears;

(v) by striking "Director of the Center" each place it appears and inserting "Director of NIH, acting through the Office of the Director of NIH,";

(vi) in subsection (b)—

(I) in paragraph (1)(A), by striking "within the Center"; and

(II) in paragraph (2)—

(aa) in subparagraph (A), by striking "and the advisory council established under section 480 (in this section referred to as the 'Advisory Council')" and inserting "and the Council of Councils established under section 402(l) (in this section referred to as the 'Council')"; and

(bb) in subparagraphs (B), (C), and (D), by striking "Advisory" each place it appears; and

(vii) in subsection (g), by striking "after consultation with the Advisory Council" and inserting "after consultation with the Council".

**(2) CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.**—Section 481B of the Public Health Service Act (42 U.S.C. 287a-3)—

(A) is redesignated as section 404J and is moved to follow section 404I, as redesignated by paragraph (1); and

(B) in subsection (a), is amended—

(i) by striking "by the National Center for Research Resources" and inserting "by the Director of NIH, acting through the Office of the Director of NIH,"; and

(ii) by striking "481A" and inserting "404I".

**(3) SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES.**—Section 481C of the Public Health Service Act (42 U.S.C. 287a-3a)—

(A) is redesignated as section 404K and is moved to follow section 404J, as redesignated by paragraph (2); and

(B) in subsection (d)(4)(A)(ii), is amended by striking "that is carried out by the National Center for Research Resources" and inserting "that is carried out by the Director of NIH, acting through the Office of the Director of NIH,".

**(4) SHARED INSTRUMENTATION GRANT PROGRAM.**—Section 305 of the Public Health Improvement Act (42 U.S.C. 287 note)—

(A) is redesignated as section 404L of the Public Health Service Act and is moved to follow section 404K of that Act, as redesignated by paragraph (3); and

(B) is amended—

(i) by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(ii) in subsection (a), as so redesignated, by striking "under the program described in subsection (a)" and inserting "under the Shared Instrumentation Grant Program";

(iii) by striking "Director of the National Center for Research Resources" each place it appears and inserting "Director of NIH, acting through the Office of the Director of NIH,"; and

(iv) in subsection (b), as so redesignated—

(I) by striking "in subsection (a)" and inserting "in subsection (a), the"; and

(II) by striking "of the Public Health Service Act (42 U.S.C. 289a)".

**(5) INSTITUTIONAL DEVELOPMENT AWARD PROGRAM.**—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(A) in section 461, by striking the section heading and designation and all that follows through “The general purpose” and inserting the following:

**“SEC. 461. NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES.**

“(a) GENERAL PURPOSE.—The general purpose”;

(B) by moving subsection (g) of section 402 to the end of section 461, as amended, and redesignating that subsection as subsection (b); and

(C) in section 461(b), as so redesignated—

(i) by striking “(b)(1)(A) In the case of” and inserting the following:

“(b) INSTITUTIONAL DEVELOPMENT AWARD PROGRAM.—

“(1)(A) In the case of”;

(ii) by moving two ems to the right—

(I) subparagraphs (B) and (C) of paragraph (1);

(II) clauses (i), (ii), and (iii) of such subparagraph (C); and

(III) paragraph (2); and

(iii) in paragraph (1)(A), by striking “acting through the Director of the National Center for Research Resources” and inserting “acting through the Director of the National Institute of General Medical Sciences”.

(c) ASSIGNMENT OF CERTAIN OFFICES AND FUNCTIONS TO NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES.—

(1) CURES ACCELERATION NETWORK.—Section 402C of the Public Health Service Act (42 U.S.C. 282d)—

(A) is redesignated as section 480 and is moved to follow section 479;

(B) in subsection (b), is amended in the matter that precedes paragraph (1) by striking “within the Office of the Director of NIH” and inserting “within the Center”;

(C) by striking “Director of NIH” each place it appears and inserting “Director of the Center”;

(D) in the headings of subsections (d)(4) and (d)(4)(B), by striking “DIRECTOR OF NIH” each place it appears and inserting “DIRECTOR OF THE CENTER”.

(2) OFFICE OF RARE DISEASES.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(A) in section 404F—

(i) by redesignating such section as section 481 and moving such section to follow section 480, as redesignated by paragraph (1);

(ii) in subsection (a)—

(I) by striking “within the Office of the Director of NIH” and inserting “within the Center”;

and

(II) by striking “Director of NIH” and inserting “Director of the Center”;

and

(iii) in subsection (b)(1)(C), by striking “404G” and inserting “481A”;

and

(B) in section 401(c)(2)(A), by striking “the Office of Rare Diseases.”.

(3) RARE DISEASE REGIONAL CENTERS OF EXCELLENCE.—Section 404G of the Public Health Service Act (42 U.S.C. 283i) is redesignated as section 481A and is moved to follow section 481, as redesignated by paragraph (2).

(4) GENERAL CLINICAL RESEARCH CENTERS.—Section 481D of the Public Health Service Act (42 U.S.C. 287a-4)—

(A) is redesignated as section 481B; and

(B) in subsection (a), is amended by striking “Director of the National Center for Research Resources” and inserting “Director of the Center”.

(d) CONFORMING AMENDMENTS.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 402(b)(24) (42 U.S.C. 282(b)(24)), by striking “402C” and inserting “480”;

(2) in section 404C(e)(3)(A) (42 U.S.C. 283e(e)(3)(A)), by striking “and the Director of the Center for Research Resources”;

(3) in section 464z-3(i)(1) (42 U.S.C. 2851(i)(1))—

(A) by striking “Director of National Institute for Research Resources” and inserting “Director of NIH”;

(B) by striking “481(c)(3)” and inserting “404I(c)(2)”;

and

(C) by inserting “under such section” after “Institutions of Emerging Excellence”;

(4) in section 499(c)(1)(E) (42 U.S.C. 290b(c)(1)(E)), by striking “section 402C” and inserting “section 480”.

Sec. 222. The discretionary appropriation for CDC is hereby reduced by \$20,000,000: Provided, That the reduction should be taken from contracting and administrative costs in each of the CDC accounts.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2012”.

### TITLE III

#### DEPARTMENT OF EDUCATION

##### EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (referred to in this Act as “ESEA”) and section 418A of the Higher Education Act of 1965 (referred to in this Act as “HEA”), \$15,750,983,000, of which \$4,817,117,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which \$10,841,177,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That \$6,584,750,000 shall be for basic grants under section 1124 of the ESEA: Provided further, That up to \$3,992,000 of these funds shall be available to the Secretary of Education (referred to in this title as “Secretary”) on October 1, 2011, to obtain annually updated local educational agency-level census poverty data from the Bureau of the Census: Provided further, That \$1,362,301,000 shall be for concentration grants under section 1124A of the ESEA: Provided further, That \$3,288,183,000 shall be for targeted grants under section 1125 of the ESEA: Provided further, That \$3,288,183,000 shall be for education finance incentive grants under section 1125A of the ESEA: Provided further, That \$3,200,000 shall be to carry out sections 1501 and 1503 of the ESEA: Provided further, That \$534,562,000 shall be available for school improvement grants under section 1003(g) of the ESEA, which shall be allocated by the Secretary through the formula described in section 1003(g)(2) and shall be used consistent with the requirements of section 1003(g), except that State and local educational agencies may use such funds to serve any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least 2 years or is in the State’s lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to those schools with graduation rates below 60 percent: Provided further, That notwithstanding section 1003(g)(5)(A), each State educational agency may establish a maximum subgrant size of not more than \$2,000,000 for each participating school applicable to such funds: Provided further, That the Secretary may reserve up to 5 percent of the funds available for section 1003(g) of the ESEA to carry out activities to build State and local educational agency capacity to implement effectively the school improvement grants program: Provided further, That \$160,000,000 shall be available under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with

disabilities, of which one-half of 1 percent shall be reserved for the Secretary of the Interior for such a program at schools funded by the Bureau of Indian Education, one-half of 1 percent shall be reserved for grants to the outlying areas for such a program, up to 5 percent may be reserved for national activities, and the remainder shall be used to award competitive grants to State educational agencies for such a program, of which a State educational agency may reserve up to 5 percent for State leadership activities, including technical assistance and training, data collection, reporting, and administration, and shall subgrant not less than 95 percent to local educational agencies or, in the case of early literacy, to local educational agencies or other nonprofit providers of early childhood education that partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages of disadvantaged children: Provided further, That the State educational agency shall ensure that at least 15 percent of the subgranted funds are used to serve children from birth through age 5, 40 percent are used to serve students in kindergarten through grade 5, and 40 percent are used to serve students in middle and high school including an equitable distribution of funds between middle and high schools: Provided further, That eligible entities receiving subgrants from State educational agencies shall use such funds for services and activities that have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level and other research-based methods of improving classroom instruction and practice.

##### IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the ESEA, \$1,293,631,000, of which \$1,155,724,000 shall be for basic support payments under section 8003(b), \$48,505,000 shall be for payments for children with disabilities under section 8003(d), \$17,474,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2013, \$67,074,000 shall be for Federal property payments under section 8002, and \$4,854,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2011–2012, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

##### SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A and B of title II, part B of title IV, parts A and B of title VI, and parts B and C of title VII of the ESEA; the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of

1964, \$4,550,018,000, of which \$2,725,246,000 shall become available on July 1, 2012, and remain available through September 30, 2013, and of which \$1,681,441,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That funds made available to carry out part C of title VII of the ESEA shall be awarded on a competitive basis, and also may be used for construction: Provided further, That \$51,210,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That \$17,652,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: Provided further, That up to 1.5 percent of the funds for subpart 1 of part A of title II of the ESEA shall be reserved by the Secretary for competitive awards for teacher or principal training or professional enhancement activities to national not-for-profit organizations.

#### INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the ESEA, \$131,027,000.

#### INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V of the ESEA, and sections 14006 and 14007 of division A of the American Recovery and Reinvestment Act of 2009, as amended, \$1,530,429,000: Provided, That the Secretary may use up to \$550,000,000, which shall remain available for obligation through December 31, 2012, for section 14006 of division A of Public Law 111–5, as amended, to make awards (including on the basis of previously submitted applications) to States or to local educational agencies, or both, in accordance with the applicable requirements of that section, as determined by the Secretary, and may use up to 5 percent of such funds for technical assistance and evaluation of the activities carried out under that section: Provided further, That up to \$149,700,000 shall be available for obligation through December 31, 2012 for section 14007 of division A of Public Law 111–5, and up to 5 percent of such funds may be used for technical assistance and the evaluation of activities carried out under such section: Provided further, That \$300,000,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one nonprofit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: Provided further, That such performance-based compensation systems must consider gains in student academic achievement as well

as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: Provided further, That recipients of such grants shall demonstrate that such performance-based compensation systems are developed with the input of teachers and school leaders in the schools and local educational agencies to be served by the grant: Provided further, That recipients of such grants may use such funds to develop or improve systems and tools (which may be developed and used for the entire local educational agency or only for schools served under the grant) that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement: Provided further, That applications for such grants shall include a plan to sustain financially the activities conducted and systems developed under the grant once the grant period has expired: Provided further, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach, and evaluation activities: Provided further, That of the funds available for part B of title V of the ESEA, the Secretary shall use not less than \$23,000,000 to carry out activities under section 5205(b) and under subpart 2: Provided further, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the Secretary may reserve up to \$55,000,000 to make multiple awards to non-profit charter management organizations and other entities that are not for-profit entities for the replication and expansion of successful charter school models and shall reserve up to \$11,000,000 to carry out the activities described in section 5205(a), including improving quality and oversight of charter schools and providing technical assistance and grants to authorized public chartering agencies in order to increase the number of high-performing charter schools: Provided further, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include evaluation, planning, training, and systems development for staff of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools: Provided further, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school's charter.

#### SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by part A of title IV and subparts 1, 2, and 10 of part D of title V of the ESEA, \$256,237,000: Provided, That \$65,000,000 shall be available for subpart 2 of part A of title IV: Provided further, That \$60,000,000 shall be available for Promise Neigh-

borhoods and shall be available through December 31, 2012.

#### ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, \$733,530,000, which shall become available on July 1, 2012, and shall remain available through September 30, 2013, except that 6.5 percent of such amount shall be available on October 1, 2011, and shall remain available through September 30, 2013, to carry out activities under section 3111(c)(1)(C): Provided, That the Secretary shall use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.

#### SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, \$12,647,066,000, of which \$3,115,716,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which \$9,283,383,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013, for academic year 2012–2013: Provided, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2011, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2011: Provided further, That \$2,000,000, to remain available for obligation through September 30, 2013, shall be for activities aimed at improving the outcomes of children receiving Supplemental Security Income (SSI) and their families, which may include competitive grants to States to improve the provision and coordination of services for SSI child recipients in order to achieve improved health status, including both physical and emotional health, and education and post-school outcomes, including completion of postsecondary education and employment, and to improve services and supports to the families or households of the SSI child recipient, such as education and job training for the parents: Provided further, That States may award subgrants for a portion of the funds to other public and private, non-profit entities.

#### REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$3,512,019,000: Provided, That the Secretary may use amounts provided in this Act that remain available subsequent to the reallocation of funds to States pursuant to section 110(b) of the Rehabilitation Act for activities aimed at improving the outcomes of children receiving Supplemental Security Income (SSI) and their families, including competitive grants to States to improve the provision and coordination of services for SSI child recipients in order to achieve improved health status, education and post-school outcomes, including completion of postsecondary education and employment, and to improve services and supports to the family or households of the SSI child recipient, such as education and job training for the parents: Provided further, That States may award subgrants for a portion of the funds to other public and private, non-profit entities: Provided further, That any funds made available subsequent to reallocation for activities aimed at improving the outcomes of children receiving SSI and their families shall remain available until September 30, 2013: Provided further, That \$2,000,000 shall be for competitive grants to support alternative financing programs that provide for the purchase of assistive

technology devices, such as a low-interest loan fund; an interest buy-down program; a revolving loan fund; a loan guarantee; or insurance program: Provided further, That applicants shall provide an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control: Provided further, That State agencies and community-based disability organizations that are directed by and operated for individuals with disabilities shall be eligible to compete.

#### SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

##### AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, \$24,551,000.

##### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, \$65,546,000: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

##### GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, \$125,754,000, of which \$7,990,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

##### CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006 and the Adult Education and Family Literacy Act (referred to in this Act as the "AEFLA"), \$1,738,946,000, of which \$947,946,000 shall become available on July 1, 2012, and shall remain available through September 30, 2013, and of which \$791,000,000 shall become available on October 1, 2012, and shall remain available through September 30, 2013: Provided, That of the amount provided for Adult Education State Grants, \$74,850,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited-English-proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the AEFLA, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: Provided further, That of the amounts made available for AEFLA, \$11,323,000 shall be for national leadership activities under section 243.

##### STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 and 3 of part A, and part C of title IV of the HEA, \$24,538,521,000, which shall remain available through September 30, 2013.

The maximum Pell Grant for which a student shall be eligible during award year 2012–2013 shall be \$4,860.

#### STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 4, 9, and 10 of part A, and parts B, C, D, and E of title IV of the HEA, \$1,045,363,000, to remain available until September 30, 2013.

#### HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the HEA, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, \$1,873,196,000: Provided, That \$608,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That notwithstanding any other provision of law, a recipient of a multi-year award under section 316 of the HEA, as that section was in effect prior to the date of enactment of the Higher Education Opportunity Act (referred to in this Act as "HEOA"), that would have otherwise received a continuation award for fiscal year 2012 under that section, shall receive under section 316, as amended by the HEOA, not less than the amount that such recipient would have received under such a continuation award: Provided further, That the portion of the funds received under section 316 by a recipient described in the preceding proviso that is equal to the amount of such continuation award shall be used in accordance with the terms of such continuation award.

#### HOWARD UNIVERSITY

For partial support of Howard University, \$234,507,000, of which not less than \$3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

#### COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the HEA, \$460,000.

#### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, \$20,188,000, as authorized pursuant to part D of title III of the HEA: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$367,255,000: Provided further, That these funds may be used to support loans to public and private Historically Black Colleges and Universities without regard to the limitations within section 344(a) of the HEA.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, \$353,000.

#### INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$594,788,000, which shall remain available through September 30, 2013: Provided, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used to link Statewide elementary and secondary data systems with early childhood, post-secondary, and workforce data systems, or to further develop such systems: Provided further, That up to \$11,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for awards to public or private organizations or agencies to support activities to improve data coordination, quality, and use at the local, State, and national levels.

#### DEPARTMENTAL MANAGEMENT

##### PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$447,104,000.

##### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$102,818,000.

##### OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$59,933,000.

#### GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing, or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

##### (TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall not be used to create any new program or to fund any



project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. The Outlying Areas may consolidate funds received under this Act, pursuant to 48 U.S.C. 1469a, under part A of title V of the ESEA.

SEC. 306. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting "2012" for "2009".

SEC. 307. (a) Notwithstanding any other provision of law, the Secretary is authorized to modify the terms and conditions of gulf hurricane disaster loans to affected institutions pursuant to section 2601 of Public Law 109-234 using the authority provided herein, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interests of both the United States and the borrowers, and necessary to mitigate the economic effects of Hurricanes Katrina and Rita. Any modification under this section shall not result in any net cost to the Federal Government, as jointly determined by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, beginning on the date on which the Secretary modifies a loan under this section.

(b) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall jointly publish a notice in the Federal Register prior to any modification of loans under paragraph (a) that—

(1) establishes the terms and conditions governing the modifications authorized by paragraph (a);

(2) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, will jointly consider in evaluating the modification of the loans made under this title; and

(3) describes how the use of such methodology and consideration of such factors used to determine the modifications will ensure that loan modifications do not result in any net cost to the Federal Government.

(c) FEES.—An affected institution that receives a modification to its disaster loan pursuant to section 2601 of Public Law 109-234 shall pay a fee to the Secretary which shall be credited to the HBCU Hurricane Supplemental Loan Program. Such fees shall remain available without fiscal year limitation to pay the modification costs. The amount of the fee paid shall be equal to the modification cost as jointly determined by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, calculated in accordance with section 502 of the Federal Credit Reform Act of 1990, as amended, of such loan.

SEC. 308. Section 14006(c)(2) of division A of the American Recovery and Reinvestment Act of 2009 (as amended by section 1832(b) of division B of Public Law 112-10) is amended by inserting before the period, "except that such a State may use its grant funds to make subgrants to public or private agencies and organizations for activities consistent with the purposes of the grant".

SEC. 309. (a) FEDERAL PELL GRANT ELIGIBILITY.—

(1) MINIMUM LEVEL.—Section 401(b)(4) of the HEA (20 U.S.C. 1070a(b)(4)) is amended by striking " , except that " and all that follows and inserting a period.

(2) DURATION OF AWARD PERIOD.—Section 401(c)(5) of the HEA (20 U.S.C. 1070a(c)(5)) is amended—

(A) by striking "18" each place it appears and inserting "12"; and

(B) by striking the last sentence.

(b) ZERO EXPECTED FAMILY CONTRIBUTION.—Section 479(c) of the HEA (20 U.S.C. 1087ss(c)) is amended—

(1) in paragraph (1)(B), by striking "\$30,000" and inserting "\$23,000"; and

(2) in paragraph (2)(B), by striking "\$30,000" and inserting "\$23,000".

(c) STUDENTS WHO ARE NOT HIGH SCHOOL GRADUATES.—

(1) AMENDMENT.—Section 484(d) of the HEA (20 U.S.C. 1091(d)) is amended—

(A) in the matter preceding paragraph (1), by striking "meet one of the following standards:";

(B) by striking paragraphs (1), (2), and (4); and

(C) in paragraph (3), by striking "(3) The student has" and inserting "have"; and

(2) TRANSITION.—The amendment made by paragraph (1) shall apply to students who first enroll in a program of study on or after July 1, 2012.

(3) CONFORMING CHANGE.—Section 101(a)(1) of the HEA (20 U.S.C. 1001(a)(1)) is amended by striking "section 484(d)(3)" and inserting "section 484(d)".

(d) TEMPORARY ELIMINATION OF INTEREST SUBSIDY DURING STUDENT LOAN GRACE PERIOD.—

(1) Section 428(a)(3)(A)(i)(I) of the HEA (20 U.S.C. 1078(a)(3)(A)(i)(I)) is amended to read as follows:

"(I) which accrues prior to the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution), or".

(2) The amendment made by paragraph (1) shall apply to new Federal Direct Stafford Loans made on or after July 1, 2012 and before July 1, 2014.

(e) REVISED SPECIAL ALLOWANCE CALCULATION.—

(1) REVISED CALCULATION RULE.—Section 438(b)(2)(I) of the HEA (20 U.S.C. 1087-1(b)(2)(I)) is amended by adding at the end the following:

"(vii) REVISED CALCULATION RULE TO REFLECT FINANCIAL MARKET CONDITIONS.—

"(I) CALCULATION BASED ON LIBOR.—For the calendar quarter beginning on April 1, 2012 and each subsequent calendar quarter, in computing the special allowance paid pursuant to this subsection with respect to loans described in subclause (II), clause (i)(I) of this subparagraph shall be applied by substituting 'of the 1-month London Inter Bank Offered Rate (LIBOR) for United States dollars in effect for each of the days in such quarter as compiled and released by the British Bankers Association' for 'of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H-15 (or its successor) for such 3-month period'.

"(II) LOANS ELIGIBLE FOR LIBOR-BASED CALCULATION.—The special allowance paid pursuant to this subsection shall be calculated as described in subclause (I) with respect to special allowance payments for the 3-month period ending June 30, 2012, and each succeeding 3-month period, on loans for which the first disbursement is made on or after January 1, 2000, and before July 1, 2010, if, not later than April 1, 2012, the holder of the loan (or, if the holder acts as eligible lender trustee for the beneficial owner of the loan, the beneficial owner of the loan), affirmatively and permanently waives all contractual, statutory, or other legal rights to a special allowance paid pursuant to this subsection that is calculated using the formula in effect at the time the loans were first disbursed.

"(III) TERMS OF WAIVER.—

"(aa) IN GENERAL.—A waiver pursuant to subclause (II) shall be in a form (printed or elec-

tronic) prescribed by the Secretary, and shall be applicable to—

"(AA) all loans described in such subclause that the lender holds solely in its own right under any lender identification number associated with the holder (pursuant to section 487B);

"(BB) all loans described in such subclause for which the beneficial owner has the authority to make an election of a waiver under such subclause, regardless of the lender identification number associated with the loan or the lender that holds the loan as eligible lender trustee on behalf of such beneficial owner; and

"(CC) all future calculations of the special allowance on loans that, on the date of such waiver, are loans described in subitem (AA) or (BB), or that, after such date, become loans described in subitem (AA) or (BB).

"(bb) EXCEPTIONS.—Any waiver pursuant to subclause (II) that is elected for loans described in subitem (AA) or (BB) of item (aa) shall not apply to any loan described in such subitem for which the lender or beneficial owner of the loan demonstrates to the satisfaction of the Secretary that—

"(AA) in accordance with an agreement entered into before the date of enactment of this section by which such lender or owner is governed and that applies to such loans, such lender or owner is not legally permitted to make an election of such waiver with respect to such loans without the approval of one or more third parties with an interest in the loans, and that the lender or owner followed all available options under such agreement to obtain such approval, and was unable to do so; or

"(BB) such lender or beneficial owner presented the proposal of electing such a waiver applicable to such loans associated with an obligation rated by a nationally recognized statistical rating organization (as defined in section 3(a)(62) of the Securities Exchange Act of 1934), and such rating organization provided a written opinion that the agency would downgrade the rating applicable to such obligation if the lender or owner elected such a waiver.".

(2) CONFORMING AMENDMENTS.—Section 438(b)(2)(I) of the HEA (20 U.S.C. 1087-1(b)(2)(I)) is further amended—

(A) in clause (i)(II), by striking "such average bond equivalent rate" and inserting "the rate determined under subclause (I) (in accordance with clause (vii))"; and

(B) in clause (v)(III), by striking "(iv), and (vi)" and inserting "(iv), (vi), and (vii)".

(f) REAPPROPRIATION OF MANDATORY SAVINGS.—Section 401(b)(7)(A)(iv) of the HEA (20 U.S.C. 1070a(b)(7)(A)(iv)) is amended to read as follows:

"(iv) to carry out this section—

"(I) \$13,500,000,000 for fiscal year 2011;

"(II) \$13,795,000,000 for fiscal year 2012;

"(III) \$7,587,000,000 for fiscal year 2013;

"(IV) \$588,000,000 for fiscal year 2014;

"(V) \$0 for fiscal year 2015;

"(VI) \$0 for fiscal year 2016;

"(VII) \$1,574,000,000 for fiscal year 2017;

"(VIII) \$1,382,000,000 for fiscal year 2018;

"(IX) \$1,409,000,000 for fiscal year 2019;

"(X) \$1,430,000,000 for fiscal year 2020; and

"(XI) \$1,145,000,000 for fiscal year 2021 and each succeeding fiscal year.".

(g) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on July 1, 2012.

(h) INAPPLICABILITY OF NEGOTIATED RULE-MAKING AND MASTER CALENDAR EXCEPTION.—Sections 482(c) and 492 of the HEA (20 U.S.C. 1089(c), 1098a) shall not apply to the amendments made by this section, or to any regulations promulgated under those amendments.

This title may be cited as the "Department of Education Appropriations Act, 2012".

## TITLE IV

## RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO  
ARE BLIND OR SEVERELY DISABLED

## SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, \$5,385,000.

CORPORATION FOR NATIONAL AND COMMUNITY  
SERVICE

## OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (referred to in this title as “CNCS”) to carry out the Domestic Volunteer Service Act of 1973 (referred to in this title as “1973 Act”) and the National and Community Service Act of 1990 (referred to in this title as “1990 Act”), \$751,672,000, notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: Provided, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) \$44,900,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act; (3) \$2,000,000 shall be available for expenses to carry out sections 112(e), 179A, and 198O and subtitle J of title I of the 1990 Act, notwithstanding section 501(a)(6) of the 1990 Act; (4) \$13,466,000 shall be available to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (5) \$31,942,000 shall be available to carry out subtitle E of the 1990 Act; and (6) \$3,992,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by CNCS on a competitive basis: Provided further, That, with respect to amounts provided under this heading for State Service Commissions, section 126 of the 1990 Act shall be applied by substituting “\$200,000” for “\$250,000” each place that it appears.

NATIONAL SERVICE TRUST  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the 1990 Act, \$212,198,000, to remain available until expended: Provided, That CNCS may transfer additional funds from the amount provided within “Operating Expenses” allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

## SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the 1990 Act and under section 504(a) of the 1973 Act, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$83,000,000.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$4,000,000.

## ADMINISTRATIVE PROVISIONS

SEC. 401. CNCS shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2012, during any grant selection process, an officer or employee of CNCS shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of CNCS that is authorized by CNCS to receive such information.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the 1990 Act, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to CNCS under section 196 of the 1990 Act for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. In addition to the requirements in section 146(a) of the 1990 Act, use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the Act.

## CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (referred to in this Act as “CPB”), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2014, \$445,000,000: Provided, That none of the funds made available to CPB by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds made available to CPB by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That none of the funds made available to CPB by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of CPB: Provided further, That none of the funds made available to CPB by this Act shall be used to support the Television Future Fund or any similar purpose.

## FEDERAL MEDIATION AND CONCILIATION SERVICE

## SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (“Service”) to carry out the functions vested in it by the Labor-Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, \$46,250,000: Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other con-

flict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director’s jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW  
COMMISSION

## SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$17,637,000.

## INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES:  
GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, \$232,393,000.

MEDICAID AND CHIP PAYMENT AND ACCESS  
COMMISSION

## SALARIES AND EXPENSES

For expenses necessary to carry out section 1900 of the Social Security Act, \$6,000,000.

## MEDICARE PAYMENT ADVISORY COMMISSION

## SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$11,800,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

## NATIONAL COUNCIL ON DISABILITY

## SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, \$3,264,000.

## NATIONAL LABOR RELATIONS BOARD

## SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, \$278,833,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

## ADMINISTRATIVE PROVISION

SEC. 405. None of the funds provided by this Act or previous Acts making appropriations for the National Labor Relations Board may be used to issue any new administrative directive or regulation that would provide employees any means of voting through any electronic means in an election to determine a representative for the purposes of collective bargaining.

NATIONAL MEDIATION BOARD  
SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, \$13,436,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW  
COMMISSION  
SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$11,689,000.

RAILROAD RETIREMENT BOARD  
DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$51,000,000, which shall include amounts becoming available in fiscal year 2012 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD  
RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2013, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$108,855,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR  
GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than \$8,170,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,404,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$37,582,991,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: Provided further, That not more than \$8,000,000 shall be available for research and demonstrations under sections 1110 and 1144 of the Social Security Act and remain available through September 30, 2013.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2013, \$18,200,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$20,000 for official reception and representation expenses, not more than \$10,555,494,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to in such section: Provided, That not less than \$2,150,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2012 not needed for fiscal year 2012 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate prior to making unobligated balances available under the authority in the previous proviso: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, for continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, \$274,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these funds, similar to the reports that were required by section 103(d)(2) of Public Law 104-121 for fiscal years 1996 through 2002.

In addition, \$161,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2012 exceed \$161,000,000, the amounts shall be available in fiscal year 2013 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$28,942,000, together with not to exceed \$73,535,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the

Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

TITLE V

GENERAL PROVISIONS  
(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111-148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111-148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and Expenses"; and the Chairman of the

National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "National Mediation Board, Salaries and Expenses".

SEC. 505. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 508. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 509. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 510. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 514. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 515. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 516. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.

SEC. 517. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2012 that are different than those specified in this Act, the accompanying detailed table in the statement of the managers on the conference report accompanying this Act, or the fiscal year 2012 budget request.

SEC. 518. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding \$500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2012, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 519. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the 3 years preceding the

certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 520. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 521. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

(RESCISSION)

SEC. 522. Of the funds made available for performance bonus payments under section 2105(a)(3)(E) of the Social Security Act, \$6,367,964,000 are hereby rescinded.

SEC. 523. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(RESCISSION)

SEC. 524. Of the funds made available under section 1322 of Public Law 111-148, \$400,000,000 are rescinded.

(RESCISSION)

SEC. 525. Of the funds made available for fiscal year 2012 under section 3403 of Public Law 111-148, \$10,000,000 are rescinded.

SEC. 526. Not later than 30 days after the end of each calendar quarter, beginning with the first quarter of fiscal year 2013, the Departments of Labor, Health and Human Services and Education and the Social Security Administration shall provide the Committees on Appropriations of the House of Representatives and Senate a quarterly report on the status of balances of appropriations: Provided, That for balances that are unobligated and uncommitted, committed, and obligated but unexpended, the quarterly reports shall separately identify the amounts attributable to each source year of appropriation (beginning with fiscal year 2012, or, to the extent feasible, earlier fiscal years) from which balances were derived.

SEC. 527. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.189 percent of—

(1) the budget authority provided for fiscal year 2012 for any discretionary account of this Act; and

(2) the budget authority provided in any advance appropriation for fiscal year 2012 for any discretionary account in prior Acts making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in this Act or the accompanying statement of managers).

(c) EXCEPTION.—This section shall not apply to discretionary authority appropriated for the Federal Pell Grants program under the heading "Department of Education, Student Financial Assistance".

(d) OMB REPORT.—Within 30 days after the date of the enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section.

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2012".

## **DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012**

### **TITLE I**

#### **LEGISLATIVE BRANCH**

##### **SENATE**

##### **EXPENSE ALLOWANCES**

For expense allowances of the Vice President, \$18,760; the President Pro Tempore of the Senate, \$37,520; Majority Leader of the Senate, \$39,920; Minority Leader of the Senate, \$39,920; Majority Whip of the Senate, \$9,980; Minority Whip of the Senate, \$9,980; Chairmen of the Majority and Minority Conference Committees, \$4,690 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$4,690 for each Chairman; in all, \$174,840.

##### **REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS**

For representation allowances of the Majority and Minority Leaders of the Senate, \$14,070 for each such Leader; in all, \$28,140.

##### **SALARIES, OFFICERS AND EMPLOYEES**

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$175,763,738, which shall be paid from this appropriation without regard to the following limitations:

##### **OFFICE OF THE VICE PRESIDENT**

For the Office of the Vice President, \$2,361,248.

##### **OFFICE OF THE PRESIDENT PRO TEMPORE**

For the Office of the President Pro Tempore, \$705,466.

##### **OFFICES OF THE MAJORITY AND MINORITY LEADERS**

For Offices of the Majority and Minority Leaders, \$5,201,576.

##### **OFFICES OF THE MAJORITY AND MINORITY WHIPS**

For Offices of the Majority and Minority Whips, \$3,281,424.

##### **COMMITTEE ON APPROPRIATIONS**

For salaries of the Committee on Appropriations, \$14,863,573.

##### **CONFERENCE COMMITTEES**

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,619,195 for each such committee; in all, \$3,238,390.

##### **OFFICES OF THE SECRETARIES OF THE CON- FERENCE OF THE MAJORITY AND THE CON- FERENCE OF THE MINORITY**

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$797,402.

##### **POLICY COMMITTEES**

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,653,905 for each such committee; in all, \$3,307,810.

##### **OFFICE OF THE CHAPLAIN**

For Office of the Chaplain, \$405,886.

##### **OFFICE OF THE SECRETARY**

For Office of the Secretary, \$24,194,115.

##### **OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER**

For Office of the Sergeant at Arms and Doorkeeper, \$73,000,000.

##### **OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY**

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,722,388.

##### **AGENCY CONTRIBUTIONS AND RELATED EXPENSES**

For agency contributions for employee benefits, as authorized by law, and related expenses, \$42,684,460.

##### **OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE**

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$6,995,300.

##### **OFFICE OF SENATE LEGAL COUNSEL**

For salaries and expenses of the Office of Senate Legal Counsel, \$1,449,000.

##### **EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOOR- KEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE**

For expense allowances of the Secretary of the Senate, \$7,110; Sergeant at Arms and Doorkeeper of the Senate, \$7,110; Secretary for the Majority of the Senate, \$7,110; Secretary for the Minority of the Senate, \$7,110; in all, \$28,440.

##### **CONTINGENT EXPENSES OF THE SENATE**

##### **INQUIRIES AND INVESTIGATIONS**

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96-304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, \$131,305,860, of which \$26,650,000 shall be available until September 30, 2014.

##### **EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL**

For expenses of the United States Senate Caucus on International Narcotics Control, \$487,822.

##### **SECRETARY OF THE SENATE**

For expenses of the Office of the Secretary of the Senate \$5,816,344 of which \$4,200,000 shall remain available until September 30, 2016.

##### **SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE**

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$130,722,080, which shall remain available until September 30, 2016.

##### **MISCELLANEOUS ITEMS**

For miscellaneous items, \$19,360,000, which shall remain available until September 30, 2014.

##### **SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT**

For Senators' Official Personnel and Office Expense Account, \$396,180,000 of which \$18,921,206 shall remain available until September 30, 2014.

##### **OFFICIAL MAIL COSTS**

For expenses necessary for official mail costs of the Senate, \$281,436.

##### **ADMINISTRATIVE PROVISION**

##### **PAYMENT OF CERTAIN EXPENSES**

SEC. 1. (a) IN GENERAL.—Subject to the approval of the Committee on Appropriations of

the Senate, if in any fiscal year amounts in any appropriations account under the heading "SENATE" under the heading "LEGISLATIVE BRANCH" are available for more than 1 fiscal year, the Secretary of the Senate may establish procedures for the payment of expenses with respect to that account from any amounts available for that fiscal year.

(b) **EFFECTIVE DATE.**—This section shall apply to fiscal year 2012 and each fiscal year thereafter.

#### HOUSE OF REPRESENTATIVES

##### SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$1,225,680,000, as follows:

##### HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$23,275,773, including: Office of the Speaker, \$6,942,770, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$2,277,595, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$7,432,812, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$1,971,050, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$1,524,951, including \$5,000 for official expenses of the Minority Whip; Republican Conference, \$1,572,788; Democratic Caucus, \$1,553,807. In addition to the amounts made available above, for salaries and expenses under this heading, to be available during the period beginning September 30, 2012, and ending December 31, 2013; \$5,818,948, including: Office of the Speaker, \$1,735,694, including \$6,250 for official expenses of the Speaker; Office of the Majority Floor Leader, \$569,399, including \$2,500 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$1,858,205, including \$2,500 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$492,763, including \$1,250 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$381,238, including \$1,250 for official expenses of the Minority Whip; Republican Conference, \$393,197; Democratic Caucus, \$388,452.

##### MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, \$573,939,282.

##### COMMITTEE EMPLOYEES

##### STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$125,964,870: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2012.

##### COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$26,665,785, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2012.

##### SALARIES, OFFICERS AND EMPLOYEES

For salaries and expenses of officers and employees, as authorized by law, \$177,628,400, including: for salaries and expenses of the Office of the Clerk, including not more than \$23,000, of which not more than \$20,000 is for the Family

Room, for official representation and reception expenses, \$26,114,400, of which \$2,000,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages and the Office of Emergency Management, and including not more than \$3,000 for official representation and reception expenses, \$12,585,000 of which \$4,445,000 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer including not more than \$3,000 for official representation and reception expenses, \$116,782,000, of which \$3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, \$5,045,000; for salaries and expenses of the Office of General Counsel, \$1,415,000; for the Office of the Chaplain, \$179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, \$2,000 for preparing the Digest of Rules, and not more than \$1,000 for official representation and reception expenses, \$2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, \$859,000; for other authorized employees, \$347,000; and for salaries and expenses of the Historian, \$170,000.

##### ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$292,386,942, including: supplies, materials, administrative costs and Federal tort claims, \$3,696,118; official mail for committees, leadership offices, and administrative offices of the House, \$201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$264,848,219; Business Continuity and Disaster Recovery, \$17,112,072, of which \$5,000,000 shall remain available until expended; transition activities for new members and staff, \$1,721,533; Wounded Warrior Program \$2,500,000, to remain available until expended; Office of Congressional Ethics, \$1,548,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$760,000.

##### ADMINISTRATIVE PROVISIONS

SEC. 101. (a) **REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.**—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2012. Any amount remaining after all payments are made under such allowances for fiscal year 2012 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) **REGULATIONS.**—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) **DEFINITION.**—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

##### REPUBLICAN POLICY COMMITTEE

SEC. 102. (a) Section 109(a) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 74a-13(a)) is amended by striking "the chair of the

Republican Conference" and inserting the following: "the Speaker of the House of Representatives (or, if the Speaker is not a member of the Republican Party, the Minority Leader of the House of Representatives)".

(b) Section 109(b) of such Act (2 U.S.C. 74a-13(b)) is amended by striking the period at the end and inserting the following: "; and which shall be obligated and expended as directed by the Speaker (or, if the Speaker is not a member of the Republican party, the Minority Leader)."

(c) The amendment made by subsection (a) shall apply with respect to fiscal year 2012 and each succeeding fiscal year.

##### AUTHORITY OF SPEAKER AND MINORITY LEADER TO ALLOCATE FUNDS AMONG CERTAIN HOUSE LEADERSHIP OFFICES

##### SEC. 103. (a) AUTHORITY OF SPEAKER.—

(1) **AUTHORITY DESCRIBED.**—Notwithstanding any other provision of law (including any provision of law that sets forth an allowance for official expenses), the amount appropriated or otherwise made available during a Congress for the salaries and expenses of any office or authority described in paragraph (2) shall be the amount allocated for such office or authority by the Speaker of the House of Representatives from the aggregate amount appropriated or otherwise made available for all such offices and authorities.

(2) **OFFICES AND AUTHORITIES DESCRIBED.**—The offices and authorities described in this paragraph are as follows:

(A) The Office of the Speaker.

(B) The Speaker's Office for Legislative Floor Activities.

(C) The Republican Steering Committee (if the Speaker is a member of the Republican party) or the Democratic Steering and Policy Committee (if the Speaker is a member of the Democratic party).

(D) The Republican Policy Committee (if the Speaker is a member of the Republican party).

(E) Training and program development—majority (as described under the heading "House leadership offices" in the most recent bill making appropriations for the legislative branch that was enacted prior to the date of the enactment of this Act).

(F) Cloakroom personnel—majority (as so described).

##### (b) AUTHORITY OF MINORITY LEADER.—

(1) **AUTHORITY DESCRIBED.**—Notwithstanding any other provision of law (including any provision of law that sets forth an allowance for official expenses), the amount appropriated or otherwise made available during a Congress for the salaries and expenses of any office or authority described in paragraph (2) shall be the amount allocated for such office or authority by the Minority Leader of the House of Representatives from the aggregate amount appropriated or otherwise made available for all such offices and authorities.

(2) **OFFICES AND AUTHORITIES DESCRIBED.**—The offices and authorities described in this paragraph are as follows:

(A) The Office of the Minority Leader.

(B) The Democratic Steering and Policy Committee (if the Minority Leader is a member of the Democratic party) or the Republican Steering Committee (if the Minority Leader is a member of the Republican party).

(C) The Republican Policy Committee (if the Minority Leader is a member of the Republican party).

(D) Training and program development—minority (as described under the heading "House leadership offices" in the most recent bill making appropriations for the legislative branch that was enacted prior to the date of the enactment of this Act).

(E) Cloakroom personnel—minority (as so described).



(F) Nine minority employees (as so described).

(c) **EFFECTIVE DATE.**—This section shall apply with respect to any months occurring during the One Hundred Twelfth Congress that begin after the date of the enactment of this Act, and to any succeeding Congress.

#### REPUBLICAN CONFERENCE AND THE DEMOCRATIC STEERING AND POLICY COMMITTEE

SEC. 104. (a) Section 103(b) of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 74a–8(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “Subject to the allocation described in subsection (c), funds” and inserting “Funds”;

(2) in paragraph (1), by striking “direct;” and inserting the following: “direct (or, if the Speaker is not a member of the Republican Party, under such terms and conditions as the Minority Leader of the House of Representatives may direct);”;

(3) in paragraph (2), by striking “direct.” and inserting the following: “direct (or, if the Speaker is a member of the Democratic Party, under such terms and conditions as the Speaker may direct).”

(b) Section 103 of such Act (2 U.S.C. 74a–8(c)) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) The amendments made by this section shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 1999.

#### TRANSFER OF HOUSE EMERGENCY PLANNING, PREPAREDNESS, AND OPERATIONS FUNCTIONS TO SERGEANT AT ARMS

SEC. 105. Effective February 1, 2010—

(1) section 905 of the Emergency Supplemental Act, 2002 (2 U.S.C. 130i) is repealed; and

(2) the functions and responsibilities of the Office of Emergency Planning, Preparedness and Operations under section 905 of such Act are transferred and assigned to the Sergeant at Arms of the House of Representatives.

#### JOINT ITEMS

For Joint Committees, as follows:

##### JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,203,000, to be disbursed by the Secretary of the Senate.

##### JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2013

For salaries and expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2013, in accordance with such program as may be adopted by the joint congressional committee authorized to conduct the inaugural ceremonies of 2013, \$1,237,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2013. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2012: Provided, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service with respect to the inaugural ceremonies of 2013 shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

##### JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$10,004,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

#### OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and continuing expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$2,175 per month to the Attending Physician; (2) an allowance of \$1,300 per month to the Senior Medical Officer; (3) an allowance of \$725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of \$725 per month to 2 assistants and \$580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) \$2,427,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$3,400,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

#### OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

##### SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, \$1,363,000, to be disbursed by the Secretary of the Senate.

##### ADMINISTRATIVE PROVISION

SEC. 1001. (a) **IN GENERAL.**—Section 102(a) of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5(a)) is amended—

(1) in paragraph (1), by inserting “, except as provided under subsection (b)(3)” after “means an individual”; and

(2) by striking paragraphs (2) and (3) and inserting the following:

“(2) **EMPLOYEE OF THE SENATE.**—The term ‘employee of the Senate’—

“(A) has the meaning given the term under section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301); and

“(B) includes any employee of the Office of Congressional Accessibility Services whose pay is disbursed by the Secretary of the Senate.

“(3) **EMPLOYING OFFICE.**—The term ‘employing office’—

“(A) means the employing office, as defined under section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), of an employee of the Senate; and

“(B) includes the Office of Congressional Accessibility Services with respect to employees of that office whose pay is disbursed by the Secretary of the Senate.”

(b) **EXCLUSION FROM PARTICIPATION IN DUAL PROGRAMS.**—Section 102(b) of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5(b)) is amended by adding at the end the following:

“(3) **EXCLUSION FROM PARTICIPATION IN DUAL PROGRAMS.**—Notwithstanding section 5379 of title 5, United States Code, an employee of the Office of Congressional Accessibility Services may not participate in the student loan repayment program through an agreement under that section and participate in the student loan repayment program through a service agreement under this section at the same time.”

(c) **EFFECTIVE DATE AND APPLICATION.**—The amendments made by this section shall take effect on the date of enactment of this Act and apply to service agreements entered into under section 102 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5) or section 5379 of title 5, United States Code, on or after that date.

#### CAPITOL POLICE

##### SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay

differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$277,133,000, to be disbursed by the Chief of the Capitol Police or his designee.

##### GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$63,004,000, of which \$2,400,000 shall remain available until September 30, 2014, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2012 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

##### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 1101. Amounts appropriated for fiscal year 2012 for the Capitol Police may be transferred between the headings “Salaries” and “General expenses” upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

**WAIVER BY CHIEF OF CAPITOL POLICE OF CLAIMS ARISING OUT OF ERRONEOUS PAYMENTS TO OFFICERS AND EMPLOYEES**

SEC. 1102. (a) **WAIVER OF CLAIM.**—Subject to the joint approval of the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate, the Chief of the United States Capitol Police may waive in whole or in part a claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation expenses and allowances, to an officer, member, or employee of the United States Capitol Police, if the collection of the claim would be against equity and good conscience and not in the best interests of the United States.

(b) **INVESTIGATION OF APPLICATION; REPORT.**—The Chief shall investigate each application for the waiver of a claim under subsection (a) and shall submit a written report of the investigation, including a description of the facts and circumstances of the claim, to the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate, except that if the aggregate amount of the claim involved exceeds \$1,500, the Comptroller General may also investigate the application and submit a written report of the investigation, including a description of the facts and circumstances of the claim, to the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate.

(c) **PROHIBITION OF WAIVER UNDER CERTAIN CIRCUMSTANCES.**—The Chief may not exercise the authority to waive a claim under subsection (a) if—

(1) in the Chief’s opinion, there exists in connection with the claim an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the officer, member, or employee involved or of any other person having an interest in obtaining a waiver of the claim; or

(2) the Chief receives the application for the waiver after the expiration of the 3-year period

that begins on the date on which the erroneous payment of pay or allowances was discovered.

(d) **CREDIT FOR WAIVER.**—In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under subsection (a).

(e) **EFFECT OF WAIVER.**—An erroneous payment, the collection of which is waived under subsection (a), is deemed a valid payment for all purposes.

(f) **CONSTRUCTION WITH OTHER LAWS.**—This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States.

(g) **RULES AND REGULATIONS.**—Subject to the approval of the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate, the Chief shall promulgate rules and regulations to carry out this section.

(h) **EFFECTIVE DATE.**—This section shall apply with respect to payments of pay and allowances made at any time after the Chief became the disbursing officer for the United States Capitol Police pursuant to section 1018(a) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(a)).

#### OFFICE OF COMPLIANCE

##### SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$3,817,000, of which \$700,000 shall remain available until September 30, 2013: Provided, That not more than \$500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

#### CONGRESSIONAL BUDGET OFFICE

##### SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$43,787,000.

#### ARCHITECT OF THE CAPITOL

##### GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$101,340,000, of which \$3,749,000 shall remain available until September 30, 2016.

##### CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$36,154,000, of which \$11,063,000 shall remain available until September 30, 2016.

##### CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$9,852,000.

##### SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office

buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$71,128,000, of which \$13,128,000 shall remain available until September 30, 2016.

##### HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$94,154,000, of which \$45,631,000 shall remain available until September 30, 2016.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, \$30,000,000, shall remain available until expended.

##### CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$123,229,000, of which \$37,617,000 shall remain available until September 30, 2016: Provided, That not more than \$9,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2012.

##### LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$46,876,000, of which \$21,116,000 shall remain available until September 30, 2016.

##### CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, \$21,500,000, of which \$3,473,000 shall remain available until September 30, 2016.

##### BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$12,000,000: Provided, That of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

##### CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, \$21,276,000.

##### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

##### USE OF CONSTRUCTION PROJECT FUNDS TO REIMBURSE CAPITOL POLICE FOR RELATED OVERTIME COSTS

SEC. 1201. (a) **PAYMENT OF OVERTIME COSTS.**—The Architect of the Capitol shall transfer

amounts made available for construction projects during a fiscal year to the applicable appropriations accounts of the United States Capitol Police in order to reimburse the Capitol Police for overtime costs incurred in connection with such projects.

(b) **EFFECTIVE DATE.**—This section shall apply with respect to fiscal year 2013 and each succeeding fiscal year.

##### TRANSFER TO ARCHITECT OF THE CAPITOL

SEC. 1202. (a) **TRANSFER.**—To the extent that the Director of the National Park Service has jurisdiction and control over any portion of the area described in subsection (b) and any monument or other facility which is located within such area, such jurisdiction and control is hereby transferred to the Architect of the Capitol as of the date of the enactment of this Act.

(b) **AREA DESCRIBED.**—The area described in this subsection is the property which is bounded on the north by Pennsylvania Avenue Northwest, on the east by First Street Northwest and First Street Southwest, on the south by Maryland Avenue Southwest, and on the west by Third Street Southwest and Third Street Northwest.

#### LIBRARY OF CONGRESS

##### SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; activities under the Civil Rights History Project Act of 2009; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$420,093,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2012, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2012 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$6,350,000: Provided further, That of the total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, \$6,959,000 shall remain available until expended for the digital collections and educational curricula program.

##### COPYRIGHT OFFICE

##### SALARIES AND EXPENSES

For all necessary expenses of the Copyright Office, \$51,650,000, of which not more than \$28,029,000, to remain available until expended, shall be derived from collections credited to this

appropriation during fiscal year 2012 under section 708(d) of title 17, United States Code: Provided, That not more than \$2,000,000 shall be derived from prior year available unobligated balances: Provided further, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than \$5,484,000 shall be derived from collections during fiscal year 2012 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections and prior year available unobligated balances are less than \$35,513,000: Provided further, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE  
SALARIES AND EXPENSES

For all necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$106,790,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY  
HANDICAPPED  
SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$50,674,000: Provided, That of the total amount appropriated, \$650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS  
REIMBURSABLE AND REVOLVING FUND  
ACTIVITIES

SEC. 1301. (a) IN GENERAL.—For fiscal year 2012, the obligatory authority of the Library of Congress for the activities described in subsection (b) may not exceed \$169,725,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2012, the Librarian of Congress may temporarily

transfer funds appropriated in this Act, under the heading "Library of Congress", under the subheading "Salaries and Expenses", to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed \$1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1302. (a) IN GENERAL.—Amounts appropriated for fiscal year 2012 for the Library of Congress may be transferred during fiscal year 2012 between any of the headings under the heading "Library of Congress" upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading "Library of Congress" for fiscal year 2012 may be transferred from that account by all transfers made under subsection (a).

FUNDS AVAILABLE FOR WORKERS COMPENSATION  
PAYMENTS

SEC. 1303. (a) IN GENERAL.—Available balances of expired Library of Congress appropriations shall be available to the Library of Congress to make the deposit to the credit of the Employees' Compensation Fund required by subsection 8147(b) of title 5, United States Code.

(b) EFFECTIVE DATE.—This section shall apply with respect to appropriations for fiscal year 2012 and each fiscal year thereafter.

PERMITTING USE OF PROCEEDS FROM DISPOSITION  
OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1304. (a) DISPOSITION OF PROPERTY.—Within the limits of available appropriations, the Librarian of Congress may dispose of surplus or obsolete personal property of the Library of Congress by interagency transfer, donation, sale, trade-in, or other appropriate method.

(b) USE OF PROCEEDS.—Any amounts received by the Librarian of Congress from the disposition of property under subsection (a) shall be credited to the funds available for the operations of the Library of Congress, and shall be available to acquire the same or similar property during the fiscal year in which the amounts are received and the following fiscal year.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2012 and each succeeding fiscal year.

GOVERNMENT PRINTING OFFICE  
CONGRESSIONAL PRINTING AND BINDING  
(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$90,700,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations

for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate: Provided further, That notwithstanding sections 901, 902, and 906 of title 44, United States Code, this appropriation may be used to prepare indexes to the Congressional Record on only a monthly and session basis.

OFFICE OF SUPERINTENDENT OF DOCUMENTS  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$35,000,000: Provided, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating congressional serial sets and other related publications for fiscal years 2010 and 2011 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING  
FUND

For payment to the Government Printing Office Revolving Fund, \$500,000 for information technology development: Provided, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided further, That not more than \$7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section

5316 of such title: *Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund and the funds provided under the headings "Office of Superintendent of Documents" and "Salaries and Expenses" may not be used for contracted security services at GPO's passport facility in the District of Columbia.*

#### GOVERNMENT ACCOUNTABILITY OFFICE SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$511,296,000: *Provided, That, in addition, \$22,304,000 of payments received under sections 782, 3521, and 9105 of title 31, United States Code, shall be available without fiscal year limitation: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.*

#### ADMINISTRATIVE PROVISION

SEC. 1401. (a) Section 210 of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 60q) is amended—

(1) by striking subsection (d); and  
(2) in subsection (f)(2)(A), by striking "United States Code" and inserting "United States Code, but excluding the Government Accountability Office".

(b) Section 3521(1) of title 5, United States Code, is amended by striking "section 105" and inserting "section 105 (other than the Government Accountability Office)".

(c) The amendments made by this section shall apply with respect to voluntary separation incentive payments made during fiscal year 2012 or any succeeding fiscal year.

#### OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), \$10,000,000.

#### JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), \$430,000.

#### TITLE II

##### GENERAL PROVISIONS

##### MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or

care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

##### FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2012 unless expressly so provided in this Act.

##### RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.*

##### CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

##### AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

##### COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

##### LANDSCAPE MAINTENANCE

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in the irregular shaped grassy areas bounded by Washington Avenue, SW, on the northeast, Second Street, SW, on the west, Square 582 on the south, and the beginning of the I-395 tunnel on the southeast.

##### LIMITATION ON TRANSFERS

SEC. 208. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

##### GUIDED TOURS OF THE CAPITOL

SEC. 209. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and

interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

SEC. 210. None of the funds made available in this Act may be used to deliver a printed copy of a bill, joint resolution, or resolution to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) unless the Member requests a copy.

SEC. 211. None of the funds made available by this Act may be used to deliver a printed copy of any version of the Congressional Record to the office of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress).

SEC. 212. None of the funds made available in this Act may be used by the Chief Administrative Officer of the House of Representatives to make any payments from any Members' Representational Allowance for the leasing of a vehicle, excluding mobile district offices, in an aggregate amount that exceeds \$1,000 for the vehicle in any month.

This division may be cited as the "Legislative Branch Appropriations Act, 2012".

#### DIVISION H—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

##### TITLE I

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$3,006,491,000, to remain available until September 30, 2016: *Provided, That of this amount, not to exceed \$229,741,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.*

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$2,112,823,000, to remain available until September 30, 2016: *Provided, That of this amount, not to exceed \$84,362,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.*

## MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,227,058,000, to remain available until September 30, 2016: Provided, That of this amount, not to exceed \$81,913,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

## MILITARY CONSTRUCTION, DEFENSE-WIDE

## (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$3,431,957,000, to remain available until September 30, 2016: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed \$430,602,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the amount appropriated, notwithstanding any other provision of law, \$24,118,000 shall be available for payments to the North Atlantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters: Provided further, That the Department of Defense shall not award a design contract to exceed the 20 percent design level for the Landstuhl Regional Medical Center in Germany until the Secretary of Defense: (1) provides the Committees on Appropriations of the House of Representatives and the Senate a plan for implementing the recommendations of the Government Accountability Office with respect to the plans, baseline data, and estimated cost of the facility; and (2) certifies in writing to the Committees that the facility is properly sized and scoped to meet current and projected healthcare requirements.

## MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$773,592,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed \$20,671,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

## MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$116,246,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed \$12,225,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

## MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$280,549,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed \$28,924,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

## MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$26,299,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed \$2,591,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

## MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$33,620,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed \$2,200,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

## NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$247,611,000, to remain available until expended.

## FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$176,897,000, to remain available until September 30, 2016.

## FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$493,458,000.

## FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$100,972,000, to remain available until September 30, 2016.

## FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$367,863,000.

## FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$60,042,000, to remain available until September 30, 2016.

## FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$429,523,000.

## FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$50,723,000.

## DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,184,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

## HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, (42 U.S.C. 3374), as amended by section 1001 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 194), \$1,284,000, to remain available until expended: Provided, That the Secretary of Defense shall not issue any regulation or otherwise take any action to limit the submission prior to September 30, 2012, of applications for benefits, including permanent change of station benefits, as provided under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, (42 U.S.C. 3374), as amended.

## CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical

agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$75,312,000, to remain available until September 30, 2016, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE  
ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$323,543,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE  
ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$258,776,000, to remain available until expended: Provided, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or \$2,000,000, whichever is less: Provided further, That the previous proviso shall not apply to projects costing less than \$5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base

or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction

projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 121. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation



that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 122. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 123. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 124. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 125. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14-R,

Volume 3, Chapter 7, of February 2009, as in effect on the date of enactment of this Act.

SEC. 126. (a) Notwithstanding any other provision of law, the Secretary of the Army shall close Umatilla Chemical Depot, Oregon, not later than 1 year after the completion of chemical demilitarization activities required under the Chemical Weapons Convention.

(b) The closure of the Umatilla Chemical Depot, Oregon, and subsequent management and property disposal shall be carried out in accordance with procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 110-510; 10 U.S.C. 2687 note).

(c) Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) The Secretary of the Army may retain minimum essential ranges, facilities, and training areas at Umatilla Chemical Depot, totaling approximately 7,500 acres, as a training enclave for the reserve components of the Armed Forces to permit the conduct of individual and annual training.

SEC. 127. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,000 parking spaces (other than handicap-reserved spaces) to be provided by the BRAC 133 project: Provided, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available: Provided further, That the Secretary of Defense shall implement the Department of Defense Inspector General recommendations outlined in report number DODIG-2012-024, and certify to Congress not later than 180 days after enactment of this Act that the recommendations have been implemented.

SEC. 128. None of the funds appropriated or otherwise made available by this title may be obligated or expended for a permanent United States Africa Command headquarters outside of the United States until the Secretary of Defense provides the congressional defense committees an analysis of all military construction costs associated with establishing a permanent location overseas versus in the United States.

SEC. 129. None of the funds made available by this Act may be used for any action that relates to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 130. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of

the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5-10 relating to the policy, procedures, and responsibilities for Army stationing actions.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 131. Of the unobligated balances available under the following headings from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), the following amounts are hereby rescinded: "Military Construction, Army", \$100,000,000; "Military Construction, Navy and Marine Corps", \$25,000,000; "Military Construction, Air Force", \$32,000,000; and "Military Construction, Defense-Wide", \$131,400,000.

(INCLUDING RESCISSION OF FUNDS)

SEC. 132. Of the unobligated balances available for "Department of Defense Base Closure Account 2005", from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$258,776,000 are hereby rescinded.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$51,237,567,000, to remain available until expended: Provided, That not to exceed \$32,187,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses, Veterans Benefits Administration", "Medical support and compliance", and "Information technology systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, \$12,108,488,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United

States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

#### VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, \$100,252,000, to remain available until expended.

#### VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2012, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$154,698,000.

#### VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$19,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,019,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$343,000, which may be paid to the appropriation for "General operating expenses, Veterans Benefits Administration".

#### NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$1,116,000.

#### VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health care employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1174; 38 U.S.C. 7681 note) \$41,354,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That notwith-

standing any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

#### MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$5,746,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013.

#### MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, \$5,441,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013.

#### MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$581,000,000, plus reimbursements, shall remain available until September 30, 2013.

#### NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemetery expenses as authorized by law; purchase of one passenger motor vehicle for use in cemetery operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$250,934,000, of which not to exceed \$25,100,000 shall remain available until September 30, 2013: Provided, That none of the funds under this heading may be used to expand the Urban Initiative project beyond those sites outlined in the fiscal year 2012 or previous budget submissions until the National Cemetery Administration submits to the Committees on Appropriations of both Houses of Congress a detailed strategy to serve the burial needs of veterans residing in rural and highly rural areas: Provided further, That the report shall include a timeline for implementation of such strategy and cost estimates of establishing new burial sites in at least five rural or highly rural locations.

#### DEPARTMENTAL ADMINISTRATION

##### GENERAL ADMINISTRATION

##### (INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, \$416,737,000, of which not to exceed \$20,837,000 shall remain available until September 30, 2013: Provided, That funds provided under this heading may be transferred to "General operating expenses, Veterans Benefits Administration".

##### GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, \$2,018,764,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed \$105,000,000 shall remain available until September 30, 2013: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

##### INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$3,111,376,000, plus reimbursements: Provided, That \$915,000,000 shall be for pay and associated costs, of which not to exceed \$25,000,000 shall remain available until September 30, 2013: Provided further, That \$1,616,018,000 shall be for operations and maintenance, of which not to exceed \$110,000,000 shall remain available until September 30, 2013: Provided further, That \$580,358,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2013: Provided further, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition

management practices of the Federal Government: Provided further, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: Provided further, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the Joint Explanatory Statement of the Committee of Conference.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$112,391,000, of which \$6,000,000 shall remain available until September 30, 2013.

#### CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$589,604,000, to remain available until expended, of which \$5,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds made available under this heading for fiscal year 2012, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2012; and (2) by the awarding of a construction contract by September 30, 2013: Provided

further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$482,386,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$85,000,000, to remain available until expended.

#### GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal governments in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$46,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2012 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2012, in this Act or any other Act, under the "Medical services", "Medical support and compliance", and "Medical facilities" accounts may be transferred among the accounts: Provided, That any transfers between the "Medical services" and "Medical support and compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Commit-

tees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: Provided further, That any transfers between the "Medical services" and "Medical support and compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That any transfers to or from the "Medical facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2011.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and pensions".

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2012, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the "General operating expenses, Veterans Benefits Administration" and "Information technology systems" accounts for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2012 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement

shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2012 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed \$42,904,000 for the Office of Resolution Management and \$3,360,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the "General administration" and "Information technology systems" accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than \$1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the "Medical services", "Medical support and compliance", "Medical facilities", "General operating expenses, Veterans Benefits Administration", "General administration", and "National Cemetery Administration" accounts for fiscal year 2012, may be transferred to or from the "Information technology systems" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available for the "Information technology systems" account for development, modernization, and enhancement may be transferred between projects or to newly defined projects: Provided, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 222. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

SEC. 223. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2012, in this Act or any other Act, under the "Medical facilities" account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: Provided, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2012 for "Medical services", "Medical support and compliance", "Medical facilities", "Construction, minor projects", and "Information technology systems", up to \$241,666,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): Provided, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 226. Of the amounts available in this title for "Medical services", "Medical support and compliance", and "Medical facilities", a minimum of \$15,000,000, shall be transferred to the DOD-VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 227. (a) Of the funds appropriated in title X of division B of Public Law 112–10, the following amounts which became available on October 1, 2011, are hereby rescinded from the following accounts in the amounts specified:

(1) "Department of Veterans Affairs, Medical services", \$1,400,000,000.

(2) "Department of Veterans Affairs, Medical support and compliance", \$100,000,000.

(3) “Department of Veterans Affairs, Medical facilities”, \$250,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified to remain available until September 30, 2013:

(1) “Department of Veterans Affairs, Medical services”, \$1,400,000,000.

(2) “Department of Veterans Affairs, Medical support and compliance”, \$100,000,000.

(3) “Department of Veterans Affairs, Medical facilities”, \$250,000,000.

SEC. 228. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in major construction projects that total at least \$5,000,000, or 5 percent of the programmed amount of the project, whichever is less: Provided, That such notification shall occur within 14 days of a contract identifying the programmed amount: Provided further, That the Secretary shall notify the committees 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 229. The scope of work for a project included in “Construction, major projects” may not be increased above the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations.

SEC. 230. (a) EXCEPTION WITH RESPECT TO CONFIDENTIAL NATURE OF CLAIMS.—Section 5701 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(l) Under regulations the Secretary shall prescribe, the Secretary may disclose information about a veteran or the dependent of a veteran to a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to prevent misuse and diversion of prescription medicines.”.

(b) EXCEPTION WITH RESPECT TO CONFIDENTIALITY OF CERTAIN MEDICAL RECORDS.—Section 7332(b)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(G) To a State controlled substance monitoring program, including a program approved by the Secretary of Health and Human Services under section 399O of the Public Health Service Act (42 U.S.C. 280g–3), to the extent necessary to prevent misuse and diversion of prescription medicines.”.

SEC. 231. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed \$2,000,000. The first report shall be submitted no later than April 15, 2012.

SEC. 232. None of the funds made available by this Act may be used to declare as excess to the needs of the Department of Veterans Affairs or otherwise take any action to exchange, trade, auction, transfer, or otherwise dispose of, or reduce the acreage of, Federal land and improvements at the St. Albans campus, consisting of approximately 55 acres of land, with borders near Linden Boulevard on the northwest, 115th Avenue on the west, the Long Island Railroad on the northeast, and Baisley Boulevard on the southeast.

SEC. 233. None of the funds made available in this Act may be used to enter into a contract using procedures that do not give to small business concerns owned and controlled by veterans (as that term is defined in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3))) that are

included in the database under section 8127(f) of title 38, United States Code, any preference available with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans (as defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2))).

SEC. 234. Section 315(b) of title 38, United States Code, is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

#### TITLE III

##### RELATED AGENCIES

##### AMERICAN BATTLE MONUMENTS COMMISSION SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$61,100,000, to remain available until expended.

##### FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

##### UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

##### SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$30,770,000: Provided, That \$2,726,323 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

##### DEPARTMENT OF DEFENSE—CIVIL

##### CEMETERIAL EXPENSES, ARMY

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed \$1,000 for official reception and representation expenses, \$45,800,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the “Lease of Department of Defense Real Property for Defense Agencies” account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery making additional land available for ground burials.

##### ARMED FORCES RETIREMENT HOME

##### TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$67,700,000, of which \$2,000,000 shall remain available until expended for construction and renovation of the physical

plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulport, Mississippi.

##### GENERAL FUND PAYMENT, ARMED FORCES RETIREMENT HOME

For payment to the “Armed Forces Retirement Home”, \$14,630,000, to remain available until expended, for expenses necessary to mitigate structural damage sustained to buildings on the Armed Forces Retirement Home—Washington, District of Columbia, campus as a result of the August 2011 earthquake.

#### TITLE IV

##### OVERSEAS CONTINGENCY OPERATIONS

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, \$80,000,000, to remain available until September 30, 2012: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$189,703,000, to remain available until September 30, 2012: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### ADMINISTRATIVE PROVISIONS

##### (INCLUDING RESCISSION OF FUNDS)

SEC. 401. Of the unobligated balances in title IV, division E of Public Law 111–117, \$269,703,000 are hereby rescinded: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TITLE V

##### GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. Such sums as may be necessary for fiscal year 2012 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 504. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 505. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

SEC. 506. Unless stated otherwise, all reports and notifications required by this Act shall be

submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 507. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 508. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 509. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 510. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 511. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantanamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 512. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 513. None of the funds provided in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 514. None of the funds made available by this Act may be used to enter into a contract,

memorandum of understanding, or cooperative agreement with, or to make a grant to, any corporation that was convicted of a felony criminal violation under any Federal or State law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

This division may be cited as the “Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2012”.

## ***DIVISION I—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2012***

### ***TITLE I***

#### ***DEPARTMENT OF STATE AND RELATED AGENCY***

##### ***DEPARTMENT OF STATE***

##### ***ADMINISTRATION OF FOREIGN AFFAIRS***

##### ***DIPLOMATIC AND CONSULAR PROGRAMS***

##### ***(INCLUDING TRANSFER OF FUNDS)***

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, \$6,550,947,000, of which up to \$1,355,000,000 is for Worldwide Security Protection (to remain available until expended): Provided, That funds made available under this heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, \$2,277,862,000, to remain available until September 30, 2013, of which not less than \$121,814,000 shall be available only for public diplomacy American salaries, and up to \$203,800,000 is for Worldwide Security Protection and shall remain available until expended.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, \$2,109,293,000, to remain available until September 30, 2013, of which not less than \$347,572,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, \$822,513,000, to remain available until September 30, 2013.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, \$1,341,279,000, to remain available until September 30, 2013, of which up to \$1,151,200,000 is for Worldwide Security Protection and shall remain available until expended.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed \$1,753,991 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, \$520,150, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$5,000,000, to remain available

until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed \$15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

#### ***(6) TRANSFER, REPROGRAMMING, AND OTHER MATTERS.—***

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act;

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading “Emergencies in the Diplomatic and Consular Service”, to be available only for emergency evacuations and rewards, as authorized; and

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Of the amount made available under this heading, up to \$6,000,000 may be transferred to, and merged with, funds made available by this Act under the heading “Department of State, Administration of Foreign Affairs, Capital Investment Fund”: Provided, That the transfer authority of this subparagraph is in addition to any other transfer authority available to the Secretary of State.

(E)(i) The headings “Civilian Stabilization Initiative” in titles I and II of prior acts making appropriations for the Department of State, foreign operations, and related programs shall be renamed “Conflict Stabilization Operations”.

(ii) Of the funds appropriated under this heading, up to \$35,000,000, to remain available until expended, may be transferred to, and merged with, funds previously made available under the heading “Conflict Stabilization Operations” in title I of prior acts making appropriations for the Department of State, foreign operations and related programs, as amended by subparagraph (i).

(F) None of the funds appropriated under this heading may be used for the preservation of religious sites unless the Secretary of State determines and reports to the Committees on Appropriations that such sites are historically, artistically, or culturally significant, that the purpose of the project is neither to advance nor to inhibit the free exercise of religion, and that the project is in the national interest of the United States.

#### ***CAPITAL INVESTMENT FUND***

For necessary expenses of the Capital Investment Fund, \$59,380,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

#### ***OFFICE OF INSPECTOR GENERAL***

For necessary expenses of the Office of Inspector General, \$61,904,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

#### ***EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS***

For expenses of educational and cultural exchange programs, as authorized, \$583,200,000, to remain available until expended: Provided, That not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching,



educational advising and counseling programs, and exchange visitor programs as authorized.

#### REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$7,300,000.

#### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$27,000,000, to remain available until September 30, 2013.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$762,000,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$775,000,000, to remain available until expended: Provided, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2012.

#### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$9,300,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading “Repatriation Loans Program Account”, subject to the same terms and conditions.

#### REPATRIATION LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$1,447,000, as authorized, of which \$710,000 may be made available for administrative expenses necessary to carry out the direct loan program and may be paid to “Diplomatic and Consular Programs”: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

#### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), \$21,108,000.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, \$158,900,000.

#### INTERNATIONAL ORGANIZATIONS

##### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,449,700,000: Provided, That the Secretary of State shall, at the

time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: Provided further, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: Provided further, That the Secretary of State shall report to the Committees on Appropriations not later than May 1, 2012, on any credits available to the United States from the United Nations Tax Equalization Fund (TEF) and provide updated fiscal year 2013 assessment costs including offsets from available TEF credits and updated foreign currency exchange rates: Provided further, That any such credits shall only be available for United States assessed contributions to the United Nations and shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

##### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$1,828,182,000, of which 15 percent shall remain available until September 30, 2013: Provided, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable), the Committees on Appropriations are notified: (1) of the estimated cost and duration of the mission, the national interest that will be served, and the exit strategy; (2) that the United Nations has taken necessary measures to prevent United Nations employees, contractor personnel, and peacekeeping troops serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation or other violations of human rights, and to bring to justice individuals who engage in such acts while participating in the peacekeeping mission, including prosecution in their home countries of such individuals in connection with such acts, and to make information about such cases publicly available in the country where an alleged crime occurs and on the United Nations' Web site; and (3) pursuant to section 7015 of this Act, and the procedures therein followed, setting forth the source of funds that will be used to pay the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That the Secretary of State shall work with the United Nations and

governments contributing peacekeeping troops to develop effective vetting procedures to ensure that such troops have not violated human rights: Provided further, That none of the funds appropriated or otherwise made available under this heading may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has submitted to the Congress such a recommendation: Provided further, That notwithstanding any other provision of law, funds appropriated or otherwise made available under this heading shall be available for United States assessed contributions up to the amount specified in Annex IV accompanying United Nations General Assembly Resolution 64/220: Provided further, That such funds may be made available above the amount authorized in section 404(b)(2)(B) of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (22 U.S.C. 287e note) only if the Secretary of State determines and reports to the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate that it is important to the national interest of the United States: Provided further, That the Secretary of State shall report to the Committees on Appropriations not later than May 1, 2012, of any credits available to the United States resulting from United Nations peacekeeping missions or the United Nations Tax Equalization Fund: Provided further, That any such credits shall only be available for United States assessed contributions to the United Nations and shall be subject to the regular notification procedures of the Committees on Appropriations.

##### INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

##### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

##### SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$44,722,000.

##### CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$31,453,000, to remain available until expended, as authorized.

##### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103–182, \$11,687,000: Provided, That of the amount provided under this heading for the International Joint Commission, \$9,000 may be made available for representation expenses.

##### INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$36,300,000: Provided, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

## RELATED AGENCY

## BROADCASTING BOARD OF GOVERNORS

## INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, and to make and supervise grants for radio and television broadcasting to the Middle East, \$740,100,000: Provided, That funds appropriated under this heading shall be made available to expand unrestricted access to information on the Internet through the development and use of circumvention and secure communication technologies: Provided further, That the circumvention technologies and programs supported by such funds shall undergo a review, to include an assessment of protections against such technologies being used for illicit purposes: Provided further, That the BBG shall coordinate the development and use of such technologies with the Secretary of State, as appropriate: Provided further, That of the total amount appropriated under this heading, not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty: Provided further, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2012: Provided further, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)) or the entity's journalistic code of ethics: Provided further, That significant modifications to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, Internet, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to \$2,000,000 in receipts from advertising and revenue from business ventures, up to \$500,000 in receipts from cooperating international organizations, and up to \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

## BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, including to Cuba, as authorized, \$7,030,000, to remain available until expended, as authorized.

## RELATED PROGRAMS

## THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), \$17,000,000, to remain available until expended, as authorized.

## UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act, \$30,589,000, to remain available until September 30, 2013, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN  
DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, as authorized by section 633 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (22 U.S.C. 2078), the total amount of the interest and earnings accruing to such Fund on or before September 30, 2012, to remain available until expended.

## EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2012, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

## ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2012, to remain available until expended.

## EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$16,700,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

## NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, \$117,764,000, to remain available until expended, of which \$100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and \$17,764,000 shall be for democracy, human rights, and rule of law programs: Provided, That the President of the National Endowment for Democracy shall submit to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.

## OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF  
AMERICA'S HERITAGE ABROAD

## SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, \$634,000, as authorized by section 1303 of Public Law 99-83.

UNITED STATES COMMISSION ON INTERNATIONAL  
RELIGIOUS FREEDOM

## SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Re-

ligious Freedom Act of 1998 (Public Law 105-292), \$3,000,000, to remain available until September 30, 2013: Provided, That section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting "September 30, 2012" for "September 30, 2011": Provided further, That notwithstanding the expenditure limitation specified in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Commission may expend up to \$250,000 of the funds made available under this heading to procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code: Provided further, That travel by members and staff of the Commission shall be arranged and conducted under the rules and procedures applying to travel by members and staff of the House of Representatives: Provided further, That for the purposes of employment rights, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code and the Commission shall be treated as a congressional employing office.

COMMISSION ON SECURITY AND COOPERATION IN  
EUROPE

## SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$2,715,000, to remain available until September 30, 2013.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE  
PEOPLE'S REPUBLIC OF CHINA

## SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized by title III of the U.S.-China Relations Act of 2000 (22 U.S.C. 6911-6919), \$1,996,000, including not more than \$3,000 for the purpose of official representation, to remain available until September 30, 2013.

UNITED STATES-CHINA ECONOMIC AND SECURITY  
REVIEW COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, as authorized by section 1238 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), \$3,493,000, including not more than \$4,000 for the purpose of official representation, to remain available until September 30, 2013: Provided, That the authorities, requirements, limitations, and conditions contained in the second through sixth provisions under this heading in division F of Public Law 111-117 shall continue in effect during fiscal year 2012 and shall apply to funds appropriated under this heading as if included in this Act.

## TITLE II

UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT  
FUNDS APPROPRIATED TO THE PRESIDENT

## OPERATING EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$1,092,300,000, to remain available until September 30, 2013, of which not less than \$25,000,000 should be for costs associated with procurement reform: Provided, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed use of funds in a report submitted to the Committees on Appropriations at least 15 days

prior to the obligation of funds for such purposes: Provided further, That contracts or agreements entered into with funds appropriated under this heading during fiscal year 2013 may entail commitments for the expenditure of such funds through the following fiscal year: Provided further, That any decision to open a new or reorganized USAID mission, bureau, center, or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: Provided further, That any reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, to the cost categories in the table included under this heading in the joint explanatory statement accompanying this Act for funds appropriated under this heading, shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated or made available under this heading, not to exceed \$250,000 may be available for representation and entertainment allowances, of which not to exceed \$5,000 may be available for entertainment allowances, for USAID during the current fiscal year: Provided further, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: Provided further, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

#### CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$129,700,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$46,500,000, to remain available until September 30, 2013, which sum shall be available for the Office of Inspector General of the United States Agency for International Development.

#### TITLE III

##### BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, as follows:

##### GLOBAL HEALTH PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, \$2,625,000,000, to remain available until September 30, 2013, and which shall be apportioned directly to the United States Agency for International Development (USAID): Provided, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in

developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: Provided further, That funds appropriated under this paragraph may be made available for a United States contribution to the GAVI Alliance: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That any determination made under the previous proviso must be made no later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensive information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on

which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$5,542,860,000, to remain available until September 30, 2016, which shall be apportioned directly to the Department of State: Provided, That funds appropriated under this paragraph may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That the amount of such contribution should be \$1,050,000,000: Provided further, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2012 may be made available to USAID for technical assistance related to the activities of the Global Fund: Provided further, That of the funds appropriated under this paragraph, up to \$14,250,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

#### DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$2,519,950,000, to remain available until September 30, 2013: Provided, That relevant bureaus and offices of the United States Agency for International Development (USAID) that support cross-cutting development programs shall coordinate such programs on a regular basis: Provided further, That of the funds appropriated under this heading, not less than \$23,000,000 shall be made available for the American Schools and Hospitals Abroad program, and not less than \$10,000,000 shall be made available for USAID cooperative development programs within the Office of Private and Voluntary Cooperation.

#### INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance

Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$825,000,000, to remain available until expended.

#### TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$50,141,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

#### COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the Administrator of the United States Agency for International Development (USAID), in consultation with the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas, \$10,000,000, to remain available until expended: Provided, That funds appropriated under this heading may be made available on such terms and conditions as the USAID Administrator may determine, in consultation with the Committees on Appropriations, for the purposes of preventing or responding to such crises, except that no funds shall be made available to respond to natural disasters: Provided further, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961, as amended by this Act: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days in advance of the obligation of funds.

#### DEVELOPMENT CREDIT AUTHORITY (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to \$40,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Europe, Eurasia and Central Asia": Provided, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: Provided further, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this

paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading, except that the principal amount of loans made or guaranteed under this heading with respect to any single country shall not exceed \$300,000,000: Provided further, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$750,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$8,300,000, which may be transferred to, and merged with, funds made available under the heading "Operating Expenses" in title II of this Act: Provided, That funds made available under this heading shall remain available until September 30, 2014.

#### ECONOMIC SUPPORT FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$3,001,745,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, \$250,000,000 shall be available for assistance for Egypt, including not less than \$35,000,000 for education programs of which not less than \$10,000,000 is for scholarships at not-for-profit institutions for Egyptian students with high financial need, and to implement section 7041(a)(3) and (b) of this Act: Provided further, That funds appropriated under this heading that are made available for assistance for Cyprus shall be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That \$12,000,000 of the funds made available for assistance for Lebanon under this heading shall be for scholarships at not-for-profit institutions for students in Lebanon with high financial need: Provided further, That of the funds appropriated under this heading, not less than \$360,000,000 shall be available for assistance for Jordan: Provided further, That up to \$30,000,000 of the funds appropriated for fiscal year 2011 under this heading in Public Law 112–10, division B, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of loan guarantees for Tunisia, which are authorized to be provided: Provided further, That amounts that are made available under the previous proviso for the cost of guarantees shall not be considered "assistance" for the purposes of provisions of law limiting assistance to a country: Provided further, That of the funds appropriated under this heading, not less than \$179,000,000 shall be apportioned directly to the United States Agency for International Development for alternative development/institution building programs in Colombia: Provided further, That of the funds appropriated under this heading that are available for assistance for Colombia, not less than \$7,000,000 shall be transferred to, and merged with, funds appropriated under the heading "Migration and Refugee Assistance" and shall be made available only for assistance to non-governmental and international organizations that provide assistance to Colombian refugees in neighboring countries: Provided further, That in

consultation with the Secretary of the Treasury, the Secretary of State may transfer up to \$200,000,000 of the funds made available under this heading to funds appropriated in this Act under the headings "Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions" for additional payments to such institutions, facilities, and funds enumerated under such headings: Provided further, That prior to exercising the transfer authority under the previous proviso the Secretary of State shall consult with the Committees on Appropriations.

#### DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, \$114,770,000, to remain available until September 30, 2013, of which \$68,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and \$46,770,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

#### ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, \$626,718,000, to remain available until September 30, 2013, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: Provided, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: Provided further, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabakh.

#### DEPARTMENT OF STATE

##### MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses not otherwise provided for, to enable the Secretary of State to carry out the provisions of section 2(a) and (b) of the Migration and Refugee Assistance Act of 1962, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$1,639,100,000, to remain available until expended, of which \$20,000,000 shall be made available for refugees resettling in Israel, and not less than \$35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements.

##### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), \$27,200,000, to remain available until expended.

#### INDEPENDENT AGENCIES

##### PEACE CORPS

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501–

2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$375,000,000, of which \$5,150,000 is for the Office of Inspector General, to remain available until September 30, 2013: Provided, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed \$5,000,000: Provided further, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: Provided further, That of the funds appropriated under this heading, not to exceed \$4,000 may be made available for entertainment expenses: Provided further, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps personnel, pursuant to section 7015(e) of this Act: Provided further, That none of the funds appropriated under this heading shall be used to pay for abortions.

#### MILLENNIUM CHALLENGE CORPORATION

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, \$898,200,000 to remain available until expended: Provided, That of the funds appropriated under this heading, up to \$105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): Provided further, That up to 5 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2012: Provided further, That section 605(e) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: Provided further, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: Provided further, That the Chief Executive Officer of the Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: Provided further, That any funds that are deobligated from a Millennium Challenge Compact shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: Provided further, That notwithstanding section 606(a)(2) of the Millennium Challenge Act of 2003, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the Millennium Challenge Act of 2003: Provided further, That notwithstanding section 606(b)(1) of the Millennium Challenge Act of 2003, in addition to countries described in the preceding proviso, a country shall be a candidate country for purposes of eligibility for assistance for the fiscal year if the country has a

per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year and is not among the 75 lowest per capita income countries as identified by the World Bank; and the country meets the requirements of section 606(a)(1)(B) of the Millennium Challenge Act of 2003: Provided further, That any Millennium Challenge Corporation candidate country under section 606 of the Millennium Challenge Act of 2003 with a per capita income that changes in the fiscal year such that the country would be reclassified from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year and the two subsequent fiscal years: Provided further, That of the funds appropriated under this heading, not to exceed \$100,000 may be available for representation and entertainment allowances, of which not to exceed \$5,000 may be available for entertainment allowances.

#### INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$22,500,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, not to exceed \$2,000 may be available for entertainment and representation allowances.

#### AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96-533), \$30,000,000, to remain available until September 30, 2013: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

#### DEPARTMENT OF THE TREASURY

##### INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$25,448,000, to remain available until September 30, 2014, which shall be available notwithstanding any other provision of law.

##### DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to part V of the Foreign Assistance Act of 1961, \$12,000,000, to remain available until September 30, 2013.

#### TITLE IV

##### INTERNATIONAL SECURITY ASSISTANCE

##### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961,

\$1,061,100,000, to remain available until September 30, 2013: Provided, That during fiscal year 2012, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated under this heading shall be made available for assistance for the Bolivian military and police unless the Secretary of State determines and reports to the Committees on Appropriations that such funds are in the national security interest of the United States: Provided further, That, notwithstanding any other provision of law, of the funds appropriated under this heading, \$5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161): Provided further, That the reporting requirements contained in section 1404 of Public Law 110-252 shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority: Provided further, That the provision of assistance which is comparable to assistance made available under this heading but which is provided under any other provision of law, shall be provided in accordance with the provisions of sections 481(b) and 622(c) of the Foreign Assistance Act of 1961.

##### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$590,113,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the clearance of unexploded ordnance should prioritize areas where such ordnance was caused by the United States: Provided further, That of the funds made available under this heading, not to exceed \$30,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament

Fund, notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, to promote bilateral and multilateral activities relating to non-proliferation, disarmament and weapons destruction: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: Provided further, That funds appropriated under this heading may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: Provided further, That funds made available for demining and related activities, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2013.

#### PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$302,818,000: Provided, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: Provided further, That of the funds appropriated under this heading, not less than \$28,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: Provided further, That of the funds appropriated under this heading, up to \$91,818,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia and shall be available until September 30, 2013: Provided further, That funds appropriated under this Act should not be used to support any military training or operations that include child soldiers: Provided further, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

#### FUNDS APPROPRIATED TO THE PRESIDENT INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$105,788,000, of which up to \$4,000,000 may remain available until September 30, 2013, and may only be provided through the regular notification procedures of the Committees on Appropriations: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That the Secretary of State shall provide to the Committees on Appropriations, not later than 45 days after enactment of this Act, a report on the proposed uses of all program funds under this heading on a country-by-country basis, including a detailed description of proposed activities: Provided further, That of the funds appropriated under this heading, not to exceed \$55,000 may be available for entertainment allowances.

#### FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$5,210,000,000: Provided, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: Provided further, That of the funds appropriated under this heading, not less than \$3,075,000,000 shall be available for grants only for Israel, and \$1,300,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: Provided further, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than \$808,725,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2012 may be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York: Provided further, That of the funds appropriated under this heading, \$300,000,000 shall be made available for assistance for Jordan: Provided further, That, not later than 90 days after enactment of this Act and 6 months thereafter, the Secretary of State shall submit a report to the Committees on Appropriations detailing any crowd control items, including tear gas, made available with appropriated funds or through export licenses to foreign security forces that the Secretary of State has credible information have repeatedly used excessive force to repress peaceful, lawful, and organized dissent: Provided further, That the Secretary of State should consult with the Committees on Appropriations prior to obligating funds for such items to governments of countries undergoing democratic transition in the Middle East and North Africa: Provided further, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456) unless the Secretary of State, in coordination with the Secretary of Defense, has justified such program to the Committees on Appropriations: Provided further, That funds appropriated or otherwise made available under this heading shall be non-repayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: Provided, That all country and funding level increases in allocations shall

be submitted through the regular notification procedures of section 7015 of this Act: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than \$62,800,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed \$4,000 may be available for entertainment expenses and not to exceed \$130,000 may be available for representation allowances: Provided further, That not more than \$836,900,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2012 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

#### TITLE V

#### MULTILATERAL ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$348,705,000, of which up to \$10,000,000 may be made available for the Intergovernmental Panel on Climate Change/United Nations Framework Convention on Climate Change: Provided, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

##### INTERNATIONAL FINANCIAL INSTITUTIONS

##### GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, \$89,820,000, to remain available until expended.

##### CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$1,325,000,000, to remain available until expended.

For payment to the International Development Association by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, \$167,000,000, to remain available until expended.



## CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in portion of the increases in capital stock, \$117,364,344, to remain available until expended.

## LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed \$2,928,990,899.

## CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Clean Technology Fund by the Secretary of the Treasury, \$184,630,000, to remain available until expended.

## CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Strategic Climate Fund by the Secretary of the Treasury, \$49,900,000, to remain available until expended.

## GLOBAL AGRICULTURE AND FOOD SECURITY PROGRAM

For payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, \$135,000,000, to remain available until expended.

## CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, \$75,000,000, to remain available until expended.

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, \$4,670,000, to remain available until expended.

## LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$4,098,794,833.

## CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, \$25,000,000, to remain available until expended.

## CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of increase in capital stock, \$106,586,000, to remain available until expended.

## LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$2,558,048,769.

## CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, \$100,000,000, to remain available until expended.

## CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the

United States share of the paid-in portion of the increase in capital stock, \$32,417,720, to remain available until expended.

## LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$507,860,808.

## CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, \$172,500,000, to remain available until expended.

For payment to the African Development Fund by the Secretary of the Treasury for costs incurred under the Multilateral Debt Relief Initiative, \$7,500,000, to remain available until expended.

## EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

## LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital of the United States share of such capital in an amount not to exceed \$1,252,331,952.

## CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, \$30,000,000, to remain available until expended.

## TITLE VI

## EXPORT AND INVESTMENT ASSISTANCE

## EXPORT-IMPORT BANK OF THE UNITED STATES

## INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$4,000,000, to remain available until September 30, 2013.

## PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy technologies or end-use energy efficiency technologies: Provided further, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2012: Provided further, That notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 6350 and section 1(c) of Public Law 103-428), the Export-Import Bank of the United States shall

continue to exercise its functions in connection with and in furtherance of its objects and purposes through May 31, 2012.

## SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed \$58,000,000: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such funds shall remain available until September 30, 2027, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2012, 2013, 2014, and 2015: Provided further, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations.

## ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed \$89,900,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2012: Provided further, That the Export-Import Bank shall charge fees for necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal, financial, or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, or systems infrastructure directly supporting transactions: Provided further, That, in addition to other funds appropriated for administrative expenses, such fees shall be credited to this account, to remain available until expended.

## RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: Provided, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at \$0: Provided further, That amounts collected in fiscal year 2012 in excess of obligations, up to \$50,000,000, shall become available on September 1, 2012 and shall remain available until September 30, 2015.

## OVERSEAS PRIVATE INVESTMENT CORPORATION

## NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the

limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$54,990,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

#### PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$25,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2012, 2013, and 2014: Provided further, That funds so obligated in fiscal year 2012 remain available for disbursement through 2020; funds obligated in fiscal year 2013 remain available for disbursement through 2021; and funds obligated in fiscal year 2014 remain available for disbursement through 2022: Provided further, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 in Iraq: Provided further, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

#### TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$50,000,000, to remain available until September 30, 2013: Provided, That of the funds appropriated under this heading, not more than \$4,000 may be available for representation and entertainment allowances.

#### TITLE VII

##### GENERAL PROVISIONS

##### ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

##### UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative unobligated balances and obligated, but unexpended, balances by program, project, and activity, and Treasury Account Fund Symbol of all funds received by such department or agency in fiscal year 2012 or any previous fiscal year: Provided, That the report required by this section should specify by account the amount of funds obligated pursuant to bilateral agreements which have not been further sub-obligated.

#### CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

#### EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) For the purposes of calculating the fiscal year 2012 costs of providing new United States diplomatic facilities in accordance with section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note), the Secretary of State, in consultation with the Director of the Office of Management and Budget, shall determine the annual program level and agency shares in a manner that is proportional to the Department of State's contribution for this purpose.

(d) Funds appropriated by this Act, and any prior Act making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property for diplomatic facilities in Afghanistan, Pakistan, and Iraq, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(e) Section 604(e)(1) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note) is amended by striking "providing new," and inserting in its place "providing, maintaining, repairing, and renovating".

(f)(1) None of the funds appropriated under the heading "Embassy Security, Construction, and Maintenance" in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs, made available through Federal agency Capital Security Cost Sharing contributions and reimbursements, or generated from the proceeds of real property sales, other than from real property sales located in London, United Kingdom, may be made available for site acquisition and mitigation, planning, design or construction of the New London Embassy.

(2) Within 60 days of enactment of this Act and every 6 months thereafter until completion of the New London Embassy, the Secretary of State shall submit to the Committees on Appropriations a report on the project: Provided, That such report shall include revenue and cost projections, cost containment efforts, project schedule and actual project status, the impact of currency exchange rate fluctuations on project revenue and costs, and options for modifying the scope of the project in the event that proceeds of real property sales in London fall below the total cost of the project.

#### PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) in Iraq, Afghanistan, and Pakistan, notwithstanding subsection (c)(3) of such section: Provided, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts that are awarded during the current fiscal year: Provided further, That prior to issuing a solicitation for a contract to be awarded pursuant to the authority under this section, the Secretary of State shall consult with the Committees on Appropriations and other relevant congressional committees.

#### PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

#### COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the military plays a decisive role: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

#### TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this

Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) **EXPORT FINANCING TRANSFER AUTHORITIES.**—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2012, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) **LIMITATION ON TRANSFERS BETWEEN AGENCIES.**—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of \$1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Global Health Programs”, “Development Assistance”, and “Economic Support Fund” shall be subject to the regular notification procedures of the Committees on Appropriations: Provided, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) **TRANSFERS BETWEEN ACCOUNTS.**—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) **AUDIT OF INTER-AGENCY TRANSFERS.**—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the Department of State or USAID

and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General (IG) for the agency receiving the transfer or allocation of such funds, or other entity with audit responsibility if the receiving agency does not have an IG, shall perform periodic program and financial audits of the use of such funds: Provided, That such audits shall be transmitted to the Committees on Appropriations: Provided further, That funds transferred under such authority may be made available for the cost of such audits.

#### REPORTING REQUIREMENT

**SEC. 7010.** The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2012, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings “Foreign Military Financing Program”, “International Military Education and Training”, “Peacekeeping Operations”, and “Pakistan Counterinsurgency Capability Fund”: Provided, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

#### AVAILABILITY OF FUNDS

**SEC. 7011.** No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 661, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings “Assistance for Europe, Eurasia and Central Asia” and “Development Credit Authority”, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially allocated or obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That the Secretary of State shall provide a report to the Committees on Appropriations at the beginning of each fiscal year, detailing by account and source year, the use of this authority during the previous fiscal year.

#### LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

**SEC. 7012.** No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

#### PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

**SEC. 7013.** (a) **PROHIBITION ON TAXATION.**—None of the funds appropriated under titles III

through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) **REIMBURSEMENT OF FOREIGN TAXES.**—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2012 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2013 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) **DE MINIMIS EXCEPTION.**—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) **REPROGRAMMING OF FUNDS.**—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) **DETERMINATIONS.**—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) **IMPLEMENTATION.**—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) **DEFINITIONS.**—As used in this section—

(1) the terms “taxes” and “taxation” refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term “bilateral agreement” refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

(h) **REPORT.**—The Secretary of State shall submit a report to the Committees on Appropriations not later than 90 days after the enactment of this Act detailing steps taken by the Department of State to comply with the requirements provided in subsections (a) and (f).

## RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: Provided, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: Provided, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

## NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates new programs;
  - (2) eliminates a program, project, or activity;
  - (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
  - (4) relocates an office or employees;
  - (5) closes or opens a mission or post;
  - (6) creates, reorganizes, or renames bureaus, centers, or offices;
  - (7) reorganizes programs or activities; or
  - (8) contracts out or privatizes any functions or activities presently performed by Federal employees;
- unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds: Provided, That unless previously justified to the Committees on Appropriations, the requirements of this subsection shall apply to all obligations of funds appropriated under title I of this Act for items (5) and (6) above.

(b) None of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded under title I of this Act, shall be available for

obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) None of the funds made available under titles II through VI and VIII in this Act under the headings "Global Health Programs", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Assistance for Europe, Eurasia and Central Asia", "Economic Support Fund", "Democracy Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses", "Conflict Stabilization Operations", "Office of Inspector General", "Non-proliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation", "Foreign Military Financing Program", "International Military Education and Training", "Pakistan Counterinsurgency Capability Fund", and "Peace Corps", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That requirements of this subsection or any similar provision of any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided, That in case of any such waiver, notification to the Committees on Appropriations

shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI and VIII of this Act shall be obligated or expended for assistance for Serbia, Sudan, South Sudan, Zimbabwe, Afghanistan, Iraq, Pakistan, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Honduras, Burma, Yemen, Mexico, Kazakhstan, Uzbekistan, the Russian Federation, Somalia, Sri Lanka, or Cambodia except as provided through the regular notification procedures of the Committees on Appropriations.

## NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

## LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961 or section 7049(a) of this Act, shall remain available for obligation until September 30, 2013.

## PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

## ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement accompanying this Act.

(b) For the purposes of implementing this section and only with respect to the tables included in the joint explanatory statement accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

## PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Global Health Programs", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

- (1) alcoholic beverages; or
- (2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

## PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979: Provided, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: Provided further, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(3) Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

## (b) BILATERAL ASSISTANCE.—

(1) Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism;

(B) otherwise supports international terrorism; or

(C) is controlled by an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(2) The President may waive the application of paragraph (1) to a government if the Presi-

dent determines that national security or humanitarian reasons justify such waiver: Provided, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

## AUTHORIZATION REQUIREMENTS

SEC. 7022. Funds appropriated by this Act, except funds appropriated under the heading "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

## DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7023. For the purpose of titles II through VI of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: "Economic Support Fund" and "Foreign Military Financing Program", "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as:

- (1) justified to the Congress; or
- (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

## AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7024. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: Provided, That prior to conducting activities in a country for which assistance is prohibited, the agency shall consult with the Committees on Appropriations and report to such Committees within 15 days of taking such action.

## COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7025. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and

employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations: Provided further, That this subsection shall not prohibit—

(1) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(2) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States;

(2) research activities intended primarily to benefit American producers;

(3) activities in a country that is eligible for assistance from the International Development Association, is not eligible for assistance from the International Bank for Reconstruction and Development, and does not export on a consistent basis the agricultural commodity with respect to which assistance is furnished; or

(4) activities in a country the President determines is recovering from widespread conflict, a humanitarian crisis, or a complex emergency.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

## SEPARATE ACCOUNTS

SEC. 7026. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters I and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) **USES OF LOCAL CURRENCIES.**—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

- (i) project and sector assistance activities; or
- (ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) **PROGRAMMING ACCOUNTABILITY.**—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) **TERMINATION OF ASSISTANCE PROGRAMS.**—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) **REPORTING REQUIREMENT.**—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) **SEPARATE ACCOUNTS FOR CASH TRANSFERS.**—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) **APPLICABILITY OF OTHER PROVISIONS OF LAW.**—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) **NOTIFICATION.**—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) **EXEMPTION.**—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

#### ELIGIBILITY FOR ASSISTANCE

**SEC. 7027. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.**—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”: Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) **PUBLIC LAW 480.**—During fiscal year 2012, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) **EXCEPTION.**—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

#### IMPACT ON JOBS IN THE UNITED STATES

**SEC. 7028.** None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

#### INTERNATIONAL FINANCIAL INSTITUTIONS

**SEC. 7029. (a)** None of the funds appropriated under title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate

provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to oppose any loan, grant, strategy or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health, in connection with such institution's financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on healthcare or education; and to promote government spending on healthcare, education, agriculture and food security, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

(d) For the purposes of this Act “international financial institutions” shall mean the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank and the African Development Fund.

#### DEBT-FOR-DEVELOPMENT

**SEC. 7030.** In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

#### FINANCIAL MANAGEMENT AND BUDGET TRANSPARENCY

**SEC. 7031. (a) LIMITATION ON DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.**—

(1) Funds appropriated by this Act may be made available for direct Government-to-Government assistance only if—

(A) each implementing agency or ministry to receive assistance has been assessed and is considered to have the systems required to manage such assistance and any identified vulnerabilities or weaknesses of such agency or ministry have been addressed; and

(i) the recipient agency or ministry employs and utilizes staff with the necessary technical, financial, and management capabilities;

(ii) the recipient agency or ministry has adopted competitive procurement policies and systems;



(iii) effective monitoring and evaluation systems are in place to ensure that such assistance is used for its intended purposes; and

(iv) no level of acceptable fraud is assumed.

(B) The Government of the United States and the government of the recipient country have agreed, in writing—

(i) on clear and achievable objectives for the use of such assistance; and

(ii) that such assistance should be made on a cost-reimbursable basis.

(2) In addition to the requirements in subsection (a), no funds may be made available for such assistance without prior consultation with, and notification to, the Committees on Appropriations: Provided, That such notification shall contain an explanation of how the proposed activity meets the requirements of paragraph (1): Provided further, That the requirements of this paragraph shall only apply to direct Government-to-Government assistance in excess of \$10,000,000 and all funds available for cash transfer, budget support, and cash payments to individuals.

(3) The USAID Administrator or the Secretary of State, as appropriate, shall suspend any such assistance if the Administrator or the Secretary has credible information of material misuse of such assistance, unless the Administrator or the Secretary determines and reports to the Committees on Appropriations that it is in the national interest of the United States to continue such assistance.

(4) Not later than 90 days after the enactment of this Act and 6 months thereafter, the USAID Administrator shall submit to the Committees on Appropriations a report that—

(A) details all assistance described in subsection (a) provided during the previous 6-month period by country, funding amount, source of funds, and type of such assistance; and

(B) the type of procurement instrument or mechanism utilized and whether the assistance was provided on a cost-reimbursable basis.

(5) The USAID Administrator shall submit to the Committees on Appropriations, concurrent with the fiscal year 2013 congressional budget justification materials, amounts planned for assistance described in subsection (a) by country, proposed funding amount, source of funds, and type of assistance.

(b) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) LIMITATION ON FUNDING.—None of the funds appropriated under titles III and IV of this Act may be made available to the central government of any country that does not meet minimum standards of fiscal transparency: Provided, That the Secretary of State shall develop “minimum standards of fiscal transparency” to be updated and strengthened, as appropriate, to reflect best practices: Provided further, That the Secretary shall make an annual determination of “progress” or “no progress” for countries that do not meet minimum standards of fiscal transparency and make those determinations publicly available in an annual “Fiscal Transparency Report”.

(2) MINIMUM STANDARDS OF FISCAL TRANSPARENCY.—For purposes of paragraph (1), “minimum standards of fiscal transparency” shall include standards for the public disclosure of budget documentation, including receipts and expenditures by ministry, and government contracts and licenses for natural resource extraction, to include bidding and concession allocation practices.

(3) WAIVER.—The Secretary of State may waive the limitation on funding in paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that the waiver is important to the national interest of the United States: Provided,

That such waiver shall identify any steps taken by the government of the country to publicly disclose its national budget and contracts which are additional to those which were undertaken in previous fiscal years, include specific recommendations of short- and long-term steps such government can take to improve budget transparency, and identify benchmarks for measuring progress.

(4) ASSISTANCE.—Of the funds appropriated under title III of this Act, not less than \$5,000,000 should be made available for programs and activities to assist the central governments of countries named in the list required by paragraph (1) to improve budget transparency or to support civil society organizations in such countries that promote budget transparency: Provided, That such sums shall be in addition to funds otherwise made available for such purposes.

(c) ANTI-KLEPTOCRACY.—

(1) Officials of foreign governments and their immediate family members who the Secretary of State has credible information have been involved in significant corruption, including corruption related to the extraction of natural resources, shall be ineligible for entry into the United States.

(2) Individuals shall not be ineligible if entry into the United States would further important United States law enforcement objectives or is necessary to permit the United States to fulfill its obligations under the United Nations Headquarters Agreement: Provided, That nothing in this provision shall be construed to derogate from United States Government obligations under applicable international agreements.

(3) The Secretary may waive the application of paragraph (1) if the Secretary determines that the waiver would serve a compelling national interest or that the circumstances which caused the individual to be ineligible have changed sufficiently.

(4) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall submit a report, in classified form if necessary, to the Committees on Appropriations describing the information regarding corruption concerning each of the individuals found ineligible pursuant to paragraph (1), a list of any waivers provided under subsection (3), and the justification for each waiver.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation

would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section: Provided, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

MULTI-YEAR COMMITMENTS

SEC. 7033. None of the funds appropriated by this Act may be used to make a future year funding pledge for any multilateral or bilateral program funded in titles III through VI of this Act unless such pledge was—

(1) previously justified in a congressional budget justification;

(2) included in an Act making appropriations for the Department of State, foreign operations, and related programs or previously authorized by an Act of Congress;

(3) notified in accordance with the regular notification procedures of the Committees on Appropriations; or

(4) the subject of prior consultation with the Committees on Appropriations and such consultation was conducted at least 7 days in advance of the pledge.

SPECIAL PROVISIONS

SEC. 7034. (a) VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles III and VI of this Act that are made available for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to

mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(c) **WORLD FOOD PROGRAM.**—Funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development (USAID), from this or any other Act, shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(d) **DISARMAMENT, DEMOBILIZATION AND RE-INTEGRATION.**—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund”, “Peacekeeping Operations”, “International Disaster Assistance”, and “Transition Initiatives” should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: Provided further, That for the purposes of this subsection the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(e) **RESEARCH AND TRAINING.**—Funds appropriated by this Act under the heading “Economic Support Fund” may be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501–4508).

(f) **CONTINGENCIES.**—During fiscal year 2012, the President may use up to \$50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(g) **CONSOLIDATION OF REPORTS.**—The Secretary of State, in coordination with the USAID Administrator, shall submit to the Committees on Appropriations, and other relevant congressional committees, not later than 90 days after enactment of this Act recommendations for the consolidation or combination of reports (including plans and strategies) that are called for by any provision of law to be submitted to the Congress and that are substantially duplicative of others called for by any other provision of law: Provided, That reports are considered “substantially duplicative” if they are required to address at least more than half of the same substantive factors, criteria and issues that are required to be addressed by any other report, and any such consolidated report must address all the substantive factors, criteria and issues required to be addressed in each of the individual reports: Provided further, That reports affected by this subsection are those within the purview of, or prepared primarily by, the Department of State and USAID and that relate to matters addressed under this Act or any other Act authorizing or appropriating funds for use by, or actions of, the Department of State or USAID.

(h) **PROMOTION OF DEMOCRACY.**—

(1) Funds made available by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(2) For the purposes of funds appropriated by this Act, the term “promotion of democracy” means programs that support good governance, human rights, independent media, and the rule

of law, and otherwise strengthen the capacity of democratic political parties, governments, non-governmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(3) With respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(4) Funds appropriated under the heading “Economic Support Fund” shall be made available to the Bureau of Democracy, Human Rights and Labor for programs to promote human rights by expanding open and uncensored access to information and communication as identified in the Department of State’s Internet freedom strategy: Provided, That funds made available by this paragraph should be matched by sources other than the United States Government, as appropriate: Provided further, That the Secretary of State shall coordinate the development and uses of circumvention and secure communications technologies with the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate: Provided further, That the circumvention technologies and programs supported by funds made available by this Act, shall undergo a review, to include an assessment of the protection against such technologies being used for illicit purposes.

(5) Funds appropriated by this Act that are made available to promote democracy and human rights shall also be made available to support freedom of religion, especially in the Middle East and North Africa.

(i) **PARTNER VETTING.**—Funds appropriated in this Act or any prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be used by the Secretary of State and the Administrator of the United States Agency for International Development (USAID), as appropriate, to support the development and implementation of a Partner Vetting System (PVS) pilot program: Provided, That such pilot program shall be implemented not later than September 30, 2012: Provided further, That the Secretary of State and the USAID Administrator shall jointly submit a report to the Committees on Appropriations not later than 30 days after completion of the pilot program on the estimated timeline and criteria for evaluating the PVS for expansion.

(j) **PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.**—The Secretary of State shall implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457): Provided, That in determining whether to suspend the issuance of A–3 or G–5 visas to applicants seeking to work for officials of a diplomatic mission or international organization, the Secretary shall consider whether a final court judgment has been issued against a current or former employee of such mission or organization (and the time period for a final appeal has expired) or whether the Department of State has requested that immunity of individual diplomats or family members be waived to permit criminal prosecution: Provided further, That the Secretary should continue to assist in obtaining payment of final court judgments awarded to A–3 and G–5 visa holders, including encouraging the sending states to provide compensation directly to victims: Provided further, That the Secretary shall include, in a manner the Secretary deems appropriate, all trafficking cases involving A–3 or G–5 visa holders in the Trafficking in Persons annual report for which a final civil

judgment has been issued (and the time period for final appeal has expired) or the Department of Justice has determined that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity.

(k) **MODIFICATION OF AMENDMENT.**—Section 620J of the Foreign Assistance Act of 1961 (Limitation on Assistance to Security Forces) is amended as follows:

(1) by redesignating the section as section 620M;

(2) in subsection (a), by striking “evidence” and inserting “information” and by striking “gross violations” and inserting “a gross violation”;

(3) in subsection (b), by striking “measures” and inserting “steps”; and

(4) by adding the following subsection:

“(d) **CREDIBLE INFORMATION.**—The Secretary shall establish, and periodically update, procedures to—

“(1) ensure that for each country the Department of State has a current list of all security force units receiving United States training, equipment, or other types of assistance;

“(2) facilitate receipt by the Department of State and United States embassies of information from individuals and organizations outside the United States Government about gross violations of human rights by security force units;

“(3) routinely request and obtain such information from the Department of Defense, the Central Intelligence Agency, and other United States Government sources;

“(4) ensure that such information is evaluated and preserved;

“(5) ensure that when vetting an individual for eligibility to receive United States training the individual’s unit is also vetted;

“(6) seek to identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking; and

“(7) make publicly available, to the maximum extent practicable, the identity of those units for which no assistance shall be furnished pursuant to subsection (a).”

(l) **SECTIONS REPEALED.**—Sections 494, 495, and 495B through 495K of the Foreign Assistance Act of 1961 are hereby repealed.

(m) **EXTENSION OF AUTHORITIES.**—

(1) Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be applied by substituting “September 30, 2012” for “September 30, 2010”.

(2) The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through September 30, 2012.

(3) The authority contained in section 1115(d) of Public Law 111–32 shall remain in effect through September 30, 2012.

(4) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) shall be applied by substituting “September 30, 2012” for “October 1, 2010” in paragraph (2).

(5) Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) shall be applied by substituting “September 30, 2012” for “October 1, 2010” in paragraph (2).

(6) Section 625(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)) shall be applied by substituting “September 30, 2012” for “October 1, 2010” in subparagraph (B).

(7) The authority contained in section 1603(a)(2) of Public Law 109–234, as amended, shall remain in effect through September 30, 2012.

(8) The authority provided by section 1113 of Public Law 111–32 shall remain in effect through September 30, 2012: Provided, That none of the funds appropriated or otherwise made available by this Act or any other Act making appropriations for the Department of

State, foreign operations, and related programs may be used to implement phase 3 of such authority.

(n) **REPORTS REPEALED.**—Section 133(d) of Public Law 87–195; section 807 of Public Law 98–164; section 704(c) of Public Law 101–179; section 104 of Public Law 102–511; section 560(g) of Public Law 103–87; section 514(a) of Public Law 103–236; section 605(c) of Appendix G, Public Law 106–113; sections 3203 and 3204(f) of division B of Public Law 106–246; section 564(g)(4) of Public Law 106–429; sections 694(a), 694(b), 704 and 1321 of Public Law 107–228; and section 409(c) of Public Law 108–447 are hereby repealed.

(o) **GOVERNMENT EXPENDITURES.**—Funds appropriated under title III and under the heading “International Narcotics Control and Law Enforcement” in this Act should not be made available for assistance for any government for programs or activities in fiscal year 2013 if the Secretary of State or the Administrator of the United States Agency for International Development has credible information that such government is reducing its own expenditures for such programs or activities as a result of the assistance provided and for reasons that are inconsistent with the purposes of such assistance.

(p) **INTERNATIONAL CHILD ABDUCTIONS.**—The Secretary of State may withhold funds appropriated under title III of this Act for assistance for the central government of any country that the Secretary determines is not taking appropriate steps to comply with the Convention on the Civil Aspects of International Child Abductions, done at the Hague on October 25, 1980: Provided, That the Secretary shall report to the Committees on Appropriations within 15 days of making any such determination.

(q) **REDESIGNATIONS.**—

(1) The position of Advisor established pursuant to section 699B of division J of Public Law 110–161 shall, within 45 days of enactment of this Act and notwithstanding the requirements of such section, be moved to the United States Agency for International Development (USAID): Provided, That the Advisor shall hereafter be appointed by the USAID Administrator and shall report directly to the Administrator: Provided further, That the responsibilities of the Advisor enumerated in section 699B(b) shall remain in full force and effect.

(2) The position of Coordinator established pursuant to section 664 of division J of Public Law 110–161 shall, within 45 days of enactment of this Act and notwithstanding the requirements of such section, be moved to the United States Agency for International Development (USAID): Provided, That the Coordinator shall hereafter be appointed by the USAID Administrator and shall report directly to the Administrator: Provided further, That the responsibilities of the Coordinator enumerated in the first sentence of section 664(c) shall remain in full force and effect: Provided further, That the limitation in the second sentence of such section shall hereafter no longer apply to the Coordinator.

(r) **EXTENSION OF AUTHORITY.**—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) In section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2011” and inserting “2011, and 2012”; and

(B) in subsection (e), by striking “June 1, 2011” each place it appears and inserting “October 1, 2012”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2011” and inserting “2012”.

#### ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have

commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

#### PALESTINIAN STATEHOOD

SEC. 7036. (a) **LIMITATION ON ASSISTANCE.**—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) **WAIVER.**—The President may waive subsection (a) if the President determines that it is important to the national security interests of the United States to do so.

(d) **EXEMPTION.**—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of sub-

section (a), consistent with the provisions of section 7040 of this Act (“Limitation on Assistance for the Palestinian Authority”).

#### RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: Provided further, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

#### PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

#### ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) **OVERSIGHT.**—For fiscal year 2012, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

(b) **VETTING.**—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: Provided, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) **PROHIBITION.**—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or

otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant sub-contractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to \$500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection: Provided, That such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2012 under the heading “Economic Support Fund”, and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: Provided, That the report shall also detail the steps the Palestinian Au-

thority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended: Provided, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

NEAR EAST

SEC. 7041. (a) EGYPT.—

(1)(A) None of the funds appropriated under titles III and IV of this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the central Government of Egypt unless the Secretary of State certifies to the Committees on Appropriations that such government is meeting its obligations under the 1979 Egypt-Israel Peace Treaty.

(B) Prior to the obligation of funds appropriated by this Act under the heading “Foreign Military Financing Program”, the Secretary of State shall certify to the Committees on Appropriations that the Government of Egypt is supporting the transition to civilian government including holding free and fair elections; implementing policies to protect freedom of expression, association, and religion, and due process of law.

(C) The Secretary of State may waive the requirements of paragraphs (A) and (B) if the Sec-

retary determines and reports to the Committees on Appropriations that to do so is in the national security interest of the United States: Provided, That such determination and report shall include a detailed justification for such waiver.

(2) The Secretary of State shall consult with the Committees on Appropriations prior to the transfer of funds appropriated by this Act under the heading “Foreign Military Financing Program” to an interest-bearing account for Egypt.

(3) Funds appropriated under the heading “Economic Support Fund” in this Act and prior Acts (including previously obligated funds), may be made available, notwithstanding any other provision of law, for an Egypt initiative, particularly for the specific costs referred to in the authorities referenced herein, for the purpose of improving the lives of the Egyptian people through education, investment in jobs and skills (including secondary and vocational education), and access to finance for small and medium enterprises with emphasis on expanding opportunities for women, as well as other appropriate market-reform and economic growth activities: Provided, That the provisions of title VI of Public Law 103–306 pertaining to funds for Jordan shall be deemed to apply to any such initiative and to funds available under this section to carry out such an initiative in the same manner as such cited provisions apply to Jordan, subject to the following provisos: Provided further, That subparagraph (b)(2) shall be deemed not to apply and the amount made available pursuant to this section as set forth in the joint explanatory statement accompanying this Act and incorporated herein shall be deemed to apply in lieu of the figure in subparagraph (b)(1): Provided further, That the authority to reduce debt shall include authority to exchange an outstanding obligation for a new obligation and to permit both principal and interest payments on new obligations to be deposited into a fund established for such purpose, to be used in accordance with purposes set forth in an agreement between the United States and Egypt: Provided further, That the authority of this paragraph shall only be made available after the Secretary of State certifies to the Committees on Appropriations that the Government of Egypt is implementing economic development policies consistent with the objectives of such initiative: Provided further, That funds made available for such initiative shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) ENTERPRISE FUNDS.—Up to \$60,000,000 of funds appropriated under the heading “Economic Support Fund” in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs (and including previously obligated funds), that are available for assistance for Egypt, up to \$20,000,000 of such funds that are available for assistance for Tunisia, and up to \$60,000,000 of such funds that are available for assistance for Jordan, respectively, may be made available notwithstanding any other provision of law, to establish and operate one or more enterprise funds for Egypt, Tunisia, and Jordan, respectively: Provided, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the provisions of subsections (b), (c), (d)(3), and (f) of that section), shall be deemed to apply to any such fund or funds, and to funds made available to such fund or funds, in order to enable such fund or funds to provide assistance for purposes of this section: Provided further, That section 7077 of division F of Public Law 111–117 shall apply to any such fund or funds established pursuant to this subsection: Provided further, That not more than 5 percent of the funds made available pursuant to this subsection

should be available for administrative expenses of such fund or funds and not later than 1 year after the date of enactment of this Act, and annually thereafter until each fund is dissolved, each fund shall submit to the Committees on Appropriations a report detailing the administrative expenses of such fund: Provided further, That each fund shall be governed by a Board of Directors comprised of six private United States citizens and three private citizens of each country, respectively, who have had international business careers and demonstrated expertise in international and emerging markets investment activities: Provided further, That not later than 1 year after the entry into force of the initial grant agreement under this section and annually thereafter, each fund shall prepare and make available to the public on an Internet Web site administered by the fund a detailed report on the fund's activities during the previous year: Provided further, That the authority of any such fund or funds to provide assistance shall cease to be effective on December 31, 2022: Provided further, That funds made available pursuant to this section shall be subject to prior consultation with the Committees on Appropriations.

(c) **IRAN.**—

(1) It is the policy of the United States to seek to prevent Iran from achieving the capability to produce or otherwise manufacture nuclear weapons, including by supporting international diplomatic efforts to halt Iran's uranium enrichment program, and the President should fully implement and enforce the Iran Sanctions Act of 1996, as amended (Public Law 104-172) as a means of encouraging foreign governments to require state-owned and private entities to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran.

(2) None of the funds appropriated or otherwise made available in this Act under the heading "Export-Import Bank of the United States" may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172).

(3) The reporting requirements in section 7043(c) in division F of Public Law 111-117 shall continue in effect during fiscal year 2012 as if part of this Act: Provided, That the date in subsection (c)(1) shall be deemed to be "September 30, 2012".

(d) **IRAQ.**—

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq shall be made available in a manner that utilizes Iraqi entities to the maximum extent practicable, and in accordance with the cost-matching and other requirements in the Department of State's April 9, 2009 "Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects".

(2) None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(3) Funds appropriated by this Act under titles III and VI for assistance for Iraq may be made available notwithstanding any other provision of law, except for this subsection and section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(4) Funds appropriated by this Act for assistance for Iraq under the heading "Economic Support Fund" shall be made available for programs and activities for which policy justifications and decisions shall be the responsibility of the United States Chief of Mission in Iraq.

(5)(A) Of the funds appropriated under the heading "Diplomatic and Consular Programs" in title VIII of this Act that are made available for security and provincial operations for the Department of State in Iraq, 15 percent shall be withheld from obligation until the Secretary of State submits a report to the Committees on Appropriations detailing—

(i) an assessment of the security environment in Iraq with respect to facilities and personnel, and the anticipated impact of the withdrawal of United States Armed Forces in Iraq on such environment, on a facility-by-facility basis;

(ii) an assessment of the security requirements at each facility, and the estimated cost of sustaining such requirements over the next 3 fiscal years;

(iii) the types of military equipment to be used to meet the security requirements at each facility;

(iv) the number of United States Government personnel anticipated at each facility, a general description of the duties of such personnel, and the number and cost of contractors anticipated at each facility required for operational and other support; and

(v) a description of contingency plans, including evacuation, at each facility for United States Government personnel and contractors.

(B) The report required by this paragraph may be submitted in classified form, if necessary.

(e) **LEBANON.**—

(1) None of the funds appropriated by this Act may be made available for the Lebanese Armed Forces (LAF) if the LAF is controlled by a foreign terrorist organization, as defined by section 219 of the Immigration and Nationality Act.

(2) Funds appropriated by this Act under the heading "Foreign Military Financing Program" for assistance for Lebanon may be made available only to professionalize the LAF and to strengthen border security and combat terrorism, including training and equipping the LAF to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: Provided, That funds may not be made available for obligation until the Secretary of State submits a detailed spend plan to the Committees on Appropriations, except such plan may not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961, and shall be submitted not later than September 1, 2012: Provided further, That the Secretary of State shall regularly consult with the Committees on Appropriations on the activities of the LAF and assistance provided by the United States: Provided further, That not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the actions taken to ensure that equipment provided to the LAF is used for intended purposes.

(3) Funds appropriated by this Act under titles III and VI for assistance for Lebanon may be made available notwithstanding any other provision of law, except for this subsection and section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(f) **LIBYA.**—Of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, up to \$20,000,000 should be made available to promote democracy, transparent and accountable governance, human rights, transitional justice, and the rule of law in Libya, and for exchange programs between Libyan and American students and professionals: Provided, That such funds shall be made available, to the maximum extent practicable, on a cost matching basis: Provided fur-

ther, That none of the funds appropriated by this Act may be made available for assistance for Libya for infrastructure projects, except on a loan basis with terms favorable to the United States, and only following consultation with the Committees on Appropriations.

(g) **MOROCCO.**—Prior to the obligation of funds appropriated by this Act under the heading "Foreign Military Financing Program" for assistance for Morocco, the Secretary of State shall submit a report to the Committees on Appropriations on steps being taken by the Government of Morocco to—

(1) respect the right of individuals to peacefully express their opinions regarding the status and future of the Western Sahara and to document violations of human rights; and

(2) provide unimpeded access to human rights organizations, journalists, and representatives of foreign governments to the Western Sahara.

(h) **SYRIA.**—Funds appropriated by this Act shall be made available to promote democracy and protect human rights in Syria, a portion of which should be programmed in consultation with governments in the region, as appropriate.

(i) **YEMEN.**—None of the funds appropriated by this Act may be made available for the Armed Forces of Yemen if such forces are controlled by a foreign terrorist organization, as defined by section 219 of the Immigration and Nationality Act.

**SERBIA**

SEC. 7042. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2012, if the Secretary of State has submitted the report required in subsection (c).

(b) After May 31, 2012, the Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to support loans and assistance to the Government of Serbia subject to the condition in subsection (c).

(c) The report referred to in subsection (a) is a report by the Secretary of State to the Committees on Appropriations that the Government of Serbia is cooperating with the International Criminal Tribunal for the former Yugoslavia, including apprehending and transferring indictees and providing investigators access to witnesses, documents, and other information.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

**AFRICA**

SEC. 7043. (a) **CONFLICT MINERALS.**—

(1) Funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Rwanda or Uganda unless the Secretary of State has credible information that the Government of Rwanda or the Government of Uganda is providing political, military or financial support to armed groups in the Democratic Republic of the Congo (DRC) that are involved in the illegal exportation of minerals out of the DRC or have violated human rights.

(2) The restriction in paragraph (1) shall not apply to assistance to improve border controls to prevent the illegal exportation of minerals out of the DRC by such groups, to protect humanitarian relief efforts, or to support the training and deployment of members of the Rwandan or Ugandan militaries in international peacekeeping operations or to conduct operations against the Lord's Resistance Army.

(b) **COUNTERTERRORISM PROGRAMS.**—Of the funds appropriated by this Act, not less than \$52,800,000 should be made available for the Trans-Sahara Counter-terrorism Partnership program, and not less than \$21,300,000 should be made available for the Partnership for Regional East Africa Counterterrorism program.

(c) **CRISIS RESPONSE.**—Notwithstanding any other provision of law, up to \$10,000,000 of the funds appropriated by this Act under the heading “Global Health Programs” for HIV/AIDS activities may be transferred to, and merged with, funds appropriated under the headings “Economic Support Fund” and “Transition Initiatives” to respond to unanticipated crises in Africa, except that funds shall not be transferred unless the Secretary of State certifies to the Committees on Appropriations that no individual currently on anti-retroviral therapy supported by such funds shall be negatively impacted by the transfer of such funds: Provided, That the authority of this subsection shall be subject to prior consultation with the Committees on Appropriations.

(d) **EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.**—

(1) Funds appropriated under the heading “International Military Education and Training” (IMET) in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Côte d’Ivoire, Guinea and Zimbabwe may be made available only for training related to international peacekeeping operations and expanded IMET: Provided, That the limitation included in this paragraph shall not apply to courses that support training in maritime security for Angola and Cameroon.

(2) None of the funds appropriated under the heading “International Military Education and Training” in this Act may be made available for assistance for Equatorial Guinea or Somalia.

(e) **ETHIOPIA.**—

(1) Funds appropriated by this Act under the heading “Foreign Military Financing Program” that are available for assistance for Ethiopia shall not be made available unless the Secretary of State—

(A) certifies to the Committees on Appropriations that the Government of Ethiopia is implementing policies to respect due process and freedoms of expression and association, and is permitting access to human rights and humanitarian organizations to the Somalia region of Ethiopia; and

(B) submits a report to the Committees on Appropriations on the types and amounts of United States training and equipment proposed to be provided to the Ethiopian military including steps that will be taken to ensure that such assistance is not provided to military units or personnel that have violated human rights, and steps taken by the Government of Ethiopia to investigate and prosecute members of the Ethiopian military who have been credibly alleged to have violated such rights.

(2) The restriction in paragraph (1) shall not apply to assistance to Ethiopian military efforts in support of international peacekeeping operations, counterterrorism operations along the border with Somalia, and for assistance to the Ethiopian Defense Command and Staff College.

(f) **SUDAN LIMITATION ON ASSISTANCE.**—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(3) The limitations of paragraphs (1) and (2) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Kordofan/Nuba Mountains State, Blue Nile State, other marginalized areas and populations in Sudan, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement (CPA), mutual arrangements related to post-referendum issues associated with the CPA, or to promote peace and stability between Sudan and South Sudan, or any other internationally recognized viable peace agreement in Sudan.

(g) **SOUTH SUDAN.**—

(1) Funds appropriated by this Act should be made available for assistance for South Sudan including to increase agricultural productivity, expand educational opportunities especially for girls, strengthen democratic institutions and the rule of law, and enhance the capacity of the Federal Legislative Assembly to conduct oversight over government revenues and expenditures.

(2) Not less than 15 days prior to the obligation of funds appropriated by this Act that are available for assistance for the Government of South Sudan, the Secretary of State shall submit a report to the Committees on Appropriations detailing the extent to which the Government of South Sudan is—

(A) supporting freedom of expression, the establishment of democratic institutions including an independent judiciary, parliament, and security forces that are accountable to civilian authority; and

(B) investigating and punishing members of security forces who have violated human rights.

(3) The Secretary of State shall seek to obtain regular audits of the financial accounts of the Government of South Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil and gas, and the timely, public disclosure of such audits: Provided, That the Secretary should assist the Government of South Sudan in conducting such audits, and by providing technical assistance to enhance the capacity of the National Auditor Chamber to carry out its responsibilities, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the steps that will be taken by the Government of South Sudan, which are additional to those taken in the previous fiscal year, to improve resource management and ensure transparency and accountability of funds.

(h) **UGANDA.**—Funds appropriated by this Act should be made available for programs and activities in areas affected by the Lord’s Resistance Army.

(i) **WAR CRIMES IN AFRICA.**—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act may be made available for assistance for the central government of a country in which individuals indicted by the ICTR and the SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with the ICTR and the SCSL, including the apprehension, surrender, and transfer of indictees in a timely manner: Provided, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by the ICTR and the SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in paragraph (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States:

Provided, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in apprehending and surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(j) **ZIMBABWE.**—

(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loans or grants to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health, education, and macroeconomic growth assistance, unless the Secretary of State makes the determination required in paragraph (1).

#### ASIA

SEC. 7044. (a) **TIBET.**—

(1) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, funds appropriated by this Act under the heading “Economic Support Fund” shall be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) **BURMA.**—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the appropriate international financial institutions to vote against any loan, agreement, or other financial support for Burma.

(2) Funds appropriated by this Act under the heading “Economic Support Fund” may be made available for assistance for Burma notwithstanding any other provision of law, except no such funds shall be made available to the State Peace and Development Council, or its successor, and its affiliated organizations: Provided, That such funds shall be made available for programs along Burma’s borders and for Burmese groups and organizations located outside Burma, and may be made available to support programs in Burma: Provided further, That in addition to assistance for Burmese refugees appropriated under the heading “Migration and Refugee Assistance” in this Act, funds shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma: Provided further, That any new program or activity initiated with funds made available by this Act shall be subject to prior consultation



with the Committees on Appropriations, and all such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CAMBODIA.—Funds made available in this Act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and the Government of Cambodia are taking credible steps to address allegations of corruption and mismanagement within the tribunal.

(d) INDONESIA.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program” that are available for assistance for Indonesia, \$2,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on Indonesia required under such heading in Senate Report 112–85.

(e) NORTH KOREA.—None of the funds made available by this Act under the heading “Economic Support Fund” may be made available for energy-related assistance for North Korea.

(f) PEOPLE’S REPUBLIC OF CHINA.—

(1) None of the funds appropriated under the heading “Diplomatic and Consular Programs” in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People’s Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People’s Liberation Army (PLA) of the People’s Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: Provided, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(g) PHILIPPINES.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program” that are available for assistance for the Philippines, \$3,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on the Philippines required under such heading in Senate Report 112–85.

(h) VIETNAM.—Funds appropriated under the heading “Economic Support Fund” shall be made available for remediation of dioxin contaminated sites in Vietnam and may be made available for assistance for the Government of Vietnam, including the military, for such purposes, and funds under the heading “Development Assistance” shall be made available for related health/disability activities.

#### WESTERN HEMISPHERE

SEC. 7045. (a) COLOMBIA.—

(1) Funds appropriated by this Act and made available to the Department of State for assistance to the Government of Colombia may be used to support a unified campaign against narcotics trafficking, illegal armed groups, and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That rotary and fixed wing aircraft supported with funds appropriated under the

heading “International Narcotics Control and Law Enforcement” for assistance for Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations: Provided further, That such aircraft may also be used to provide transport in support of alternative development programs and investigations by civilian judicial authorities: Provided further, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, or other illegal armed group in Colombia, such helicopter shall be immediately returned to the United States: Provided further, That none of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the Colombian Departamento Administrativo de Seguridad or successor organizations: Provided further, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: Provided further, That any complaints of harm to health or licit crops caused by aerial eradication shall be thoroughly investigated and evaluated, and fair compensation paid in a timely manner for meritorious claims: Provided further, That funds may not be made available for aerial eradication unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: Provided further, That funds appropriated by this Act may not be used for aerial eradication in Colombia’s national parks or reserves unless the Secretary of State certifies to the Committees on Appropriations that there are no effective alternatives and the eradication is in accordance with Colombian laws.

(2) COLOMBIAN ARMED FORCES.—Of the funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, 25 percent may be obligated only after the Secretary of State consults with, and subsequently certifies and submits a report to, the Committees on Appropriations that the Government of Colombia and Colombian Armed Forces are meeting the conditions that appear under this Section in the joint explanatory statement accompanying this Act: Provided, That the requirement to withhold funds from obligation shall not apply with respect to funds made available under the heading “International Narcotics Control and Law Enforcement” in this Act for continued support for the Critical Flight Safety Program or for any alternative development programs in Colombia administered by the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State: Provided further, That not less than 30 days prior to making the certification the Secretary of State shall consult with Colombian and international human rights organizations.

(3) ILLEGAL ARMED GROUPS.—

(A) DENIAL OF VISAS.—Subject to paragraph (B), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible information—

(i) has willfully provided any support to or benefitted from the Revolutionary Armed Forces

of Colombia (FARC), the National Liberation Army (ELN), the United Self-Defense Forces of Colombia (AUC), or other illegal armed groups, including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(ii) has committed, ordered, incited, assisted, or otherwise participated in the commission of a violation of human rights in Colombia.

(B) WAIVER.—Paragraph (A) shall not apply if the Secretary of State certifies to the Committees on Appropriations, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

(b) GUATEMALA.—Funds appropriated by this Act under the headings “International Military Education and Training” (IMET) and “Foreign Military Financing Program” that are available for assistance for Guatemala may be made available only for the Guatemalan Air Force, Navy, and Army Corps of Engineers: Provided, That expanded IMET may be made available for assistance for the Guatemalan Army.

(c) HAITI.—The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the Coast Guard.

(d) HONDURAS.—Prior to the obligation of 20 percent of the funds appropriated by this Act that are available for assistance for Honduras military and police forces, the Secretary of State shall report in writing to the Committees on Appropriations that: the Government of Honduras is implementing policies to protect freedom of expression and association, and due process of law; and is investigating and prosecuting in the civilian justice system, in accordance with Honduran and international law, military and police personnel who are credibly alleged to have violated human rights, and the Honduran military and police are cooperating with civilian judicial authorities in such cases: Provided, That the restriction in this subsection shall not apply to assistance to promote transparency, anti-corruption and the rule of law within the military and police forces.

(e) MEXICO.—Prior to the obligation of 15 percent of the funds appropriated by this Act that are available for assistance for Mexican military and police forces, the Secretary of State shall report in writing to the Committees on Appropriations that: the Government of Mexico is investigating and prosecuting in the civilian justice system, in accordance with Mexican and international law, military and police personnel who are credibly alleged to have violated human rights; is enforcing prohibitions on the use of testimony obtained through torture; and the Mexican military and police are cooperating with civilian judicial authorities in such cases: Provided, That the restriction in this subsection shall not apply to assistance to promote transparency, anti-corruption and the rule of law within the military and police forces.

(f) TRADE CAPACITY.—Of the funds appropriated by this Act, not less than \$10,000,000 under the heading “Development Assistance” and not less than \$10,000,000 under the heading “Economic Support Fund” shall be made available for labor and environmental capacity building activities relating to free trade agreements with countries of Central America, Peru and the Dominican Republic.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be borne by the recipient country.

#### SOUTH ASIA

SEC. 7046. (a) AFGHANISTAN.—

(1) LIMITATION.—None of the funds appropriated or otherwise made available by this Act under the headings “Economic Support Fund”

and “International Narcotics Control and Law Enforcement” may be obligated for assistance for the Government of Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies to the Committees on Appropriations that—

(A) The funds will be used to design and support programs in accordance with the June 2011 “Administrator’s Sustainability Guidance for USAID in Afghanistan”.

(B) The Government of Afghanistan is—

(i) reducing corruption and improving governance, including by investigating, prosecuting, sanctioning or removing corrupt officials from office and implementing financial transparency and accountability measures for government institutions and officials (including the Central Bank) as well as conducting oversight of public resources;

(ii) taking credible steps to protect the human rights of Afghan women; and

(iii) taking significant steps to facilitate active public participation in governance and oversight.

(C) Funds will be used to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial and local governments.

(D) Representatives of Afghan national, provincial or local governments, and local communities and civil society organizations, including women-led organizations, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

#### (2) ASSISTANCE AND OPERATIONS.—

(A) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on security personnel by the Government of Afghanistan.

(B) Funds appropriated under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” in this Act that are available for assistance for Afghanistan—

(i) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political status, and protects the rights of, Afghan women and girls and complies with sections 7060 and 7061 of this Act, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women’s Affairs, and women-led organizations;

(ii) may be made available for a United States contribution to an internationally managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: Provided, That funds may be made available to support reconciliation and reintegration activities only if:

(I) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the human rights of Afghan women; and

(II) such funds will not be used to support any pardon or immunity from prosecution, or

any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or acts of terrorism; and

(iii) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(C) The authority contained in section 1102(c) of Public Law 111–32 shall continue in effect during fiscal year 2012 and shall apply as if part of this Act.

(D)(i) Of the funds appropriated by this Act that are made available for assistance for Afghanistan, not less than \$50,000,000 shall be made available for rule of law programs: Provided, That decisions on the uses of such funds shall be the responsibility of the Coordinator for Rule of Law, in consultation with the Inter-agency Planning and Implementation Team, at the United States Embassy in Kabul, Afghanistan: Provided further, That \$250,000 of such funds shall be transferred to, and merged with, funds appropriated under the heading “Office of Inspector General” in title I of this Act for oversight of such programs and activities.

(ii) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs in Afghanistan.

(E) None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(F) Any significant modification to the scope, objectives or implementation mechanisms of United States assistance programs in Afghanistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(G) Not later than 90 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the International Monetary Fund (IMF) country program for Afghanistan including actions requested by the IMF and taken by the Government of Afghanistan to address the Kabul Bank crisis and restore confidence in Afghanistan’s banking sector.

(H) Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961.

(3) OVERSIGHT.—The Special Inspector General for Afghanistan Reconstruction, the Inspector General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this Act a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

#### (b) NEPAL.—

(1) Funds appropriated by this Act under the heading “Foreign Military Financing Program” may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Nepal Army is—

(A) cooperating fully with investigations and prosecutions of violations of human rights by civilian judicial authorities; and

(B) working constructively to redefine the Nepal Army’s mission and adjust its size accordingly, implement reforms including strengthening the capacity of the civilian ministry of defense to improve budget transparency and ac-

countability, and facilitate the integration of former rebel combatants into the security forces including the Nepal Army, consistent with the goals of reconciliation, peace and stability.

(2) The conditions in paragraph (1) shall not apply to assistance for humanitarian relief and reconstruction activities in Nepal.

#### (c) PAKISTAN.—

##### (1) CERTIFICATION.—

(A) None of the funds appropriated or otherwise made available by this Act under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, “Foreign Military Financing Program”, and “Pakistan Counterinsurgency Capability Fund” for assistance for the Government of Pakistan may be made available unless the Secretary of State certifies to the Committees on Appropriations that the Government of Pakistan is—

(i) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(ii) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan’s military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(iii) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(iv) preventing the proliferation of nuclear-related material and expertise;

(v) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(vi) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

(B) The Secretary of State may waive the requirements of paragraph (A) if to do so is in the national security interests of the United States.

##### (2) ASSISTANCE.—

(A) Funds appropriated by this Act under the heading “Foreign Military Financing Program” for assistance for Pakistan may be made available only to support counterterrorism and counterinsurgency capabilities in Pakistan, and are subject to section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(B) Funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Pakistan should be made available to interdict precursor materials from Pakistan to Afghanistan that are used to manufacture improvised explosive devices, including calcium ammonium nitrate; to support programs to train border and customs officials in Pakistan and Afghanistan; and for agricultural extension programs that encourage alternative fertilizer use among Pakistani farmers.

(C) Of the funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Pakistan, \$10,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights and democracy programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations and the development of democratic political parties.

(D) Funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Pakistan may be made available for the Chief of Mission Fund, as authorized by section 101(c)(5) of Public Law 111–73.

(E) Funds appropriated by this Act under the heading “Economic Support Fund” that are

made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(F) Funds appropriated by this Act under titles III and VI for assistance for Pakistan may be made available notwithstanding any other provision of law, except for this subsection and section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(3) **REPORTS.**—

(A)(i) The spend plan required by section 7078 of this Act for assistance for Pakistan shall include achievable and sustainable goals, benchmarks for measuring progress, and expected results regarding furthering development in Pakistan, countering extremism, and establishing conditions conducive to the rule of law and transparent and accountable governance: Provided, That such benchmarks may incorporate those required in title III of Public Law 111–73, as appropriate: Provided further, That not later than 6 months after submission of such spend plan, and each 6 months thereafter until September 30, 2013, the Secretary of State shall submit a report to the Committees on Appropriations on the status of achieving the goals and benchmarks in the spend plan.

(ii) The Secretary of State should suspend assistance for the Government of Pakistan if any report required by paragraph (A)(i) indicates that Pakistan is failing to make measurable progress in meeting these goals or benchmarks.

(B) Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the costs and objectives associated with significant infrastructure projects supported by the United States in Pakistan, and an assessment of the extent to which such projects achieve such objectives.

(d) **SRI LANKA.**—

(1) None of the funds appropriated by this Act under the heading “Foreign Military Financing Program” may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is—

(A) conducting credible, thorough investigations of alleged war crimes and violations of international humanitarian law by government forces and the Liberation Tigers of Tamil Eelam;

(B) bringing to justice individuals who have been credibly alleged to have committed such violations;

(C) supporting and cooperating with any United Nations investigation of alleged war crimes and violations of international humanitarian law;

(D) respecting due process, the rights of journalists, and the rights of citizens to peaceful expression and association, including ending arrest and detention under emergency regulations;

(E) providing access to detainees by humanitarian organizations; and

(F) implementing policies to promote reconciliation and justice including devolution of power.

(2) Paragraph (1) shall not apply to assistance for humanitarian demining and aerial and maritime surveillance.

(3) If the Secretary makes the certification required in paragraph (1), funds appropriated under the heading “Foreign Military Financing Program” that are made available for assistance for Sri Lanka should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

(4) The Secretary of the Treasury shall instruct the United States executive directors of

the international financial institutions to vote against any loan, agreement, or other financial support for Sri Lanka except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is meeting the requirements in paragraph (1)(D), (E), and (F) of this subsection.

(e) **REGIONAL CROSS BORDER PROGRAMS.**—Funds appropriated by this Act under the heading “Economic Support Fund” for assistance for Afghanistan and Pakistan may be provided notwithstanding any other provision of law that restricts assistance to foreign countries for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics.

**PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS**

**SEC. 7047.** None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

**WAR CRIMES TRIBUNALS DRAWDOWN**

**SEC. 7048.** If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

**UNITED NATIONS**

**SEC. 7049. (a) TRANSPARENCY AND ACCOUNTABILITY.**—

(1) Of the funds appropriated under title I and under the heading “International Organizations and Programs” in title V of this Act that are available for contributions to any United Nations agency or to the Organization of American States, 15 percent shall be withheld from obligation for such agency or organization if the Secretary of State determines and reports to the Committees on Appropriations that the agency or organization is not taking steps to—

(A) publish on a publicly available Web site, consistent with privacy regulations and due process, regular financial and programmatic audits of the agency or organization, and provide the United States Government with necessary access to such financial and performance audits; and

(B) implement best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation.

(2) The Secretary may waive the restriction in this subsection if the Secretary determines and reports that to do so is in the national interest of the United States.

**(b) RESTRICTIONS ON UNITED NATIONS DELEGATIONS AND ORGANIZATIONS.**—

(1) None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

(2) None of the funds made available under title I of this Act may be used by the Secretary of State as a contribution to any organization, agency, or program within the United Nations system if such organization, agency, commission, or program is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, section 6(j)(1) of the Export Administration Act of 1979, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(3) The Secretary of State may waive the restrictions in this subsection if the Secretary determines and reports to the Committees on Appropriations that to do so is in the national interest of the United States.

(c) **UNITED NATIONS HUMAN RIGHTS COUNCIL.**—Funds appropriated by this Act may be made available for voluntary contributions or payment of United States assessments in support of the United Nations Human Rights Council if the Secretary of State determines and reports to the Committees on Appropriations that participation in the Council is in the national interest of the United States: Provided, That the Secretary of State shall report to the Committees on Appropriations not later than 30 days after the date of enactment of this Act, and every 180 days thereafter until September 30, 2012, on the resolutions considered in the United Nations Human Rights Council.

(d) **UNITED NATIONS RELIEF AND WORKS AGENCY.**—The reporting requirements regarding the United Nations Relief and Works Agency contained in the joint explanatory statement accompanying the Supplemental Appropriations Act, 2009 (Public Law 111–32, House Report 111–151) under the heading “Migration and Refugee Assistance” in title XI shall apply to funds made available by this Act under such heading.

(e) **UNITED NATIONS CAPITAL MASTER PLAN.**—None of the funds made available in this Act for the United Nations Capital Master Plan may be used for the design, renovation, or construction of the United Nations Headquarters in New York in excess of the United States payment for the assessment agreed upon pursuant to paragraph 10 of United Nations General Assembly Resolution 61/251.

(f) **REPORTING REQUIREMENT.**—Not later than 30 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriation detailing the amount of funds available for obligation or expenditure in fiscal year 2012 under the headings “Contributions to International Organizations” and “International Organizations and Programs” that are withheld from obligation or expenditure due to any provision of law: Provided, That the Secretary of State shall update such report each time additional funds are withheld by operation of any provision of law: Provided further, That the reprogramming of any withheld funds identified in such report, including updates thereof, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

**COMMUNITY-BASED POLICE ASSISTANCE**

**SEC. 7050. (a) AUTHORITY.**—Funds made available by titles III and IV of this Act to carry out

the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) **NOTIFICATION.**—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

#### ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7051. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: Provided, That for purposes of this section the term “international conference” shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

#### AIRCRAFT TRANSFER AND COORDINATION

SEC. 7052. (a) **TRANSFER AUTHORITY.**—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Diplomatic and Consular Programs”, “International Narcotics Control and Law Enforcement”, “Andean Counterdrug Initiative” and “Andean Counterdrug Programs” may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: Provided, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) **PROPERTY DISPOSAL.**—The authority provided in subsection (a) shall apply only after the Secretary of State determines and reports to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: Provided, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

#### (c) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: Provided, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting Department of State and USAID programs and activities: Provided further, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

#### PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7053. The terms and conditions of section 7055 of division F of Public Law 111–117 shall apply to this Act: Provided, That the date “September 30, 2009” in subsection (f)(2)(B) shall be deemed to be “September 30, 2011”.

#### LANDMINES AND CLUSTER MUNITIONS

SEC. 7054. (a) **LANDMINES.**—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the Secretary of State may prescribe.

(b) **CLUSTER MUNITIONS.**—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

#### PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7055. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed \$25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

#### LIMITATION ON RESIDENCE EXPENSES

SEC. 7056. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed \$100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

#### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT (INCLUDING TRANSFER OF FUNDS)

SEC. 7057. (a) **AUTHORITY.**—Up to \$93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

#### (b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2013.

(c) **CONDITIONS.**—The authority of subsection (a) should only be used to the extent that an

equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, are eliminated.

(d) **PROGRAM ACCOUNT CHARGED.**—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate: Provided, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”.

(e) **FOREIGN SERVICE LIMITED EXTENSIONS.**—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(f) **DISASTER SURGE CAPACITY.**—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters, or man-made disasters subject to the regular notification procedures of the Committees on Appropriations.

(g) **PERSONAL SERVICES CONTRACTORS.**—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 15 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(h) **SMALL BUSINESS.**—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(i) **SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.**—Individuals hired pursuant to the authority provided by section 7059(o) of division F of Public Law 111–117 may be assigned to or support programs in Iraq, Afghanistan, or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

#### GLOBAL HEALTH ACTIVITIES

SEC. 7058. (a) **IN GENERAL.**—Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for provisions

under the heading "Global Health Programs" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: Provided, That of the funds appropriated under title III of this Act, not less than \$575,000,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

(b) GLOBAL HEALTH MANAGEMENT.—

(1) Not later than 180 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), shall submit to the Committees on Appropriations an analysis of short and long-term costs, to include potential cost savings or increases, associated with transitioning the function, role, and duties of the Office of the United States Global AIDS Coordinator into USAID: Provided, That such report shall also assess any programmatic advantages and disadvantages, including the ability to achieve results, of making such a transition.

(2)(A) Not later than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), shall submit to the Committees on Appropriations a report on the status of the Quadrennial Diplomacy and Development Review (QDDR) decision to transition the leadership of the Global Health Initiative (GHI) to USAID, to include the following—

(i) the metrics developed to measure progress in meeting each benchmark enumerated in Appendix 2 of the QDDR and the method utilized to develop such metrics; and

(ii) the status of, and estimated completion date for, meeting each benchmark.

(B) Within 90 days of submitting the initial report required by subparagraph (A), and each 90 days thereafter until the GHI transition is completed, an update shall be provided to the Committees on Appropriations on the status of meeting each benchmark: Provided, That if as part of any such update it is determined that the QDDR target date of September 2012 will not be met, the Secretary of State, in consultation with the USAID Administrator, shall submit a detailed explanation of the delay and a revised target date for the transition to be completed.

(c) GLOBAL FUND REFORMS.—

(1) Of funds appropriated by this Act that are available for a contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), 10 percent should be withheld from obligation until the Secretary of State determines and reports to the Committees on Appropriations that—

(A) the Global Fund is maintaining and implementing a policy of transparency, including the authority of the Global Fund Office of the Inspector General (OIG) to publish OIG reports on a public Web site;

(B) the Global Fund is providing sufficient resources to maintain an independent OIG that—

(i) reports directly to the Board of the Global Fund;

(ii) maintains a mandate to conduct thorough investigations and programmatic audits, free from undue interference; and

(iii) compiles regular, publicly published audits and investigations of financial, programmatic, and reporting aspects of the Global Fund, its grantees, recipients, sub-recipients, and Local Fund Agents; and

(C) the Global Fund maintains an effective whistleblower policy to protect whistleblowers from retaliation, including confidential procedures for reporting possible misconduct or irregularities.

(2) The withholding required by this subsection shall not be in addition to funds that are

withheld from the Global Fund in fiscal year 2012 pursuant to the application of any other provision contained in this or any other Act.

(d) PANDEMIC RESPONSE.—If the President determines and reports to the Committees on Appropriations that a pandemic virus is efficient and sustained, severe, and is spreading internationally, funds made available under titles III, IV, and VIII in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to combat such virus: Provided, That funds made available pursuant to the authority of this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7059. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

PROGRAMS TO PROMOTE GENDER EQUALITY

SEC. 7060. (a) Programs funded under title III of this Act shall include, where appropriate, efforts to improve the status of women, including through gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds appropriated under title III of this Act shall be made available to support programs to expand economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing women's access to financial services and capital, enhancing the role of women in economic decisionmaking at the local, national and international levels, and improving women's ability to participate in the global economy.

(c) Funds appropriated under title III of this Act shall be made available to increase political opportunities for women, including strengthening protections for women's personal status, increasing women's participation in elections, and enhancing women's positions in government and role in government decisionmaking.

(d) Funds appropriated under title III of this Act for food security and agricultural development shall take into consideration the unique needs of women, and technical assistance for women farmers should be a priority.

(e) The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall develop a National Action Plan in accordance with United Nations Security Council Resolution 1325 (adopted on October 31, 2000) to ensure the United States effectively promotes and supports the rights and roles of women in conflict-affected and post-conflict regions through clear, measurable commitments to—

(1) promote the active and meaningful participation of women in affected areas in all aspects of conflict prevention, management, and resolution;

(2) integrate the perspectives and interests of affected women into conflict-prevention activities and strategies;

(3) promote the physical safety, economic security, and dignity of women and girls;

(4) support women's equal access to aid distribution mechanisms and services; and

(5) monitor, analyze and evaluate implementation efforts and their impact.

(f) The Department of State and the United States Agency for International Development shall fully integrate gender into all diplomatic and development efforts through the inclusion

of gender in strategic planning and budget allocations, and the development of indicators and evaluation mechanisms to measure the impact of United States policies and programs on women and girls in foreign countries.

GENDER-BASED VIOLENCE

SEC. 7061. (a) Funds appropriated under the headings "Global Health Programs", "Development Assistance", "Economic Support Fund", and "International Narcotics Control and Law Enforcement" in this Act shall be made available for gender-based violence prevention and response efforts, and funds appropriated under the headings "International Disaster Assistance", "Complex Crises Fund", and "Migration and Refugee Assistance" should be made available for such efforts.

(b) Programs and activities funded under titles III and IV of this Act to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall address, where appropriate, prevention and response to gender-based violence and trafficking in persons.

SECTOR ALLOCATIONS

SEC. 7062. (a) BASIC AND HIGHER EDUCATION.—

(1) BASIC EDUCATION.—

(A) Of the funds appropriated by title III of this Act, not less than \$800,000,000 shall be made available for assistance for basic education, of which not less than \$288,000,000 should be made available under the heading "Development Assistance".

(B) The United States Agency for International Development shall ensure that programs supported with funds appropriated for basic education in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs are integrated, when appropriate, with health, agriculture, governance, and economic development activities to address the economic and social needs of the broader community.

(C) Funds appropriated by title III of this Act for basic education may be made available for a contribution to the Global Partnership for Education.

(2) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than \$200,000,000 shall be made available for assistance for higher education, of which \$25,000,000 shall be to support such programs in Africa, including for partnerships between higher education institutions in Africa and the United States.

(b) DEVELOPMENT GRANTS PROGRAM.—Of the funds appropriated in title III of this Act, not less than \$45,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161), primarily for unsolicited proposals, to support grants of not more than \$2,000,000 to small nongovernmental organizations: Provided, That funds made available under this subsection are in addition to other funds available for such purposes including funds designated by this Act by subsection (f).

(c) ENVIRONMENT PROGRAMS.—

(1) IN GENERAL.—Of the funds appropriated by this Act, not less than \$1,250,000,000 should be made available for programs and activities to protect the environment.

(2) CLEAN ENERGY PROGRAMS.—The limitation in section 7081(b) of division F of Public Law 111-117 shall continue in effect during fiscal year 2012 as if part of this Act: Provided, That the proviso contained in such section shall not apply.

(3) ADAPTATION PROGRAMS.—Funds appropriated by this Act may be made available for

United States contributions to the Least Developed Countries Fund and the Special Climate Change Fund to support adaptation programs and activities.

(4) **TROPICAL FOREST PROGRAMS.**—Funds appropriated under title III of this Act for tropical forest programs shall be used to protect biodiversity, and shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests: Provided, That funds that are available for the Central African Regional Program for the Environment and other tropical forest programs in the Congo Basin for the United States Fish and Wildlife Service (USFWS) shall be apportioned directly to the USFWS: Provided further, That funds made available for the Department of the Interior (DOI) for programs in the Guatemala Mayan Biosphere Reserve shall be apportioned directly to the DOI.

(5) **AUTHORITY.**—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law except for the provisions of this section and subject to the regular notification procedures of the Committees on Appropriations, to support environment programs.

(6) **CONSULTATION.**—Funds made available pursuant to this subsection are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(7) **EXTRACTION OF NATURAL RESOURCES.**—

(A) Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative, implementing and enforcing section 8204 of Public Law 110-246 and the Kimberley Process Certification Scheme, and providing technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(B)(i) The Secretary of the Treasury shall inform the managements of the international financial institutions and post on the Department of the Treasury's Web site that it is the policy of the United States to vote against any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of a natural resource if the government of the country has in place laws or regulations to prevent or limit the public disclosure of company payments as required by section 1504 of Public Law 111-203, and unless such government has in place functioning systems in the sector in which assistance is being considered for:

(I) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(II) the independent auditing of accounts receiving such payments and public disclosure of the findings of such audits; and

(III) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(ii) The requirements of subparagraph (i) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this paragraph.

(C) The Secretary of the Treasury or the Secretary of State, as appropriate, shall instruct the United States executive director of each

international financial institution and the United States representatives to all forest-related multilateral financing mechanisms and processes, that it is the policy of the United States to vote against the expansion of industrial scale logging into primary tropical forests.

(8) **CONTINUATION OF PRIOR LAW.**—Section 7081(g)(2) and (4) of division F of Public Law 111-117 shall continue in effect during fiscal year 2012 as if part of this Act.

(d) **FOOD SECURITY AND AGRICULTURE DEVELOPMENT.**—Of the funds appropriated by title III of this Act, \$1,170,000,000 should be made available for food security and agriculture development programs, of which \$31,500,000 shall be made available for Collaborative Research Support Programs: Provided, That such funds may be made available notwithstanding any other provision of law to address food shortages, and may be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110-246.

(e) **MICROENTERPRISE AND MICROFINANCE.**—Of the funds appropriated by this Act, not less than \$265,000,000 should be made available for microenterprise and microfinance development programs for the poor, especially women.

(f) **RECONCILIATION PROGRAMS.**—(1) Of the funds appropriated by title III of this Act under the headings "Economic Support Fund" and "Development Assistance", \$26,000,000 shall be made available to support people-to-people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil strife and war, of which \$10,000,000 shall be made available for such programs in the Middle East: Provided, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the uses of such funds.

(2) Of the funds appropriated by title III of this Act under the headings "Economic Support Fund" and "Development Assistance", \$10,000,000 should be made available for a "New Generation in the Middle East" initiative to build understanding, tolerance, and mutual respect among the next generation of Israeli and Palestinian leaders.

(g) **TRAFFICKING IN PERSONS.**—Of the funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "International Narcotics Control and Law Enforcement", and "Assistance for Europe, Eurasia and Central Asia" not less than \$36,000,000 shall be made available for activities to combat trafficking in persons internationally.

(h) **WATER.**—Of the funds appropriated by this Act, not less than \$315,000,000 shall be made available for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121).

(i) **WOMEN'S LEADERSHIP CAPACITY.**—Of the funds appropriated by title III of this Act, not less than \$20,000,000 shall be made available for programs to improve women's leadership capacity in recipient countries.

(j) **NOTIFICATION REQUIREMENTS.**—Authorized deviations from funding levels contained in this section shall be subject to the regular notification procedures of the Committees on Appropriations.

#### CENTRAL ASIA

SEC. 7063. The terms and conditions of sections 7075(a) through (d) and 7076(a) through (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply to funds appropriated by this Act, except that the Secretary of State may waive the application of section 7076(a) for a period of not more

than 6 months and every 6 months thereafter until September 30, 2013, if the Secretary certifies to the Committees on Appropriations that the waiver is in the national security interest and necessary to obtain access to and from Afghanistan for the United States, and the waiver includes an assessment of progress, if any, by the Government of Uzbekistan in meeting the requirements in section 7076(a): Provided, That the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations not later than 180 days after enactment of this Act and 12 months thereafter, on all United States Government assistance provided to the Government of Uzbekistan and expenditures made in support of the Northern Distribution Network in Uzbekistan, including any credible information that such assistance or expenditures are being diverted for corrupt purposes: Provided further, That information provided in the report required by the previous proviso may be provided in a classified annex and such annex shall indicate the basis for such classification: Provided further, That for the purposes of the application of section 7075(c) to this Act, the report shall be submitted not later than October 1, 2012 and for the purposes of the application of section 7076(e) to this Act, the term "assistance" shall not include expanded international military education and training.

#### REQUESTS FOR DOCUMENTS

SEC. 7064. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

#### OVERSEAS PRIVATE INVESTMENT CORPORATION (INCLUDING TRANSFER OF FUNDS)

SEC. 7065. (a) Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of \$20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: Provided further, That designated funding levels in this Act shall not be transferred pursuant to this section: Provided further, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961, the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect until September 30, 2012.

#### INTERNATIONAL PRISON CONDITIONS

SEC. 7066. (a) Not later than 180 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, which shall also be made publicly available including on the Department of State's Web site, describing—

(1) conditions in prisons and other detention facilities in at least 25 countries whose governments receive United States assistance and which the Secretary determines raise serious human rights or humanitarian concerns; and

(2) the extent to which such governments are taking steps to eliminate such conditions.

(b) For purposes of each determination made pursuant to subsection (a), the Secretary shall consider the criteria listed in section 7085(b)(1) through (10) of division F of Public Law 111-117.



(c) Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate inhumane conditions in foreign prisons and other detention facilities.

#### PROHIBITION ON USE OF TORTURE

SEC. 7067. (a) None of the funds made available in this Act may be used to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

(b) Funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to eliminate torture by foreign police, military or other security forces in countries receiving assistance from funds appropriated by this Act that are identified in the Department of State's most recent Country Reports on Human Rights Practices.

#### EXTRADITION

SEC. 7068. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings "International Narcotics Control and Law Enforcement", "Migration and Refugee Assistance", "Emergency Migration and Refugee Assistance", and "Nonproliferation, Anti-terrorism, Demining and Related Assistance") for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

#### COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7069. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

#### INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7070. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that

government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b)(1) Of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(c) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

#### INTERNATIONAL MONETARY FUND

SEC. 7071. (a) The terms and conditions of sections 7086(b)(1) and (2) and 7090(a) of division F of Public Law 111-117 shall apply to this Act.

(b) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors.

(c) The Secretary of the Treasury shall seek to ensure that the IMF is implementing best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation.

#### REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7072. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of the Russian Federation—

(1) has implemented no statute, Executive order, regulation or similar government action

that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party;

(2) is honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process;

(3) is investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and

(4) is immediately releasing political leaders, activists and journalists who remain in detention.

(b) The Secretary of State may waive the requirements of subsection (a) if the Secretary determines that to do so is important to the national interests of the United States.

#### PROHIBITION ON FIRST-CLASS TRAVEL

SEC. 7073. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

#### DISABILITY PROGRAMS

SEC. 7074. Funds appropriated by this Act under the heading "Economic Support Fund" shall be made available for programs and activities administered by the United States Agency for International Development to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation, and shall also be made available to support disability advocacy organizations to provide training and technical assistance for disabled persons organizations in such countries: Provided, That of the funds made available by this section, up to 7 percent may be for management, oversight, and technical support.

#### ENTERPRISE FUNDS

SEC. 7075. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and no such funds may be available except through the regular notification procedures of the Committees on Appropriations.

#### CONSULAR AFFAIRS

SEC. 7076. (a) The Secretary of State shall implement the necessary steps, including hiring a sufficient number of consular officers to include limited non-career appointment officers, in the People's Republic of China, Brazil, and India to reduce the wait time to interview visa applicants who have submitted applications.

(b) The Secretary of State shall conduct a risk and benefit analysis regarding the extension of the expiration period for B-1 or B-2 visas for visa applicants before requiring a consular officer interview and, unless such analysis finds that risks outweigh benefits, develop a plan to extend such expiration period in a manner consistent with maintaining security controls.

(c) The Secretary of State may develop and conduct a pilot program for the processing of B-

1 and B-2 visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants: Provided, That any such pilot should be developed in consultation with other Federal agencies that use such secure communications to help ensure security of the videoconferencing transmission and encryption: Provided further, That no pilot program should be conducted if the Secretary determines and reports to the Committees on Appropriations that such program poses an undue security risk and that it cannot be conducted in a manner consistent with maintaining security controls.

#### PROCUREMENT REFORM

SEC. 7077. (a) **LOCAL COMPETITION.**—Notwithstanding any other provision of law, the Administrator of the United States Agency for International Development (USAID) may, with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, award contracts and other acquisition instruments in which competition is limited to local entities if doing so would result in cost savings, develop local capacity, or enable the USAID Administrator to initiate a program or activity in appreciably less time than if competition were not so limited: Provided, That the authority provided in this section may not be used to make awards in excess of \$5,000,000 and shall not exceed more than 10 percent of the funds made available to USAID under this Act for assistance programs: Provided further, That such authority shall be available to support a pilot program with such funds: Provided further, That the USAID Administrator shall consult with the Committees on Appropriations and relevant congressional committees on the results of such pilot program.

(b) For the purposes of this section, local entity means an individual, a corporation, a nonprofit organization, or another body of persons that—

(1) is legally organized under the laws of;

(2) has as its principal place of business or operations in; and

(3) either is—

(A) majority owned by individuals who are citizens or lawful permanent residents of; or

(B) managed by a governing body the majority of whom are citizens or lawful permanent residents of;

a country receiving assistance from funds appropriated under title III of this Act.

(c) For purposes of this section, “majority owned” and “managed by” include, without limitation, beneficiary interests and the power, either directly or indirectly, whether exercised or exercisable, to control the election, appointment, or tenure of the organization’s managers or a majority of the organization’s governing body by any means.

#### OPERATING AND SPEND PLANS

SEC. 7078. (a) **OPERATING PLANS.**—Not later than 30 days after the date of enactment of this Act, each department, agency or organization funded in titles I and II, and the Department of the Treasury and Independent Agencies funded in title III of this Act shall submit to the Committees on Appropriations an operating plan for funds appropriated to such department, agency, or organization in such titles of this Act, or funds otherwise available for obligation in fiscal year 2012, that provides details of the use of such funds at the program, project, and activity level.

(b) **SPEND PLANS.**—Prior to the initial obligation of funds, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a detailed spend plan for the following—

(1) funds appropriated under the heading “Democracy Fund”;

(2) funds made available in titles III and IV of this Act for assistance for Iraq, Haiti, Colombia, and Mexico, for the Caribbean Basin Security Initiative, and for the Central American Regional Security Initiative;

(3) funds made available for assistance for countries or programs and activities referenced in—

(A) section 7040;

(B) section 7041(a), (e), (f), and (i);

(C) section 7043(b);

(D) section 7046(a) and (c); and

(4) funds appropriated in title III for food security and agriculture development programs and for environment programs.

(c) **NOTIFICATIONS.**—The spend plans referenced in subsection (b) shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

#### RESCISSIONS

SEC. 7079. (a) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “Diplomatic and Consular Programs”, \$13,700,000 are rescinded, of which \$8,000,000 shall be from funds for Worldwide Security Protection: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unexpended balances available under the heading “Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation” from prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$400,000,000 are rescinded.

(c) Of the unexpended balances available to the President for bilateral economic assistance under the heading “Economic Support Fund” from prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$100,000,000 are rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) The Secretary of State, as appropriate, shall consult with the Committees on Appropriations at least 15 days prior to implementing the rescissions made in this section.

#### SPECIAL DEFENSE ACQUISITION FUND

##### (INCLUDING LIMITATION ON OBLIGATIONS)

SEC. 7080. (a) **TRANSFER.**—Of the funds made available pursuant to the last proviso in the second paragraph under the heading “Foreign Military Financing Program” in this Act, up to \$100,000,000 of such funds may be transferred to the Special Defense Acquisition Fund pursuant to section 51 of the Arms Export Control Act.

(b) **LIMITATION ON OBLIGATIONS.**—Not to exceed \$100,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund (Fund), to remain available for obligation until September 30, 2015: Provided, That the provision of defense articles and defense services to foreign countries or international organizations from the Fund shall be subject to the concurrence of the Secretary of State.

#### AUTHORITY FOR CAPITAL INCREASES

SEC. 7081. (a) **INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.**—The Bretton Woods Agreements Act, as amended (22 U.S.C. 286 et seq.), is further amended by adding at the end thereof the following new sections:

#### “SEC. 69. ACCEPTANCE OF AN AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE BANK TO INCREASE BASIC VOTES.”

“The United States Governor of the Bank may accept on behalf of the United States the amendment to the Articles of Agreement of the Bank as proposed in resolution No. 596, entitled ‘Enhancing Voice and Participation of Developing and Transition Countries,’ of the Board of Governors of the Bank that was approved by such Board on January 30, 2009.

#### “SEC. 70. CAPITAL STOCK INCREASES.”

“(a) **INCREASES AUTHORIZED.**—The United States Governor of the Bank is authorized—

“(1)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a selective basis by 230,374 shares; and

“(B) to subscribe on behalf of the United States to 38,459 additional shares of the capital stock of the Bank, as part of the selective increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts;

“(2)(A) to vote in favor of a resolution to increase the capital stock of the Bank on a general basis by 484,102 shares; and

“(B) to subscribe on behalf of the United States to 81,074 additional shares of the capital stock of the Bank, as part of the general increase in the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

“(b) **LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.**—

“(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a)(2)(B), there are authorized to be appropriated, without fiscal year limitation, \$9,780,361,991 for payment by the Secretary of the Treasury.

“(2) Of the amount authorized to be appropriated under paragraph (2)(A)—

“(A) \$586,821,720 shall be for paid in shares of the Bank; and

“(B) \$9,193,540,271 shall be for callable shares of the Bank.”

(b) **INTERNATIONAL FINANCE CORPORATION.**—The International Finance Corporation Act, Public Law 84-350, as amended (22 U.S.C. 282 et seq.), is further amended by adding at the end thereof the following new section:

#### “SEC. 17. SELECTIVE CAPITAL INCREASE AND AMENDMENT OF THE ARTICLES OF AGREEMENT.”

“(a) **VOTE AUTHORIZED.**—The United States Governor of the Corporation is authorized to vote in favor of a resolution to increase the capital stock of the Corporation by \$130,000,000.

“(b) **AMENDMENT OF THE ARTICLES OF AGREEMENT.**—The United States Governor of the Corporation is authorized to agree to and accept an amendment to Article IV, Section 3(a) of the Articles of Agreement of the Corporation that achieves an increase in basic votes to 5.55 percent of total votes.”

(c) **INTER-AMERICAN DEVELOPMENT BANK.**—The Inter-American Development Bank Act, Public Law 86-147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

#### “SEC. 41. NINTH CAPITAL INCREASE.”

“(a) **VOTE AUTHORIZED.**—The United States Governor of the Bank is authorized to vote in favor of a resolution to increase the capital stock of the Bank by \$70,000,000,000 as described in Resolution AG-7/10, ‘Report on the Ninth General Capital Increase in the resources of the Inter-American Development Bank’ as approved by Governors on July 21, 2010.

“(b) **SUBSCRIPTION AUTHORIZED.**—

“(1) The United States Governor of the Bank may subscribe on behalf of the United States to 1,741,135 additional shares of the capital stock of the Bank.

“(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

“(c) **LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.**—

“(1) In order to pay for the increase in the United States subscription to the Bank under subsection (b), there are authorized to be appropriated, without fiscal year limitation, \$21,004,064,337 for payment by the Secretary of the Treasury.

“(2) Of the amount authorized to be appropriated under paragraph (1)—

“(A) \$510,090,175 shall be for paid in shares of the Bank; and

“(B) \$20,493,974,162 shall be for callable shares of the Bank.”

(d) **AFRICAN DEVELOPMENT BANK.**—The African Development Bank Act, Public Law 97–35, as amended (22 U.S.C. 290i et seq.), is further amended by adding at the end thereof the following new section:

“**SEC. 1344. SIXTH CAPITAL INCREASE.**

“(a) **SUBSCRIPTION AUTHORIZED.**—

“(1) The United States Governor of the Bank may subscribe on behalf of the United States to 289,391 additional shares of the capital stock of the Bank.

“(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

“(b) **LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.**—

“(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$4,322,228,221 for payment by the Secretary of the Treasury.

“(2) Of the amount authorized to be appropriated under paragraph (1)—

“(A) \$259,341,759 shall be for paid in shares of the Bank; and

“(B) \$4,062,886,462 shall be for callable shares of the Bank.”

(e) **EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.**—The European Bank for Reconstruction and Development Act, Section 562(c) of Public Law 101–513, as amended (22 U.S.C. 290l et seq.), is further amended by adding at the end thereof the following new paragraph:

“(12) **CAPITAL INCREASE.**—

“(A) **SUBSCRIPTION AUTHORIZED.**—

“(i) The United States Governor of the Bank may subscribe on behalf of the United States up to 90,044 additional callable shares of the capital stock of the Bank in accordance with Resolution No. 128 as adopted by the Board of Governors of the Bank on May 14, 2010.

“(ii) Any subscription by the United States to additional capital stock of the Bank shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

“(B) **LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.**—In order to pay for the increase in the United States subscription to the Bank under subsection (A), there are authorized to be appropriated, without fiscal year limitation, up to \$1,252,331,952 for payment by the Secretary of the Treasury.”

#### REFORMS RELATED TO GENERAL CAPITAL INCREASES

**SEC. 7082. (a) REFORMS.**—Funds appropriated by this Act may not be disbursed for a United States contribution to the general capital increases of the International Bank for Recon-

struction and Development (World Bank), the African Development Bank (AfDB), or the Inter-American Development Bank (IDB) until the Secretary of the Treasury reports to the Committees on Appropriations that such institution, as appropriate, is making substantial progress toward the following—

(1) implementing specific reform commitments agreed to by the World Bank and the AfDB as described in the Pittsburgh Leaders' Statement issued at the Pittsburgh G20 Summit in September 2009 concerning sound finances, effective management and governance, transparency and accountability, focus on core mission, and results;

(2) implementing specific reform commitments agreed to by the IDB in Resolution AG–7/10 “Report on the Ninth General Capital Increase in the resources of the Inter-American Development Bank” as approved by the Governors on July 12, 2010, including transfers of at least \$200,000,000 annually to a grant facility for Haiti;

(3) implementing procurement guidelines that maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for borrowers;

(4) implementing best practices for the protection of whistleblowers from retaliation, including best practices for legal burdens of proof, access to independent adjudicative bodies, results that eliminate the effects of retaliation, and statutes of limitation for reporting retaliation;

(5) requiring that each candidate for budget support or development policy loans provide an assessment of reforms needed to budgetary and procurement processes to encourage transparency, including budget publication and public scrutiny, prior to loan approval;

(6) making publicly available external and internal performance and financial audits of such institution's projects on the institution's Web site;

(7) adopting policies concerning the World Bank's proposed Program for Results (P4R) to: limit P4R to no more than 5 percent of annual World Bank lending as a pilot for a period of not less than two years; require that projects with potentially significant adverse social or environmental impacts and projects that affect indigenous peoples are either excluded from P4R or subject to the World Bank's own policies; require that at the close of the pilot there will be a thorough, independent evaluation, with input from civil society and the private sector, to provide guidance concerning next steps for the pilot; and fully staff the World Bank Group's Integrity Vice Presidency, with agreement from Borrowers on the World Bank's jurisdiction and authority to investigate allegations of fraud and corruption in any of the World Bank's lending programs including P4R; and

(8) concerning the World Bank, strengthening the public availability of information regarding International Finance Corporation (IFC) sub-projects when the IFC is funding a financial intermediary, including—

(A) requiring that higher-risk subprojects comply with the relevant Performance Standard requirements; and

(B) agreeing to periodically disclose on the IFC Web site a listing of the name, location, and sector of high-risk subprojects supported by IFC investments through private equity funds.

(b) **REPORT.**—Not later than 180 days after enactment of this Act and every 6 months thereafter until September 30, 2013, the Secretary of the Treasury shall submit to the Committees on Appropriations a report detailing the extent to which each institution has continued to make progress on each policy goal listed in subsection (a).

#### AUTHORITY FOR REPLENISHMENTS

**SEC. 7083. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.**—The International Development Association Act, Public Law 86–565, as amended (22 U.S.C. 284 et seq.), is further amended by adding at the end thereof the following new sections:

“**SEC. 26. SIXTEENTH REPLENISHMENT.**

“(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States \$4,075,500,000 to the sixteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$4,075,500,000 for payment by the Secretary of the Treasury.

“**SEC. 27. MULTILATERAL DEBT RELIEF.**

“(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than \$474,000,000 to the International Development Association for the purpose of funding debt relief cost under the Multilateral Debt Relief Initiative incurred in the period governed by the sixteenth replenishment of resources of the International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than \$474,000,000 for payment by the Secretary of the Treasury.

“(c) In this section, the term ‘Multilateral Debt Relief Initiative’ means the proposal set out in the G8 Finance Ministers’ Communiqué entitled ‘Conclusions on Development’, done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.”

(b) **AFRICAN DEVELOPMENT BANK.**—The African Development Fund Act, Public Law 94–302, as amended (22 U.S.C. 290g et seq.), is further amended by adding at the end thereof the following new sections:

“**SEC. 221. TWELFTH REPLENISHMENT.**

“(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States \$585,000,000 to the twelfth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$585,000,000 for payment by the Secretary of the Treasury.

“**SEC. 222. MULTILATERAL DEBT RELIEF.**

“(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than \$60,000,000 to the African Development Fund for the purpose of funding debt relief costs under the Multilateral Debt Relief Initiative incurred in the period governed by the twelfth replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than \$60,000,000 for payment by the Secretary of the Treasury.

“(c) In this section, the term ‘Multilateral Debt Relief Initiative’ means the proposal set out in the G8 Finance Ministers’ Communiqué entitled ‘Conclusions on Development’, done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.”

**AUTHORITY FOR THE FUND FOR SPECIAL OPERATIONS**

SEC. 7084. Up to \$36,000,000 of funds appropriated for the account “Department of the Treasury, Debt Restructuring” by the Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10, Division B) may be made available for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of debt relief provided to Haiti in view of the Cancun Declaration of March 21, 2010.

**UNITED NATIONS POPULATION FUND**

SEC. 7085. (a) **CONTRIBUTION.**—Of the funds made available under the heading “International Organizations and Programs” in this Act for fiscal year 2012, \$35,000,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) **AVAILABILITY OF FUNDS.**—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the “Global Health Programs” account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) **PROHIBITION ON USE OF FUNDS IN CHINA.**—None of the funds made available by this Act may be used by UNFPA for a country program in the People’s Republic of China.

(d) **CONDITIONS ON AVAILABILITY OF FUNDS.**—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) **REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.**—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People’s Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People’s Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

**LIMITATIONS**

SEC. 7086. (a)(1) None of the funds appropriated under the heading “Economic Support Fund” in this Act may be made available for assistance for the Palestinian Authority if the Palestinians obtain, after the date of enactment of this Act, the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians.

(2) The Secretary of State may waive the restriction in paragraph (1) if the Secretary certifies to the Committees on Appropriations that to do so is in the national security interest of the United States, and submits a report to such Committees detailing how the waiver and the continuation of assistance would assist in furthering Middle East peace.

(b)(1) The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the

Committees on Appropriations that the Palestinians have not, after the date of enactment of this Act, obtained in the United Nations or any specialized agency thereof the same standing as member states or full membership as a state outside an agreement negotiated between Israel and the Palestinians.

(2) Not less than 90 days after the President is unable to make the certification pursuant to subsection (b)(1), the President may waive section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that the Palestinians have entered into direct and meaningful negotiations with Israel: Provided, That any waiver of the provisions of section 1003 of Public Law 100–204 under paragraph (1) of this subsection or under previous provisions of law must expire before the waiver under the preceding sentence may be exercised.

(3) Any waiver pursuant to this subsection shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

**USE OF FUNDS IN CONTRAVENTION OF THIS ACT**

SEC. 7087. If the Executive Branch makes a determination not to comply with any provision of this Act on constitutional grounds, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

**TITLE VIII**

**OVERSEAS CONTINGENCY OPERATIONS/  
GLOBAL WAR ON TERRORISM**

**DEPARTMENT OF STATE**

**ADMINISTRATION OF FOREIGN AFFAIRS**

**DIPLOMATIC AND CONSULAR PROGRAMS**

**(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for “Diplomatic and Consular Programs”, \$4,389,064,000, to remain available until September 30, 2013, of which \$236,201,000 is for Worldwide Security Protection and shall remain available until expended: Provided, That the Secretary of State may transfer up to \$230,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: Provided further, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**CONFLICT STABILIZATION OPERATIONS**

For an additional amount for “Conflict Stabilization Operations”, \$8,500,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**OFFICE OF INSPECTOR GENERAL**

For an additional amount for “Office of Inspector General”, \$67,182,000, to remain available until September 30, 2013, of which \$19,545,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and \$44,387,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/

Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS**

For an additional amount for “Educational and Cultural Exchange Programs”, as authorized, \$15,600,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE**

For an additional amount for “Embassy Security, Construction, and Maintenance”, \$33,000,000, to remain available until expended: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**INTERNATIONAL ORGANIZATIONS  
CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS**

For an additional amount for “Contributions to International Organizations”, \$101,300,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**RELATED AGENCY**

**BROADCASTING BOARD OF GOVERNORS**

**INTERNATIONAL BROADCASTING OPERATIONS**

For an additional amount for “International Broadcasting Operations”, \$4,400,000: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**RELATED PROGRAMS**

**UNITED STATES INSTITUTE OF PEACE**

For an additional amount for “United States Institute of Peace”, \$8,411,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT  
FUNDS APPROPRIATED TO THE PRESIDENT**

**OPERATING EXPENSES**

For an additional amount for “Operating Expenses”, \$255,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**OFFICE OF INSPECTOR GENERAL**

For an additional amount for “Office of Inspector General”, \$4,500,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**BILATERAL ECONOMIC ASSISTANCE**

**FUNDS APPROPRIATED TO THE PRESIDENT**

**INTERNATIONAL DISASTER ASSISTANCE**

For an additional amount for “International Disaster Assistance”, \$150,000,000, to remain

available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TRANSITION INITIATIVES

For an additional amount for “Transition Initiatives”, \$6,554,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### COMPLEX CRISES FUND

For an additional amount for “Complex Crises Fund”, \$30,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, \$2,761,462,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DEPARTMENT OF STATE

##### MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, \$229,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DEPARTMENT OF THE TREASURY

##### INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for “International Affairs Technical Assistance”, \$1,552,000, to remain available until September 30, 2013, which shall be available notwithstanding any other provision of law: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### INTERNATIONAL SECURITY ASSISTANCE

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, \$983,605,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-terrorism, Demining and Related Programs”, \$120,657,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations”, \$81,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### FUNDS APPROPRIATED TO THE PRESIDENT

##### FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, \$1,102,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### PAKISTAN COUNTERINSURGENCY CAPABILITY FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 8 of part I and chapters 2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, \$850,000,000, to remain available until September 30, 2013, for the purpose of providing assistance for Pakistan to build and maintain the counterinsurgency capability of Pakistani security forces (including the Frontier Corps), to include program management, training in civil-military humanitarian assistance, human rights training, and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction: Provided, That notwithstanding any other provision of law except section 620M of the Foreign Assistance Act of 1961, as amended by this Act, such funds shall be available to the Secretary of State, with the concurrence of the Secretary of Defense: Provided further, That such funds may be transferred by the Secretary of State to the Department of Defense or other Federal departments or agencies to support counterinsurgency operations and may be merged with, and be available, for the same purposes and for the same time period as the appropriation or fund to which transferred or may be transferred pursuant to the authorities contained in the Foreign Assistance Act of 1961: Provided further, That the Secretary of State shall, not fewer than 15 days prior to making transfers from this appropriation, notify the Committees on Appropriations, in writing, of the details of any such transfer: Provided further, That the Secretary of State shall submit not later than 30 days after the end of each fiscal quarter to the Committees on Appropriations a report in writing summarizing, on a project-by-project basis, the uses of funds under this heading: Provided further, That upon determination by the Secretary of State, with the concurrence of the Secretary of Defense, that all or part of the funds so transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred by the head of the relevant Federal department or agency back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: Provided further, That any required notification or report may be submitted in classified form: Provided further, That the amount in this paragraph is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISIONS

SEC. 8001. Notwithstanding any other provision of law, funds appropriated in this title are in addition to amounts appropriated or otherwise made available in this Act for fiscal year 2012.

SEC. 8002. Unless otherwise provided for in this Act, the additional amounts appropriated by this title to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts.

SEC. 8003. Funds appropriated by this title under the headings “International Disaster Assistance”, “Transition Initiatives”, “Complex Crises Fund”, “Economic Support Fund”, “Migration and Refugee Assistance”, “International Narcotics Control and Law Enforcement”, “Nonproliferation, Anti-terrorism, Demining, and Related Programs”, “Peacekeeping Operations”, “Foreign Military Financing Program”, and “Pakistan Counterinsurgency Capability Fund”, may be transferred to, and merged with, funds appropriated by this title under such headings: Provided, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the transfer authority in this section is in addition to any transfer authority otherwise available under any other provision of law, including section 610 of the Foreign Assistance Act which may be exercised by the Secretary of State for the purposes of this title.

SEC. 8004. If authorized during fiscal year 2012, there shall be established in the Treasury of the United States the “Global Security Contingency Fund” (the Fund): Provided, That notwithstanding any provision of law, during the current fiscal year, not to exceed \$50,000,000 from funds appropriated under the headings “International Narcotics Control and Law Enforcement”, “Foreign Military Financing Program”, and “Pakistan Counterinsurgency Capability Fund” under title VIII of this Act may be transferred to the Fund: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of State, and shall be subject to prior consultation with the Committees on Appropriations: Provided further, That the Secretary of State shall, not later than 15 days prior to making any such transfer, notify the Committees on Appropriations in accordance with the regular notification procedures of the Committees on Appropriations, including the source of funds and a detailed justification, implementation plan, and timeline for each proposed project: Provided further, That, notwithstanding any provision of law, the requirements of this section, including the amount and source of transferred funds, shall apply to any transfer or other authority relating to the Fund enacted subsequent to the enactment of this Act unless such subsequently enacted provision of law specifically references this section.

This division may be cited as the “Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012”.

And the Senate agree to the same.

HAROLD ROGERS,  
C.W. BILL YOUNG,  
JERRY LEWIS,  
RODNEY P.

FRELINGHUYSEN,  
ROBERT B. ADERHOLT,  
JO ANN EMERSON,  
KAY GRANGER,  
MICHAEL K. SIMPSON,  
JOHN ABNEY CULBERSON,  
ANDER CRENSHAW,  
DENNY REHBERG,  
JOHN R. CARTER,  
NORMAN D. DICKS,  
PETER J. VISCLOSKEY,  
NITA M. LOWEY,  
JOSE E. SERRANO,  
ROSA L. DELAURA,  
JAMES P. MORAN,  
DAVID E. PRICE,

SANFORD D. BISHOP.  
*Managers on the part of the House.*

TIM JOHNSON,  
DANIEL K. INOUE,  
MARY LANDRIEU,  
PATTY MURRAY,  
JACK REED,  
BEN NELSON,  
MARK PRYOR,  
PATRICK J. LEAHY,  
KAY BAILEY HUTCHISON,  
LISA MURKOWSKI,  
ROY BLUNT,  
JOHN HOEVEN,  
THAD COCHRAN.

*Managers on the part of the Senate.*

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference agreement includes the Department of Defense Appropriations Act, 2012; the Energy and Water Development Appropriations Act, 2012; the Financial Services and General Government Appropriations Act, 2012; the Department of Homeland Security Appropriations Act, 2012; the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012; the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2012; the Legislative Branch Appropriations Act, 2012; the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012; and the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012.

The conference agreement includes a provision stating that each amount designated by Congress as being for Overseas Contingency Operations/Global War on Terrorism is contingent on the President so designating all such amounts and transmitting such designations to Congress. The provision is consistent with new requirements enacted in the Budget Control Act of 2011 for Overseas Contingency Operations/Global War on Terrorism designations by the President.

The conference agreement does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by clause 9 of rule XXI of the Rules of the House of Representatives.

#### DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

The conference agreement on the Department of Defense Appropriations Act, 2012, incorporates some of the provisions of both the House and the Senate versions of the bill. The language and allocations set forth in House Report 112-110 and Senate Report 112-77 shall be complied with unless specifically addressed to the contrary in the accompanying bill and explanatory statement.

##### DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

The conferees agree that for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508), the terms program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 2012, the related classified annexes and explanatory statements, and the P-1 and R-1 budget justification documents as subsequently modified by congressional action. The following exception to the above definition shall apply: for the military personnel and the operation and maintenance accounts, for which the term “program, project, and activity” is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

At the time the President submits the budget for fiscal year 2013, the Department of Defense is directed to transmit to the congressional defense committees budget justification documents to be known as the “M-1” and “O-1” which shall identify, at the budget activity, activity group, and sub-activity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel and operation and maintenance in any budget request, or amended budget request, for fiscal year 2013.

In carrying out any Presidential sequestration, the Department of Defense and related agencies shall conform to the definition for “program, project, and activity” set forth above except that military personnel accounts will be exempt from sequestration per the notification made by the Director of the Office of Management and Budget on August 10, 2011.

##### CLASSIFIED ANNEX

Adjustments to classified programs are addressed in the accompanying classified annex.

##### CONGRESSIONAL SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase “only for” or “only to” are congressional special inter-

est items for purposes of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount, as specifically addressed in these materials.

##### REPROGRAMMING GUIDANCE

The Department of Defense is directed to continue to follow the reprogramming guidance for acquisition accounts as specified in the report accompanying the House version of the fiscal year 2008 Department of Defense Appropriations bill (H.R. 110-279). For operation and maintenance accounts, the Department of Defense shall continue to follow the reprogramming guidelines specified in the conference report accompanying H.R. 3222, the Department of Defense Appropriations Act, 2008, which are also expressed under title II of this statement. The dollar threshold for reprogramming funds shall remain at \$15,000,000 for operation and maintenance; \$20,000,000 for procurement; and \$10,000,000 for research, development, test and evaluation.

Also, the Under Secretary of Defense (Comptroller) is directed to continue to provide the congressional defense committees quarterly, spreadsheet-based DD Form 1416 reports for service and defense-wide accounts in titles I, II, III, and IV of this Act. Reports for titles III and IV shall comply with guidance specified in the explanatory statement accompanying the Department of Defense Appropriations Act, 2006. The Department shall continue to follow the limitation that prior approval reprogrammings are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative from the base for reprogramming value as modified by any adjustments. Therefore, if the combined value of transfers into or out of an operation and maintenance (O-1), a procurement (P-1), or a research, development, test and evaluation (R-1) line exceeds the identified threshold, the Department of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this statement.

##### FUNDING INCREASES

The funding increases outlined in the tables for each appropriation account shall be provided only for the specific purposes indicated in the tables.

##### TITLE I—MILITARY PERSONNEL

The conference agreement provides \$131,090,539,000 in Title I, Military Personnel, instead of \$132,092,225,000 as proposed by the House and \$131,000,559,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:



(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
-----		
RECAPITULATION		
MILITARY PERSONNEL, ARMY	43,596,949	43,298,409
MILITARY PERSONNEL, NAVY	27,154,384	26,803,334
MILITARY PERSONNEL, MARINE CORPS	13,573,546	13,635,136
MILITARY PERSONNEL, AIR FORCE	28,304,432	28,096,708
RESERVE PERSONNEL, ARMY	4,386,077	4,289,407
RESERVE PERSONNEL, NAVY	1,960,634	1,935,544
RESERVE PERSONNEL, MARINE CORPS	653,212	644,722
RESERVE PERSONNEL, AIR FORCE	1,729,823	1,712,705
NATIONAL GUARD PERSONNEL, ARMY	7,623,335	7,585,645
NATIONAL GUARD PERSONNEL, AIR FORCE	3,114,149	3,088,929
-----		
GRAND TOTAL, MILITARY PERSONNEL	132,096,541	131,090,539
=====		

## SUMMARY OF MILITARY PERSONNEL END STRENGTH

	Fiscal Year 2011	Fiscal Year 2012		
	Authorized	Budget Request	Recommendation	Change from Request
Active Forces (End Strength)				
Army* .....	569,400	562,000	562,000	-
Navy. ....	328,700	325,700	325,700	-
Marine Corps .....	202,100	202,100	202,100	-
Air Force.....	332,200	332,800	332,800	-
<b>Total, Active Forces.....</b>	<b>1,432,400</b>	<b>1,422,600</b>	<b>1,422,600</b>	<b>0</b>
Guard and Reserve Forces (End Strength)				
Army Reserve . ....	205,000	205,000	205,000	-
Navy Reserve.....	65,500	66,200	66,200	-
Marine Corps Reserve.....	39,600	39,600	39,600	-
Air Force Reserve.....	71,200	71,400	71,400	-
Army National Guard ...	358,200	358,200	358,200	-
Air National Guard. ....	106,700	106,700	106,700	-
<b>Total, Selected Reserve.....</b>	<b>846,200</b>	<b>847,100</b>	<b>847,100</b>	<b>0</b>
<b>Total, Military Personnel.....</b>	<b>2,278,600</b>	<b>2,269,700</b>	<b>2,269,700</b>	<b>0</b>

\*Army Active Forces end strength includes the Temporary End Strength Increase of 14,600 troops

## SUMMARY OF GUARD AND RESERVE FULL-TIME SUPPORT

	Fiscal Year 2011 Authorized	Fiscal Year 2012		Change from Request
		Budget Request	Recommendation	
Army Reserve:				
AGR.....	16,261	16,261	16,261	-
Technicians .....	8,395	8,395	8,395	-
Navy Reserve:				
AR.....	10,688	10,337	10,337	-
Marine Corps Reserve:				
AR.....	2,261	2,261	2,261	-
Air Force Reserve:				
AGR.....	2,992	2,662	2,662	-
Technicians.....	10,720	10,777	10,777	-
Army National Guard:				
AGR.....	32,060	32,060	32,060	-
Technicians.....	27,210	27,210	27,210	-
Air National Guard:				
AGR.....	14,584	14,833	14,833	-
Technicians.....	22,394	22,509	22,509	-
Totals:				
AGR/AR.....	78,846	78,414	78,414	0
Technicians.....	68,719	68,891	68,891	0
<b>Total, Full-Time Support</b>	<b>147,565</b>	<b>147,305</b>	<b>147,305</b>	<b>0</b>

MILITARY PERSONNEL ANTI-DEFICIENCY ACT  
VIOLATIONS

Since 2001, the Department of Defense has had 11 violations of the Anti-Deficiency Act (ADA) in its military personnel accounts. The conferees recognize the uncertainty that exists in the military personnel accounts due to their entitlement nature and the fact that resource requirements are driven by millions of individual and organizational personnel decisions. To further complicate management of these accounts, a significant number of obligations are incurred in the fourth quarter of the fiscal year. The conferees recognize the Department's efforts to improve the management and oversight of these accounts, but remain concerned over the Department's failure to adequately manage the military personnel budgets.

Therefore, the recommendation includes a new general provision requiring the Inspector General of the Department of Defense to conduct a review of military personnel ADA violations and their causes. Based on the findings of the review, the Inspector General shall submit to the congressional defense committees a report examining the Department's budgeting and oversight

of the military personnel accounts, including recommendations for corrective actions to avoid additional ADA violations going forward. This report should be submitted to the congressional defense committees not later than 180 days after enactment of this Act.

RESERVE COMPONENT BUDGET STRUCTURE

The conferees direct each of the reserve components to provide a semi-annual detailed report to the congressional defense committees showing transfers between subactivities within the military personnel appropriation accounts. Reports shall be submitted not later than 30 days following the end of the second quarter and 30 days following the end of the fiscal year.

EXCESS BAGGAGE FEES FOR SERVICEMEMBERS

The conferees are concerned by recent incidents in which servicemembers on military orders deploying to or returning from overseas contingency operations on commercial airlines have been charged excess baggage fees. In some instances, servicemembers were asked to pay out of their own pockets for charges placed on checked baggage carrying U.S. military equipment and not personal effects. Servicemembers make great sacrifices to serve their country in

dangerous wartime conditions. They should not be asked to endure personal financial hardships as a result of traveling to and from overseas deployments.

Although the Department of Defense states that it has the authority to pay for excess baggage fees and to reimburse servicemembers for any fees they have paid, the conferees firmly believe that servicemembers should not be burdened with out-of-pocket expenses at all. The conferees strongly encourage the Department to avoid entering into contract agreements with airlines that charge excess baggage fees to servicemembers who are traveling on military orders and are being deployed to or returning from overseas contingency operations. In addition, the Secretary of Defense is directed to submit a report to the congressional defense committees not later than 90 days after enactment of this Act on measures being taken that will prevent servicemembers from having to pay out-of-pocket costs on checked baggage in such instances.

MILITARY PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
50 MILITARY PERSONNEL, ARMY		
100 ACTIVITY 1 PAY AND ALLOWANCES OF OFFICERS		
150 BASIC PAY	6,661,748	6,661,748
200 RETIRED PAY ACCRUAL	2,281,003	2,281,003
250 BASIC ALLOWANCE FOR HOUSING	1,943,067	1,943,067
300 BASIC ALLOWANCE FOR SUBSISTENCE	263,635	263,635
350 INCENTIVE PAYS	101,439	101,439
400 SPECIAL PAYS	333,397	333,397
450 ALLOWANCES	215,169	215,169
500 SEPARATION PAY	57,643	57,643
550 SOCIAL SECURITY TAX	506,640	506,640
600 TOTAL, BUDGET ACTIVITY 1	12,363,741	12,363,741
650 ACTIVITY 2 PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
700 BASIC PAY	14,014,149	14,014,149
750 RETIRED PAY ACCRUAL	4,804,856	4,804,856
800 BASIC ALLOWANCE FOR HOUSING	4,887,446	4,887,446
850 INCENTIVE PAYS	106,737	106,737
900 SPECIAL PAYS	1,011,026	819,026
950 ALLOWANCES	841,913	841,913
1000 SEPARATION PAY	269,392	269,392
1050 SOCIAL SECURITY TAX	1,072,082	1,072,082
1100 TOTAL, BUDGET ACTIVITY 2	27,007,601	26,815,601
1150 ACTIVITY 3 PAY AND ALLOWANCES OF CADETS		
1200 ACADEMY CADETS	76,314	76,314
1250 ACTIVITY 4 SUBSISTENCE OF ENLISTED PERSONNEL		
1300 BASIC ALLOWANCE FOR SUBSISTENCE	1,320,077	1,320,077
1350 SUBSISTENCE-IN-KIND	770,190	770,190
1400 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	1,466	1,466
1450 TOTAL, BUDGET ACTIVITY 4	2,091,733	2,091,733

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
1500 ACTIVITY 5 PERMANENT CHANGE OF STATION		
1550 ACCESSION TRAVEL	209,465	209,465
1600 TRAINING TRAVEL	147,724	147,724
1650 OPERATIONAL TRAVEL	493,242	493,242
1700 ROTATIONAL TRAVEL	668,440	668,440
1750 SEPARATION TRAVEL	240,342	240,342
1800 TRAVEL OF ORGANIZED UNITS	9,247	9,247
1850 NON-TEMPORARY STORAGE	11,406	11,406
1900 TEMPORARY LODGING EXPENSE	71,459	71,459
1950 TOTAL, BUDGET ACTIVITY 5	1,851,325	1,851,325
2000 ACTIVITY 6 OTHER MILITARY PERSONNEL COSTS		
2050 APPREHENSION OF MILITARY DESERTERS	1,829	1,829
2100 INTEREST ON UNIFORMED SERVICES SAVINGS	648	648
2150 DEATH GRATUITIES	65,100	65,100
2200 UNEMPLOYMENT BENEFITS	196,569	196,569
2210 SURVIVOR BENEFITS	1,125	---
2250 EDUCATION BENEFITS	12,845	12,845
2300 ADOPTION EXPENSES	430	430
2350 TRANSPORTATION SUBSIDY	14,976	14,976
2400 PARTIAL DISLOCATION ALLOWANCE	422	422
2450 RESERVE OFFICERS TRAINING CORPS (ROTC)	121,141	121,141
2500 JUNIOR ROTC	36,401	36,401
2510 PREVENTIVE HEALTH ALLOWANCE DEMONSTRATION PROJECT	---	1,125
2550 TOTAL, BUDGET ACTIVITY 6	451,486	451,486
2600 LESS REIMBURSABLES	-245,251	-245,251
2650 UNDISTRIBUTED ADJUSTMENT	---	-106,540
2700 TOTAL, ACTIVE FORCES, ARMY	43,596,949	43,298,409
6300 TOTAL, MILITARY PERSONNEL, ARMY	43,596,949	43,298,409



**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[in thousands of dollars]

<b>M-1</b>	<b>Budget</b>	
	<b>Request</b>	<b>Conference</b>
<b>BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL</b>		
<b>SPECIAL PAYS</b>	<b>1,011,026</b>	<b>819,026</b>
Enlistment Bonuses - Army Referral Bonus Excess to Requirement		-21,000
Enlistment Bonuses - Army Identified Excess to Requirement		-73,000
Re-enlistment Bonuses - Army Identified Excess to Requirement		-40,000
Education Benefits - Army Identified Excess to Requirement		-58,000
<b>BA-6: OTHER MILITARY PERSONNEL COSTS</b>		
<b>SURVIVOR BENEFITS</b>	<b>1,125</b>	<b>0</b>
Army requested transfer to Preventive Health Allowance Demonstration Project		-1,125
<b>PREVENTIVE HEALTH ALLOWANCE DEMONSTRATION PROJECT</b>		<b>1,125</b>
Army requested transfer from Survivor Benefits		1,125
<b>UNDISTRIBUTED ADJUSTMENTS</b>		<b>-106,540</b>
Unobligated/Unexpended Balances		-16,540
Undistributed Transfer to title IX		-90,000

*MILITARY PERSONNEL, NAVY*

*The conference agreement on items addressed  
by either the House or the Senate is as follows:*

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
6400 MILITARY PERSONNEL, NAVY		
6450 ACTIVITY 1 PAY AND ALLOWANCES OF OFFICERS		
6500 BASIC PAY	3,815,973	3,815,973
6550 RETIRED PAY ACCRUAL	1,307,307	1,307,307
6600 BASIC ALLOWANCE FOR HOUSING	1,346,794	1,346,794
6650 BASIC ALLOWANCE FOR SUBSISTENCE	146,021	146,021
6700 INCENTIVE PAYS	153,376	153,376
6750 SPECIAL PAYS	411,258	411,258
6800 ALLOWANCES	106,422	106,422
6850 SEPARATION PAY	34,098	34,098
6900 SOCIAL SECURITY TAX	290,117	290,117
6950 TOTAL, BUDGET ACTIVITY 1	7,611,366	7,611,366
7000 ACTIVITY 2 PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
7050 BASIC PAY	8,392,897	8,392,897
7100 RETIRED PAY ACCRUAL	2,878,334	2,878,334
7150 BASIC ALLOWANCE FOR HOUSING	3,902,086	3,902,086
7200 INCENTIVE PAYS	104,846	104,846
7250 SPECIAL PAYS	749,564	749,564
7300 ALLOWANCES	515,986	515,986
7350 SEPARATION PAY	243,913	243,913
7400 SOCIAL SECURITY TAX	642,053	642,053
7450 TOTAL, BUDGET ACTIVITY 2	17,429,679	17,429,679
7500 ACTIVITY 3 PAY AND ALLOWANCES OF MIDSHIPMEN		
7550 MIDSHIPMEN	76,385	76,385
7600 ACTIVITY 4 SUBSISTENCE OF ENLISTED PERSONNEL		
7650 BASIC ALLOWANCE FOR SUBSISTENCE	705,147	705,147
7700 SUBSISTENCE-IN-KIND	386,265	386,265
7750 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	12	12
7800 TOTAL, BUDGET ACTIVITY 4	1,091,424	1,091,424

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
7850 ACTIVITY 5 PERMANENT CHANGE OF STATION		
7900 ACCESSION TRAVEL	93,020	93,020
7950 TRAINING TRAVEL	106,365	106,365
8000 OPERATIONAL TRAVEL	286,405	286,405
8050 ROTATIONAL TRAVEL	364,345	364,345
8100 SEPARATION TRAVEL	140,238	140,238
8150 TRAVEL OF ORGANIZED UNITS	26,204	26,204
8200 NON-TEMPORARY STORAGE	5,791	5,791
8250 TEMPORARY LODGING EXPENSE	6,551	6,551
8300 OTHER	8,852	8,852
8350 TOTAL, BUDGET ACTIVITY 5	1,037,771	1,037,771
8400 ACTIVITY 6 OTHER MILITARY PERSONNEL COSTS		
8450 APPREHENSION OF MILITARY DESERTERS	256	256
8500 INTEREST ON UNIFORMED SERVICES SAVINGS	1,715	1,715
8550 DEATH GRATUITIES	15,200	15,200
8600 UNEMPLOYMENT BENEFITS	122,832	122,832
8650 EDUCATION BENEFITS	20,852	20,852
8700 ADOPTION EXPENSES	286	286
8750 TRANSPORTATION SUBSIDY	6,822	6,822
8800 PARTIAL DISLOCATION ALLOWANCE	37	37
8900 RESERVE OFFICERS TRAINING CORPS (ROTC)	24,513	24,513
8950 JUNIOR ROTC	14,027	14,027
8960 PREVENTIVE HEALTH ALLOWANCE DEMONSTRATION PROJECT	1,125	1,125
9000 TOTAL, BUDGET ACTIVITY 6	207,665	207,665
9050 LESS REIMBURSABLES	-299,906	-299,906
9100 UNDISTRIBUTED ADJUSTMENT	- - -	-351,050
9200 TOTAL, ACTIVE FORCES, NAVY	27,154,384	26,803,334
11000 TOTAL, MILITARY PERSONNEL, NAVY	27,154,384	26,803,334

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[in thousands of dollars]

M-1	Budget	
	Request	Conference
UNDISTRIBUTED ADJUSTMENTS		-351,050
Unobligated/Unexpended Balances		-10,850
Undistributed Transfer to title IX		-340,200

## MILITARY PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:



(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
12000 MILITARY PERSONNEL, MARINE CORPS		
12050 ACTIVITY 1 PAY AND ALLOWANCES OF OFFICERS		
12100 BASIC PAY	1,477,775	1,477,775
12150 RETIRED PAY ACCRUAL	505,668	505,668
12200 BASIC ALLOWANCE FOR HOUSING	492,003	492,003
12250 BASIC ALLOWANCE FOR SUBSISTENCE	60,654	60,654
12300 INCENTIVE PAYS	53,004	53,004
12350 SPECIAL PAYS	32,074	32,074
12400 ALLOWANCES	35,483	35,483
12450 SEPARATION PAY	14,799	14,799
12500 SOCIAL SECURITY TAX	111,978	111,978
12550 TOTAL, BUDGET ACTIVITY 1	2,783,438	2,783,438
12600 ACTIVITY 2 PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
12650 BASIC PAY	5,007,453	5,007,453
12700 RETIRED PAY ACCRUAL	1,713,360	1,713,360
12750 BASIC ALLOWANCE FOR HOUSING	1,609,726	1,729,726
12800 INCENTIVE PAYS	10,136	10,136
12850 SPECIAL PAYS	235,273	235,273
12900 ALLOWANCES	308,183	308,183
12950 SEPARATION PAY	66,081	66,081
13000 SOCIAL SECURITY TAX	382,118	382,118
13050 TOTAL, BUDGET ACTIVITY 2	9,332,330	9,452,330
13100 ACTIVITY 4 SUBSISTENCE OF ENLISTED PERSONNEL		
13150 BASIC ALLOWANCE FOR SUBSISTENCE	467,210	467,210
13200 SUBSISTENCE-IN-KIND	327,923	327,923
13250 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	50	50
13300 TOTAL, BUDGET ACTIVITY 4	795,183	795,183

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
13350 ACTIVITY 5 PERMANENT CHANGE OF STATION		
13400 ACCESSION TRAVEL	92,021	92,021
13450 TRAINING TRAVEL	9,356	9,356
13500 OPERATIONAL TRAVEL	257,483	257,483
13550 ROTATIONAL TRAVEL	130,752	130,752
13600 SEPARATION TRAVEL	64,688	64,688
13650 TRAVEL OF ORGANIZED UNITS	754	754
13700 NON-TEMPORARY STORAGE	6,442	6,442
13750 TEMPORARY LODGING EXPENSE	14,317	14,317
13800 OTHER	2,726	2,726
13850 TOTAL, BUDGET ACTIVITY 5	578,539	578,539
13900 ACTIVITY 6 OTHER MILITARY PERSONNEL COSTS		
13950 APPREHENSION OF MILITARY DESERTERS	1,551	1,551
14000 INTEREST ON UNIFORMED SERVICES SAVINGS	19	19
14050 DEATH GRATUITIES	17,200	17,200
14100 UNEMPLOYMENT BENEFITS	72,488	116,488
14150 EDUCATION BENEFITS	5,002	5,002
14200 ADOPTION EXPENSES	152	152
14250 TRANSPORTATION SUBSIDY	2,908	2,908
14300 PARTIAL DISLOCATION ALLOWANCE	283	283
14400 JUNIOR ROTC	5,813	5,813
14410 PREVENTIVE HEALTH ALLOWANCE DEMONSTRATION PROJECT	1,125	1,125
14450 TOTAL, BUDGET ACTIVITY 6	106,541	150,541
14500 LESS REIMBURSABLES	-22,485	-22,485
14600 UNDISTRIBUTED ADJUSTMENT	---	-102,410
14650 TOTAL, ACTIVE FORCES, MARINE CORPS	13,573,546	13,635,136
16000 TOTAL, MILITARY PERSONNEL, MARINE CORPS	13,573,546	13,635,136

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[in thousands of dollars]

<b>M-1</b>	<b>Budget</b>	
	<b>Request</b>	<b>Conference</b>
<b>BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL</b>		
<b>BASIC ALLOWANCE FOR HOUSING</b>	<b>1,609,726</b>	<b>1,729,726</b>
Marine Corps Identified Shortfall		120,000
<b>BA-6: OTHER MILITARY PERSONNEL COSTS</b>		
<b>UNEMPLOYMENT BENEFITS</b>	<b>72,488</b>	<b>116,488</b>
Marine Corps Identified Shortfall		44,000
<b>UNDISTRIBUTED ADJUSTMENTS</b>		<b>-102,410</b>
Unobligated/Unexpended Balances		-77,410
Undistributed Transfer to title IX		-25,000

## MILITARY PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
17000 MILITARY PERSONNEL AIR FORCE		
17050 ACTIVITY 1 PAY AND ALLOWANCES OF OFFICERS		
17100 BASIC PAY	4,836,070	4,785,470
17150 RETIRED PAY ACCRUAL	1,649,202	1,649,202
17200 BASIC ALLOWANCE FOR HOUSING	1,487,084	1,487,084
17250 BASIC ALLOWANCE FOR SUBSISTENCE	185,137	185,137
17300 INCENTIVE PAYS	230,777	230,777
17350 SPECIAL PAYS	320,672	319,129
17400 ALLOWANCES	125,585	125,585
17450 SEPARATION PAY	154,367	154,367
17500 SOCIAL SECURITY TAX	368,392	368,392
17550 TOTAL, BUDGET ACTIVITY 1	9,357,286	9,305,143
17600 ACTIVITY 2 PAY AND ALLOWANCES OF ENLISTED PERSONNEL		
17650 BASIC PAY	8,610,579	8,610,579
17700 RETIRED PAY ACCRUAL	2,943,338	2,943,338
17750 BASIC ALLOWANCE FOR HOUSING	3,451,800	3,451,800
17800 INCENTIVE PAYS	42,074	42,074
17850 SPECIAL PAYS	387,659	362,806
17900 ALLOWANCES	554,120	554,120
17950 SEPARATION PAY	141,359	141,359
18000 SOCIAL SECURITY TAX	658,708	658,708
18050 TOTAL, BUDGET ACTIVITY 2	16,789,637	16,764,784
18100 ACTIVITY 3 PAY AND ALLOWANCES OF CADETS		
18150 ACADEMY CADETS	74,316	74,316
18200 ACTIVITY 4 SUBSISTENCE OF ENLISTED PERSONNEL		
18250 BASIC ALLOWANCE FOR SUBSISTENCE	910,540	910,540
18300 SUBSISTENCE-IN-KIND	176,751	176,751
18350 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE	34	34
18400 TOTAL, BUDGET ACTIVITY 4	1,087,325	1,087,325

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
18450 ACTIVITY 5 PERMANENT CHANGE OF STATION		
18500 ACCESSION TRAVEL	79,929	79,929
18550 TRAINING TRAVEL	73,677	73,677
18600 OPERATIONAL TRAVEL	318,829	318,829
18650 ROTATIONAL TRAVEL	524,244	524,244
18700 SEPARATION TRAVEL	157,173	157,173
18750 TRAVEL OF ORGANIZED UNITS	15,448	15,448
18800 NON-TEMPORARY STORAGE	39,968	39,968
18850 TEMPORARY LODGING EXPENSE	29,707	29,707
18950 TOTAL, BUDGET ACTIVITY 5	1,238,975	1,238,975
19000 ACTIVITY 6 OTHER MILITARY PERSONNEL COSTS		
19050 APPREHENSION OF MILITARY DESERTERS	134	134
19100 INTEREST ON UNIFORMED SERVICES SAVINGS	3,234	3,234
19150 DEATH GRATUITIES	16,000	16,000
19200 UNEMPLOYMENT BENEFITS	62,151	62,151
19250 SURVIVOR BENEFITS	1,574	1,574
19300 EDUCATION BENEFITS	403	403
19350 ADOPTION EXPENSES	520	520
19400 TRANSPORTATION SUBSIDY	7,520	7,520
19450 PARTIAL DISLOCATION ALLOWANCE	2,008	2,008
19550 RESERVE OFFICERS TRAINING CORPS (ROTC)	40,081	40,081
19600 JUNIOR ROTC	16,933	16,933
19610 PREVENTIVE HEALTH ALLOWANCE DEMONSTRATION PROJECT	1,125	1,125
19650 TOTAL, BUDGET ACTIVITY 6	151,683	151,683
19700 LESS REIMBURSABLES	-394,790	-394,790
19750 UNDISTRIBUTED ADJUSTMENT	-	-130,728
19800 TOTAL, ACTIVE FORCES, AIR FORCE	28,304,432	28,096,708
21000 TOTAL, MILITARY PERSONNEL, AIR FORCE	28,304,432	28,096,708



EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[in thousands of dollars]

M-1	Budget	
	Request	Conference
<b>BA-1: PAY AND ALLOWANCES OF OFFICERS</b>		
<b>BASIC PAY</b>	<b>4,836,070</b>	<b>4,785,470</b>
Excess to Requirement		-50,600
<b>SPECIAL PAYS</b>	<b>320,672</b>	<b>319,129</b>
OSD Discontinuation of Creech Incentive Pay		-1,543
<b>BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL</b>		
<b>SPECIAL PAYS</b>	<b>387,659</b>	<b>362,806</b>
Re-enlistment Bonuses - Excess to Requirement		-16,000
OSD Discontinuation of Creech Incentive Pay		-8,853
<b>UNDISTRIBUTED ADJUSTMENTS</b>		<b>-130,728</b>
Unobligated/Unexpended Balances		-74,700
Undistributed Transfer to title IX		-56,028

## RESERVE PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
23000 RESERVE PERSONNEL, ARMY		
23050 ACTIVITY 1 RESERVE COMPONENT TRAINING AND SUPPORT		
23100 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	1,294,413	1,294,413
23150 PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	53,726	35,726
23200 PAY GROUP F TRAINING (RECRUITS)	262,018	247,018
23250 PAY GROUP P TRAINING (PIPELINE RECRUITS)	7,844	7,844
23300 MOBILIZATION TRAINING	5,620	5,620
23350 SCHOOL TRAINING	187,198	187,198
23400 SPECIAL TRAINING	271,470	271,470
23450 ADMINISTRATION AND SUPPORT	2,138,347	2,118,347
23500 EDUCATION BENEFITS	39,925	39,925
23550 HEALTH PROFESSION SCHOLARSHIP	69,939	69,939
23600 OTHER PROGRAMS	55,577	55,577
23650 TOTAL, BUDGET ACTIVITY 1	4,386,077	4,333,077
23800 UNDISTRIBUTED ADJUSTMENT	---	-43,670
24000 TOTAL RESERVE PERSONNEL, ARMY	4,386,077	4,289,407
	=====	=====

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[in thousands of dollars]

M-1	Budget	
	Request	Conference
BA-1: RESERVE COMPONENT TRAINING AND SUPPORT		
PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	53,726	35,726
Projected Underexecution		-18,000
PAY GROUP F TRAINING (RECRUITS)	262,018	247,018
Projected Underexecution		-15,000
ADMINISTRATION AND SUPPORT	2,138,347	2,118,347
Selected Reserve Incentive Program Bonuses - Excess to Requirement		-20,000
UNDISTRIBUTED ADJUSTMENT		-43,670
Unobligated/Unexpended Balances		-43,670

RESERVE PERSONNEL, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
26000 RESERVE PERSONNEL, NAVY		
26050 ACTIVITY 1 RESERVE COMPONENT TRAINING AND SUPPORT		
26100 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	627,505	615,505
26150 PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	9,321	9,321
26200 PAY GROUP F TRAINING (RECRUITS)	50,649	50,649
26250 MOBILIZATION TRAINING	8,727	8,727
26300 SCHOOL TRAINING	52,322	52,322
26350 SPECIAL TRAINING	114,610	114,610
26400 ADMINISTRATION AND SUPPORT	1,037,649	1,034,649
26450 EDUCATION BENEFITS	1,719	1,719
26500 HEALTH PROFESSION SCHOLARSHIP	58,132	58,132
26550 TOTAL, BUDGET ACTIVITY 1	1,960,634	1,945,634
26600 UNDISTRIBUTED ADJUSTMENT	---	-10,090
27000 TOTAL, RESERVE PERSONNEL, NAVY	1,960,634	1,935,544



EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[in thousands of dollars]

M-1	Budget	
	Request	Conference
<b>BA-1: RESERVE COMPONENT TRAINING AND SUPPORT</b>		
<b>PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)</b>	<b>627,505</b>	<b>615,505</b>
Inactive Duty Training - Unjustified Growth		-12,000
<b>ADMINISTRATION AND SUPPORT</b>	<b>1,037,649</b>	<b>1,034,649</b>
Bonuses - Excess to Requirement		-3,000
<b>UNDISTRIBUTED ADJUSTMENT</b>		<b>-10,090</b>
Unobligated/Unexpended Balances		-10,090

## RESERVE PERSONNEL, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
28000 RESERVE PERSONNEL, MARINE CORPS		
28050 ACTIVITY 1 RESERVE COMPONENT TRAINING AND SUPPORT		
28100 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	209,450	209,450
28150 PAY GROUP B TRAINING (BACKFILL FOR ACT DUTY)	37,538	37,538
28200 PAY GROUP F TRAINING (RECRUITS)	116,241	116,241
28300 MOBILIZATION TRAINING	4,073	4,073
28350 SCHOOL TRAINING	14,226	14,226
28400 SPECIAL TRAINING	23,666	23,666
28450 ADMINISTRATION AND SUPPORT	226,902	224,902
28500 PLATOON LEADER CLASS	11,859	11,859
28550 EDUCATION BENEFITS	9,257	9,257
28600 TOTAL, BUDGET ACTIVITY 1	653,212	651,212
28700 UNDISTRIBUTED ADJUSTMENT	- - -	-6,490
29000 TOTAL RESERVE PERSONNEL, MARINE CORPS	653,212	644,722

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[in thousands of dollars]

M-1	Budget	
	Request	Conference
<b>BA-1: RESERVE COMPONENT TRAINING AND SUPPORT</b>		
<b>ADMINISTRATION AND SUPPORT</b>	<b>226,902</b>	<b>224,902</b>
Enlistment Bonuses - Excess to Requirement		-2,000
<b>UNDISTRIBUTED ADJUSTMENT</b>		<b>-6,490</b>
Unobligated/Unexpended Balances		-6,490

RESERVE PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
30000 RESERVE PERSONNEL, AIR FORCE		
30050 ACTIVITY 1 RESERVE COMPONENT TRAINING AND SUPPORT		
30100 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	681,477	670,477
30150 PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY)	109,605	105,605
30200 PAY GROUP F TRAINING (RECRUITS)	68,658	77,700
30250 PAY GROUP P TRAINING (PIPELINE RECRUITS)	64	64
30300 MOBILIZATION TRAINING	555	555
30350 SCHOOL TRAINING	140,801	140,801
30400 SPECIAL TRAINING	296,895	296,895
30450 ADMINISTRATION AND SUPPORT	362,893	362,893
30500 EDUCATION BENEFITS	16,244	16,244
30550 HEALTH PROFESSION SCHOLARSHIP	51,743	51,743
30600 OTHER PROGRAMS (ADMIN & SUPPORT)	4,888	4,888
30650 TOTAL, BUDGET ACTIVITY 1	1,729,823	1,727,865
30750 UNDISTRIBUTED ADJUSTMENT	---	-15,160
31000 TOTAL, RESERVE PERSONNEL, AIR FORCE	1,729,823	1,712,705

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[in thousands of dollars]

M-1	Budget	
	Request	Conference
<b>BA-1: RESERVE COMPONENT TRAINING AND SUPPORT</b>		
<b>PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)</b>	<b>681,477</b>	<b>670,477</b>
Inactive Duty Training - Unit Training Assemblies		
Underexecution		-1,958
Transfer to Pay Group F		-9,042
<b>PAY GROUP F TRAINING (RECRUITS)</b>	<b>68,658</b>	<b>77,700</b>
Air Force Identified Additional Requirement Due to		
Increased Number of Training Seats - Transfer from Pay		
Group A		9,042
<b>UNDISTRIBUTED ADJUSTMENT</b>		<b>-15,160</b>
Unobligated/Unexpended Balances		-15,160



## NATIONAL GUARD PERSONNEL, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
32000 NATIONAL GUARD PERSONNEL, ARMY		
32050 ACTIVITY 1 RESERVE COMPONENT TRAINING AND SUPPORT		
32100 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	2,076,946	2,141,946
32150 PAY GROUP F TRAINING (RECRUITS)	573,577	573,577
32200 PAY GROUP P TRAINING (PIPELINE RECRUITS)	46,049	46,049
32250 SCHOOL TRAINING	428,000	428,000
32300 SPECIAL TRAINING	447,567	447,567
32350 ADMINISTRATION AND SUPPORT	3,925,062	3,898,062
32400 EDUCATION BENEFITS	126,134	126,134
32450 TOTAL, BUDGET ACTIVITY 1	7,623,335	7,661,335
32600 UNDISTRIBUTED ADJUSTMENT	---	-75,690
33000 TOTAL, NATIONAL GUARD PERSONNEL, ARMY	7,623,335	7,585,645

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[in thousands of dollars]

M-1	Budget	
	Request	Conference
<b>BA-1: RESERVE COMPONENT TRAINING AND SUPPORT</b>		
<b>PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)</b>	<b>2,076,946</b>	<b>2,141,946</b>
Army Guard Identified Additional Requirement Due to Lower than Budgeted Mobilization Rate		65,000
<b>ADMINISTRATION AND SUPPORT</b>	<b>3,925,062</b>	<b>3,898,062</b>
Enlistment Bonuses - Excess to Requirement		-9,000
Re-enlistment Bonuses - Excess to Requirement		-8,000
Officer Affiliation/Accession Bonuses - Excess to Requirement		-10,000
<b>UNDISTRIBUTED ADJUSTMENTS</b>		<b>-75,690</b>
Unobligated/Unexpended Balances		-57,990
Undistributed Transfer to title IX		-17,700

NATIONAL GUARD PERSONNEL, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
34000 NATIONAL GUARD PERSONNEL, AIR FORCE		
34050 ACTIVITY 1 RESERVE COMPONENT TRAINING AND SUPPORT		
34100 PAY GROUP A TRAINING (15 DAYS & DRILLS 24/48)	967,468	954,968
34150 PAY GROUP F TRAINING (RECRUITS)	103,958	103,958
34200 PAY GROUP P TRAINING (PIPELINE RECRUITS)	3,211	3,211
34250 SCHOOL TRAINING	234,909	234,909
34300 SPECIAL TRAINING	134,244	134,244
34350 ADMINISTRATION AND SUPPORT	1,642,998	1,642,998
34400 EDUCATION BENEFITS	27,361	27,361
34450 TOTAL, BUDGET ACTIVITY 1	3,114,149	3,101,649
34700 UNDISTRIBUTED ADJUSTMENT	---	-12,720
35000 TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE	3,114,149	3,088,929

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[in thousands of dollars]

M-1	Budget	
	Request	Conference
<b>BA-1: RESERVE COMPONENT TRAINING AND SUPPORT</b>		
<b>PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)</b>	<b>967,468</b>	<b>954,968</b>
Inactive Duty Training - Unjustified Growth		-12,500
<b>UNDISTRIBUTED ADJUSTMENT</b>		<b>-12,720</b>
Unobligated/Unexpended Balances		-12,720

TITLE II—OPERATION AND  
MAINTENANCE

The conference agreement provides  
\$163,073,141,000 in Title II, Operation and

Maintenance, instead of \$169,975,411,000 as  
proposed by the House and \$162,549,531,000 as  
proposed by the Senate. The conference

agreement on items addressed by either the  
House or the Senate is as follows:



(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
RECAPITULATION		
OPERATION & MAINTENANCE, ARMY	34,735,216	31,072,902
OPERATION & MAINTENANCE, NAVY	39,364,688	38,120,821
OPERATION & MAINTENANCE, MARINE CORPS	5,960,437	5,542,937
OPERATION & MAINTENANCE, AIR FORCE	36,195,133	34,985,486
OPERATION & MAINTENANCE, DEFENSE-WIDE	30,940,409	30,152,008
OPERATION & MAINTENANCE, ARMY RESERVE	3,109,176	3,071,733
OPERATION & MAINTENANCE, NAVY RESERVE	1,323,134	1,305,134
OPERATION & MAINTENANCE, MARINE CORPS RESERVE	271,443	271,443
OPERATION & MAINTENANCE, AIR FORCE RESERVE	3,274,359	3,274,359
OPERATION & MAINTENANCE, ARMY NATIONAL GUARD	7,041,432	6,924,932
OPERATION & MAINTENANCE, AIR NATIONAL GUARD	6,136,280	6,098,780
OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT	5,000	- - -
UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES	13,861	13,861
ENVIRONMENTAL RESTORATION, ARMY	346,031	346,031
ENVIRONMENTAL RESTORATION, NAVY	308,668	308,668
ENVIRONMENTAL RESTORATION, AIR FORCE	525,453	525,453
ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	10,716	10,716
ENVIRONMENTAL RESTORATION, FORMERLY USED DEF. SITES	276,495	326,495
OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	107,662	107,662
COOPERATIVE THREAT REDUCTION ACCOUNT	508,219	508,219
DOD ACQUISITION WORKFORCE DEVELOPMENT FUND	305,501	105,501
	=====	=====
GRAND TOTAL, OPERATION & MAINTENANCE	170,759,313	163,073,141
	=====	=====

OPERATION AND MAINTENANCE  
REPROGRAMMINGS

The Secretary of Defense is directed to submit the Base for Reprogramming (DD Form 1414) for each of the fiscal year 2012 appropriation accounts not later than 60 days after enactment of this Act. The Secretary of Defense is prohibited from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the House and Senate Appropriations Committees.

The Secretary of Defense is directed to use the normal prior approval reprogramming procedures to transfer funds in the Services' operation and maintenance accounts between O-1 budget activities in excess of \$15,000,000. In addition, the Secretary of Defense should follow prior approval reprogramming procedures for transfers in excess of \$15,000,000 out of the following budget subactivities:

Army:  
Maneuver units  
Modular support brigades  
Land forces operations support  
Force readiness operations support  
Land forces depot maintenance  
Base operations support  
Facilities Sustainment, Repair, and Modernization  
Navy:  
Aircraft depot maintenance  
Ship depot maintenance  
Facilities Sustainment, Repair, and Modernization  
Marine Corps:  
Depot maintenance  
Facilities Sustainment, Repair, and Modernization  
Air Force:  
Primary combat forces  
Combat enhancement forces  
Combat communications  
Facilities Sustainment, Repair, and Modernization

During fiscal year 2012, the Air Force is required to submit written notification and justification to the congressional defense committees not later than 30 days prior to implementing transfers in excess of \$15,000,000 out of the following budget subactivities:

Operating forces depot maintenance  
Mobilization depot maintenance  
Training and recruiting depot maintenance  
Administration and service-wide depot maintenance

The transfer may be implemented 30 days after congressional notification unless an objection is received from a congressional defense committee.

Finally, the Secretary of Defense should follow prior approval reprogramming proce-

dures for transfers in excess of \$15,000,000 into the following budget subactivity:

Operation and Maintenance, Army National Guard:

Other personnel support/recruiting and advertising

With respect to Operation and Maintenance, Defense-Wide, proposed transfers of funds to or from the levels specified for defense agencies in excess of \$15,000,000 shall be subject to prior approval reprogramming procedures.

OPERATION AND MAINTENANCE FUNDING FOR  
MILITARY TECHNICIANS

The House recommendation included adjustments to Army and Air Force Reserve and National Guard operation and maintenance accounts based on discrepancies in the number of military technicians included in the request. The conference agreement does not include these adjustments; however, the Department is directed to ensure consistency in the number of military technicians included in the request between the military personnel appropriations in the PB-31R Personnel Summary exhibit and noted on the OP-5 exhibit in the operation and maintenance appropriations in the future.

STRATEGIC COMMUNICATIONS AND INFORMATION  
OPERATIONS/MILITARY INFORMATION SUPPORT  
OPERATIONS

The conference agreement includes \$224,975,000 for Department of Defense information operations (IO)/military information support operations (MISO) programs, instead of \$176,575,000 as proposed by the House and \$300,570,000 as proposed by the Senate. The budget request includes \$120,570,000 in title II and \$180,000,000 in title IX. The conference agreement includes all funds for these activities in title IX of this division as proposed by the House. Of the \$120,570,000 requested in title II, the conference agreement includes program reductions totaling \$16,795,000 and transfers the remaining \$103,775,000 to title IX. The allocation of funding by combatant command and funding levels for certain programs is specifically delineated in the classified annex accompanying this Act. The conferees direct that these delineations shall be considered congressional special interest items and be subject to normal reprogramming procedures.

The conferees agree that combatant commanders need the ability to effectively communicate in their respective areas of responsibility and provide adequate resources to support such military objectives. The conferees appreciate the progress made by the Office of the Secretary of Defense over the past three years to define and consolidate strategic communications (SC) and IO into a more accountable and transparent structure

within the Department and improve inter-agency coordination. Even with this progress, concerns remain that some activities being funded under IO/MISO and SC are duplicative of, or operate at cross purposes with, other federal agencies' efforts. As the Secretary of Defense Memorandum dated January 25, 2011 indicates, further refinements are necessary to identify IO-related costs and develop standardized budgeting methodologies for SC and IO-related capabilities and activities, as well as MISO costs. In an era of declining budgets, Department of Defense funding for these activities must be fully captured and carefully reviewed to ensure that each request meets a primary military requirement.

The conference agreement does not provide funds within the fiscal year 2012 base budget for these activities, but instead continues funding them within title IX of this division. The conferees will consider transitioning the funding for SC and IO/MISO programs to the base budget in fiscal year 2013 after a review of the comprehensive budget requests for SC, IO/MISO, and IO-related capabilities and activities.

The conferees reiterate the direction included in the House report requiring the Secretary of Defense to develop a format for improving the budget submission for these programs in fiscal year 2013. The submission shall include, at a minimum, a delineation of all programs and activities, and the funding associated with each, for all SC and IO/MISO programs within the Department of Defense. The conferees further direct the Secretary of Defense to follow the direction in the House report regarding execution reports for funds provided for these programs.

ENERGY INDEPENDENCE AND SECURITY ACT

The conference agreement does not include a provision (House Section 10011) on the Energy Independence and Security Act of 2007. The conferees note that the enforcement of section 526 of the Energy Independence and Security Act of 2007 may lead to higher fuel costs for federal fleets in the absence of competitively priced new generation fuels that emit fewer emissions. In carrying out this statute, the Secretary of Defense and the Service Secretaries should work to ensure that costs associated with fuel purchases necessary to carry out the missions of their respective departments and agencies should be minimized to the extent possible under the law.

OPERATION AND MAINTENANCE, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OPERATION AND MAINTENANCE, ARMY		
BUDGET ACTIVITY 1 OPERATING FORCES		
10 LAND FORCES MANEUVER UNITS	1,399,804	1,031,695
20 MODULAR SUPPORT BRIGADES	104,629	90,595
30 ECHELONS ABOVE BRIGADES	815,920	741,068
40 THEATER LEVEL ASSETS	825,587	764,818
50 LAND FORCES OPERATIONS SUPPORT	1,245,231	1,072,413
60 AVIATION ASSETS	1,199,340	1,131,228
70 LAND FORCES READINESS FORCE READINESS OPERATIONS SUPPORT	2,939,455	2,778,799
80 LAND FORCES SYSTEMS READINESS	451,228	404,896
90 LAND FORCES DEPOT MAINTENANCE	1,179,675	1,179,675
100 LAND FORCES READINESS SUPPORT BASE OPERATIONS SUPPORT	7,637,052	7,469,948
110 FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,495,667	2,495,667
120 MANAGEMENT AND OPERATIONAL HEADQUARTERS	397,952	397,952
130 COMBATANT COMMANDER'S CORE OPERATIONS	171,179	171,179
170 COMBATANT COMMANDERS ANCILLARY MISSIONS	459,585	439,115
140 CONTRACTOR LOGISTICS SUPPORT	---	-50,000
ADJUSTMENT FOR DEFENSE EFFICIENCY - CIVILIAN STAFFING REDUCTION	---	-166,365
TRANSFER TO TITLE IX READINESS AND DEPOT MAINTENANCE	---	-1,454,500
TOTAL, BUDGET ACTIVITY 1	21,322,304	18,498,183
BUDGET ACTIVITY 2 MOBILIZATION		
180 MOBILITY OPERATIONS STRATEGIC MOBILITY	390,394	390,394
190 ARMY PREPOSITIONED STOCKS	169,535	169,535
200 INDUSTRIAL PREPAREDNESS	6,675	6,675
ADJUSTMENT FOR DEFENSE EFFICIENCY - CIVILIAN STAFFING REDUCTION	---	843
TOTAL, BUDGET ACTIVITY 2	566,604	567,447

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
BUDGET ACTIVITY 3 TRAINING AND RECRUITING		
210 ACCESSION TRAINING OFFICER ACQUISITION	113,262	113,262
220 RECRUIT TRAINING	71,012	71,012
230 ONE STATION UNIT TRAINING	49,275	49,275
240 SENIOR RESERVE OFFICERS TRAINING CORPS	417,071	451,071
250 BASIC SKILL AND ADVANCED TRAINING SPECIALIZED SKILL TRAINING	1,045,948	1,030,765
260 FLIGHT TRAINING	1,083,808	1,083,808
270 PROFESSIONAL DEVELOPMENT EDUCATION	191,073	191,073
280 TRAINING SUPPORT	607,896	607,896
290 RECRUITING AND OTHER TRAINING AND EDUCATION RECRUITING AND ADVERTISING	523,501	523,501
300 EXAMINING	139,159	139,159
310 OFF-DUTY AND VOLUNTARY EDUCATION	238,978	238,978
320 CIVILIAN EDUCATION AND TRAINING	221,156	221,156
330 JUNIOR RESERVE OFFICERS TRAINING CORPS	170,889	170,889
ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION	---	23,560
TOTAL, BUDGET ACTIVITY 3	4,873,028	4,915,405
BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
340 SECURITY PROGRAMS SECURITY PROGRAMS	995,161	993,801
350 LOGISTICS OPERATIONS SERVICEWIDE TRANSPORTATION	524,334	524,334
360 CENTRAL SUPPLY ACTIVITIES	705,668	705,668
370 LOGISTICS SUPPORT ACTIVITIES	484,075	487,075
380 AMMUNITION MANAGEMENT	457,741	387,741

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
390 SERVICEWIDE SUPPORT ADMINISTRATION .....	775,313	775,313
400 SERVICEWIDE COMMUNICATIONS.....	1,534,706	1,540,957
410 MANPOWER MANAGEMENT .....	316,924	316,924
420 OTHER PERSONNEL SUPPORT.....	214,356	214,356
430 OTHER SERVICE SUPPORT.....	1,093,877	1,048,777
440 ARMY CLAIMS ACTIVITIES.....	216,621	216,621
450 REAL ESTATE MANAGEMENT.....	180,717	170,717
SUPPORT OF OTHER NATIONS		
460 SUPPORT OF NATO OPERATIONS.....	449,901	449,901
470 MISC. SUPPORT OF OTHER NATIONS.....	23,886	20,886
IMPROVED MANAGEMENT OF TELECOM SERVICES.....	---	-10,000
ADJUSTMENT FOR DEFENSE EFFICIENCY - CIVILIAN STAFFING REDUCTION .....	---	-12,904
TOTAL, BUDGET ACTIVITY 4.....	7,973,280	7,830,167
UNOBLIGATED BALANCES.....	---	-238,300
UNEXECUTABLE OPTEMPO GROWTH.....	---	-500,000
=====		
TOTAL, OPERATION AND MAINTENANCE, ARMY.....	34,735,216	31,072,902
=====		

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

O-1	Budget	
	Request	Conference
<b>111 MANEUVER UNITS</b>	<b>1,399,804</b>	<b>1,031,695</b>
Transfer to title IX - Combined Arms Training Strategy		-217,376
Transfer to title IX - MRAP Vehicle Sustainment		-2,539
Transfer to title IX - Theater Demand Reduction		-148,194
<b>112 MODULAR SUPPORT BRIGADES</b>	<b>104,629</b>	<b>90,595</b>
Transfer to title IX - Combined Arms Training Strategy		-11,752
Transfer to title IX-Theater Demand Reduction		-2,282
<b>113 ECHELONS ABOVE BRIGADES</b>	<b>815,920</b>	<b>741,068</b>
Transfer to title IX - Combined Arms Training Strategy		-74,852
<b>114 THEATER LEVEL ASSETS</b>	<b>825,587</b>	<b>764,818</b>
Transfer to title IX - Chemical Defense Equipment Sustainment		-8,579
Transfer to title IX - Combined Arms Training Strategy		-23,198
Transfer to title IX - Theater Demand Reduction		-18,692
Transfer to title IX - Unmanned Aircraft System Gray Eagle Satellite Service		-10,300
<b>115 LAND FORCES OPERATIONS SUPPORT</b>	<b>1,245,231</b>	<b>1,072,413</b>
Transfer to title IX - MRAP Vehicle Sustainment at Combat Training Centers		-6,420
Transfer to title IX - Combat Training Center Role Players		-30,091
Transfer to title IX - Fox Nuclear Biological and Chemical Reconnaissance Vehicle Contract Logistics Support		-12,062
Transfer to title IX - Joint Maneuver Readiness Center Opposing Force Augmentation		-4,545
Transfer to title IX - Joint Readiness Training Center Opposing Force Augmentation		-26,940
Transfer to title IX - National Training Center Tier Two Level Maintenance Contract		-24,000
Transfer to title IX - National Training Center Warfighter Focus		-26,650
Transfer to title IX - Sustainment Brigade and Functional Brigade Warfighter Exercise		-20,285
Transfer to title IX - Theater Demand Reduction		-14,984
Transfer to title IX - Tube-Launched, Optically-Tracked, Wire-Guided Missile Improved Target Acquisition System Contract Logistics Support		-6,841
<b>116 AVIATION ASSETS</b>	<b>1,199,340</b>	<b>1,131,228</b>
Transfer to title IX - Combined Arms Training Strategy		-6,607
Transfer to title IX - Theater Demand Reduction		-61,505
<b>121 FORCE READINESS OPERATIONS SUPPORT</b>	<b>2,939,455</b>	<b>2,778,799</b>
Forward Operating Base Baseline not taken into Account In Requested Program Growth		-20,000
Transfer to title IX - Body Armor Sustainment		-71,660
Transfer to title IX - Rapid Equipping Force Readiness		-9,294
Transfer to title IX - Battle Simulation Centers		-59,702
<b>122 LAND FORCES SYSTEMS READINESS</b>	<b>451,228</b>	<b>404,896</b>
Unjustified Growth for Civilian and Contractor Positions		-20,000
Transfer to title IX - Fixed Wing Life Cycle Contract Support		-21,171

O-1		Budget Request	Conference
	Transfer to title IX - Capability Development and Integration		-5,161
<b>123</b>	<b>LAND FORCES DEPOT MAINTENANCE</b>	<b>1,179,675</b>	<b>1,179,675</b>
<b>131</b>	<b>BASE OPERATIONS SUPPORT</b>	<b>7,637,052</b>	<b>7,469,948</b>
	Restore Army Requested Reduction to Family Programs		75,000
	Restore Underfunding Attributed to Efficiency Savings		93,232
	Removal of fiscal year 2011 Costs Budgeted for Detainee Operations (Full fiscal year 2012 Requirement Funded in title IX)		-70,000
	Budget Justification does not Match Summary of Price and Program Changes for Utilities		-37,500
	Environmental Conservation for Ranges to Address Shortfalls		12,500
	Transfer to title IX - Overseas Security Guards		-200,000
	Transfer to title IX - Senior Leader Initiative: Comprehensive Soldier Fitness Program		-30,000
	Transfer to title IX - Training Range Maintenance		-10,336
<b>138</b>	<b>COMBATANT COMMANDER'S DIRECT MISSION SUPPORT</b>	<b>459,585</b>	<b>439,115</b>
	Transfer to title IX and Program Reduction - Military Information Support Operations		-20,470
	<b>CONTRACTOR LOGISTICS SUPPORT</b>		<b>-50,000</b>
	<b>TRANSFER TO TITLE IX - READINESS AND DEPOT MAINTENANCE</b>		<b>-1,454,500</b>
	<b>BUDGET ACTIVITY 1 ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION</b>		<b>-166,365</b>
	<b>BUDGET ACTIVITY 2 ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION</b>		<b>843</b>
<b>314</b>	<b>SENIOR RESERVE OFFICER TRAINING CORP</b>	<b>417,071</b>	<b>451,071</b>
	Restore Army Requested Reduction to Reserve Officer Training Corps to Maintain Ratio of Public to Private Colleges		34,000
<b>321</b>	<b>SPECIALIZED SKILL TRAINING</b>	<b>1,045,948</b>	<b>1,030,765</b>
	Transfer to title IX - Survivability and Maneuverability Training		-15,183
	<b>BUDGET ACTIVITY 3 ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION</b>		<b>23,560</b>
<b>423</b>	<b>LOGISTIC SUPPORT ACTIVITIES</b>	<b>484,075</b>	<b>487,075</b>
	Army Requested Transfer for Army Enterprise Systems Integration Program from OP, A line 116		3,000
<b>424</b>	<b>AMMUNITION MANAGEMENT</b>	<b>457,741</b>	<b>387,741</b>
	Requested Growth Unjustified by Metrics Provided in Performance Criteria		-70,000
<b>432</b>	<b>SERVICEWIDE COMMUNICATIONS</b>	<b>1,534,706</b>	<b>1,540,957</b>
	Transfer from title IX - Automated Biometric Identification System (ABIS)		26,200
	Expand ABIS to Improve Data Sharing with Federal Partner Agencies - Unique Identity Task Force		3,800
	Army Requested Transfer for GCSS-A from OP, A line 116		2,883



O-1	Budget	
	Request	Conference
Army Requested Transfer for GFEBS from OP, A line 116		3,368
Budget Justification does not Match Summary of Price and Program Changes for the Defense Information Systems Agency Requirement		-30,000
<b>435 OTHER SERVICE SUPPORT</b>	<b>1,093,877</b>	<b>1,048,777</b>
Army Support to the Capitol 4th		4,900
Budget Justification does not Match Summary of Price and Program Changes for the Defense Finance and Accounting Service Requirement		-50,000
<b>436 ARMY CLAIMS ACTIVITIES</b>	<b>216,621</b>	<b>216,621</b>
<b>437 REAL ESTATE MANAGEMENT</b>	<b>180,717</b>	<b>170,717</b>
Budget Justification Does Not Match Summary of Price and Program Changes for the Pentagon Reservation Maintenance Revolving Fund		-10,000
<b>442 MISCELLANEOUS SUPPORT OF OTHER NATIONS</b>	<b>23,886</b>	<b>20,886</b>
Transfer from SAG 411 - Military Information Support Operations		-3,000
<b>IMPROVED MANAGEMENT OF TELECOM SERVICES</b>		<b>-10,000</b>
<b>BUDGET ACTIVITY 4 ADJUSTMENT FOR DEFENSE EFFICIENCY CIVILIAN STAFFING REDUCTION</b>		<b>-12,904</b>
<b>UNEXECUTABLE OPTEMPO GROWTH</b>		<b>-500,000</b>
<b>UNOBLIGATED BALANCES</b>		<b>-238,300</b>

OPERATION AND MAINTENANCE, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OPERATION AND MAINTENANCE, NAVY		
BUDGET ACTIVITY 1 OPERATING FORCES		
AIR OPERATIONS		
10 MISSION AND OTHER FLIGHT OPERATIONS	4,762,887	4,499,387
20 FLEET AIR TRAINING	1,771,644	1,771,644
30 AVIATION TECHNICAL DATA AND ENGINEERING SERVICES	46,321	46,321
40 AIR OPERATIONS AND SAFETY SUPPORT	104,751	104,751
50 AIR SYSTEMS SUPPORT	431,576	414,576
60 AIRCRAFT DEPOT MAINTENANCE	1,030,303	1,030,303
70 AIRCRAFT DEPOT OPERATIONS SUPPORT	37,403	37,403
80 AVIATION LOGISTICS	238,007	238,007
SHIP OPERATIONS		
90 MISSION AND OTHER SHIP OPERATIONS	3,820,186	3,795,186
100 SHIP OPERATIONS SUPPORT AND TRAINING	734,866	734,866
110 SHIP DEPOT MAINTENANCE	4,972,609	5,122,609
120 SHIP DEPOT OPERATIONS SUPPORT	1,304,271	1,297,271
COMBAT COMMUNICATIONS/SUPPORT		
130 COMBAT COMMUNICATIONS	583,659	556,259
140 ELECTRONIC WARFARE	97,011	97,011
150 SPACE SYSTEMS AND SURVEILLANCE	162,303	137,303
160 WARFARE TACTICS	423,187	423,187
170 OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	320,141	320,141
180 COMBAT SUPPORT FORCES	1,076,478	883,677
190 EQUIPMENT MAINTENANCE	187,037	187,037
200 DEPOT OPERATIONS SUPPORT	4,352	4,352
210 COMBATANT COMMANDERS CORE OPERATIONS	103,830	103,830
220 COMBATANT COMMANDERS DIRECT MISSION SUPPORT	180,800	166,400

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
230 WEAPONS SUPPORT CRUISE MISSILE	125,333	125,333
240 FLEET BALLISTIC MISSILE	1,209,410	1,209,410
250 IN SERVICE WEAPONS SYSTEMS SUPPORT	99,063	90,063
260 WEAPONS MAINTENANCE	450,454	465,454
270 OTHER WEAPON SYSTEMS SUPPORT	358,002	382,002
280 BASE SUPPORT ENTERPRISE INFORMATION TECHNOLOGY	971,189	971,189
290 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,946,779	1,946,779
300 BASE OPERATING SUPPORT	4,610,525	4,553,025
140 CONTRACTOR LOGISTICS SUPPORT	---	-150,000
TRANSFER TO TITLE IX READINESS AND DEPOT MAINTENANCE (BA1 UNDISTRIBUTED)	---	-495,000
TOTAL, BUDGET ACTIVITY 1	32,164,377	31,069,776
BUDGET ACTIVITY 2 MOBILIZATION READY RESERVE AND PREPOSITIONING FORCES		
310 SHIP PREPOSITIONING AND SURGE	493,326	493,326
320 ACTIVATIONS/INACTIVATIONS AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,228	6,228
330 SHIP ACTIVATIONS/INACTIVATIONS	205,898	205,898
340 MOBILIZATION PREPAREDNESS FLEET HOSPITAL PROGRAM	68,634	63,630
350 INDUSTRIAL READINESS	2,684	2,684
360 COAST GUARD SUPPORT	25,192	25,192
TOTAL, BUDGET ACTIVITY 2	801,962	796,958
BUDGET ACTIVITY 3 TRAINING AND RECRUITING		
370 ACCESSION TRAINING OFFICER ACQUISITION	147,540	147,540
380 RECRUIT TRAINING	10,655	10,655
390 RESERVE OFFICERS TRAINING CORPS	151,147	148,361
400 BASIC SKILLS AND ADVANCED TRAINING SPECIALIZED SKILL TRAINING	594,799	544,278
410 FLIGHT TRAINING	9,034	9,034
420 PROFESSIONAL DEVELOPMENT EDUCATION	173,452	173,452
430 TRAINING SUPPORT	168,025	168,025
440 RECRUITING, AND OTHER TRAINING AND EDUCATION RECRUITING AND ADVERTISING	254,860	255,843

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
450 OFF-DUTY AND VOLUNTARY EDUCATION.....	140,279	140,279
460 CIVILIAN EDUCATION AND TRAINING.....	107,561	107,561
470 JUNIOR ROTC.....	52,689	52,689
TOTAL, BUDGET ACTIVITY 3.....	1,810,041	1,757,717
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES		
SERVICEWIDE SUPPORT		
480 ADMINISTRATION.....	754,483	754,483
490 EXTERNAL RELATIONS.....	14,275	14,275
500 CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT.....	112,616	112,616
510 MILITARY MANPOWER AND PERSONNEL MANAGEMENT.....	216,483	203,926
520 OTHER PERSONNEL SUPPORT.....	282,295	282,295
530 SERVICEWIDE COMMUNICATIONS.....	534,873	534,873
LOGISTICS OPERATIONS AND TECHNICAL SUPPORT		
550 SERVICEWIDE TRANSPORTATION.....	190,662	190,662
570 PLANNING, ENGINEERING AND DESIGN.....	303,636	293,636
580 ACQUISITION AND PROGRAM MANAGEMENT.....	903,885	903,885
590 HULL, MECHANICAL AND ELECTRICAL SUPPORT.....	54,880	54,880
600 COMBAT/WEAPONS SYSTEMS.....	20,687	20,687
610 SPACE AND ELECTRONIC WARFARE SYSTEMS.....	68,374	68,374
SECURITY PROGRAMS		
620 NAVAL INVESTIGATIVE SERVICE.....	572,928	572,928
SUPPORT OF OTHER NATIONS		
680 INTERNATIONAL HEADQUARTERS AND AGENCIES.....	5,516	5,516
OTHER PROGRAMS		
OTHER PROGRAMS.....	552,715	550,334
IMPROVED MANAGEMENT OF TELECOM SERVICES.....	---	-10,000
TOTAL, BUDGET ACTIVITY 4.....	4,588,308	4,553,370
DENY FY 12 BUDGETED PRICE GROWTH FOR CIVILIAN		
PERSONNEL COMPENSATION.....	---	-5,000
UNOBLIGATED BALANCES.....	---	-52,000
=====		
TOTAL, OPERATION AND MAINTENANCE, NAVY.....	39,364,688	38,120,821
=====		

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[In thousands of dollars]

<b>O-1</b>	<b>Budget Request</b>	<b>Conference</b>
<b>1A1A MISSION AND OTHER FLIGHT OPERATIONS</b>	<b>4,762,887</b>	<b>4,499,387</b>
Transfer to title IX - Flying Hours		-180,945
Transfer to title IX - MV 22B Pricing Variance		-82,555
<b>1A4N AIR SYSTEMS SUPPORT</b>	<b>431,576</b>	<b>414,576</b>
Unjustified Growth for Program Related Logistics Support		-17,000
<b>1B1B MISSION AND OTHER SHIP OPERATIONS</b>	<b>3,820,186</b>	<b>3,795,186</b>
Reduced Number of Deployed Steaming Days		-25,000
<b>1B4B SHIP DEPOT MAINTENANCE</b>	<b>4,972,609</b>	<b>5,122,609</b>
Increase Percentage of Required Ship Maintenance Funded		150,000
<b>1B5B SHIP DEPOT OPERATIONS SUPPORT</b>	<b>1,304,271</b>	<b>1,297,271</b>
Removal of One-Time fiscal year 2011 Costs for Surface Ship Life Cycle Maintenance Activity and Local Command Office for Navy Enterprise Resource Planning		-7,000
<b>1C1C COMBAT COMMUNICATIONS</b>	<b>583,659</b>	<b>556,259</b>
Eliminate Requested Growth of Contractor Full-time Equivalents		-27,400
<b>1C3C SPACE SYSTEMS AND SURVEILLANCE</b>	<b>162,303</b>	<b>137,303</b>
Budget Justification does not Match Summary of Price and Program Changes		-25,000
<b>1C6C COMBAT SUPPORT FORCES</b>	<b>1,076,478</b>	<b>883,677</b>
Transfer to title IX - Naval Expeditionary Combat Command Increases		-192,801
<b>1CCM COMBATANT COMMANDERS DIRECT MISSION SUPPORT</b>	<b>180,800</b>	<b>166,400</b>
Transfer to title IX and Program Reduction - Military Information Support Operations		-6,100
Transfer to title IX - Joint Special Operations Task Force-Philippines		-8,300
<b>1D3D IN-SERVICE WEAPONS SYSTEMS SUPPORT</b>	<b>99,063</b>	<b>90,063</b>
Transfer to title IX - Naval Expeditionary Combat Command		-9,000
<b>1D4D WEAPONS MAINTENANCE</b>	<b>450,454</b>	<b>465,454</b>
Ship Self Defense Program Increase		15,000
<b>1D7D OTHER WEAPON SYSTEMS SUPPORT</b>	<b>358,002</b>	<b>382,002</b>
Classified Adjustment		24,000
<b>BSM1 FACILITIES SUSTAINMENT, RESTORATION &amp; MODERNIZATION</b>	<b>1,946,779</b>	<b>1,946,779</b>
Restores Underfunding Attributed to Efficiency Savings		0
<b>BSS1 BASE OPERATING SUPPORT</b>	<b>4,610,525</b>	<b>4,553,025</b>
Savings from In-sourcing Security Contractor Positions not Properly Accounted for in Budget Documentation		-20,000
Transfer to title IX - Regional/Emergency Operations Center		-50,000
Environmental Conservation for Ranges to Address Shortfalls		12,500

O-1	Budget	
	Request	Conference
CONTRACTOR LOGISTICS SUPPORT		-150,000
TRANSFER TO TITLE IX - READINESS AND DEPOT MAINTENANCE		-495,000
2C1H FLEET HOSPITAL PROGRAM	68,634	63,630
Transfer to title IX - Medical/Equipment costs for USNS MERCY		-5,004
3A3J RESERVE OFFICERS TRAINING CORPS	151,147	148,361
Excessive Program Increase for General Services Administration Lease Cost		-2,786
3B1K SPECIALIZED SKILL TRAINING	594,799	544,278
Unjustified Growth in Moored and Tech Training		-47,521
Transfer to title IX - Naval Sea Systems Command Visit, Board, Search and Seizure/Explosive Ordnance Device Training		-3,000
3C1L RECRUITING AND ADVERTISING	254,860	255,843
Naval Sea Cadet Corps		983
4A4M MILITARY MANPOWER AND PERSONNEL MANAGEMENT	216,483	203,926
Transfer to title IX - Family Readiness Programs		-3,557
Transfer to title IX - Navy Manpower and Personnel System/Navy Standard Integrated Personnel System		-9,000
4B2N PLANNING, ENGINEERING AND DESIGN	303,636	293,636
Unjustified Growth for Installation Emergency Management		-10,000
999 OTHER PROGRAMS	552,715	550,334
Classified Adjustment		-2,381
IMPROVED MANAGEMENT OF TELECOM SERVICES		-10,000
DENY FISCAL YEAR 2012 BUDGETED PRICE GROWTH FOR CIVILIAN COMPENSATION		-5,000
UNOBLIGATED BALANCES		-52,000



## OVERHEAD COSTS AT NAVAL SHIPYARDS

One of the major themes of the Department of Defense's fiscal year 2012 budget submission has been the generation of efficiency savings through reduced overhead and improved business practices. However, the Navy's own budget materials indicate a plan to spend over \$1,700,000,000 for overhead costs

at Naval shipyards in fiscal year 2012, an amount equal to 33 percent of Naval shipyard funding. The conferees believe there are opportunities to find Naval shipyard efficiency savings and direct the Secretary of the Navy to carefully assess shipyard overhead costs with a goal of identifying and eliminating all unnecessary overhead expenditures. The con-

ferees recommend that funding garnered from overhead savings be reapplied to ship depot and intermediate maintenance in order to improve the readiness of the fleet.

## OPERATION AND MAINTENANCE, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OPERATION AND MAINTENANCE, MARINE CORPS		
BUDGET ACTIVITY 1: OPERATING FORCES		
10	EXPEDITIONARY FORCES	
	OPERATIONAL FORCES	
	715,196	695,196
20	FIELD LOGISTICS	677,608
	677,608	677,608
30	DEPOT MAINTENANCE	190,713
	190,713	78,713
USMC PREPOSITIONING		
40	MARITIME PREPOSITIONING	101,464
	101,464	101,464
60	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	823,390
	823,390	823,390
70	BASE OPERATING SUPPORT	2,208,949
	2,208,949	2,201,449
	MAINTENANCE (BA1 UNDISTRIBUTED)	---
	---	-235,000
TOTAL, BUDGET ACTIVITY 1		
	4,717,320	4,342,820
BUDGET ACTIVITY 3: TRAINING AND RECRUITING		
ACCESSION TRAINING		
80	RECRUIT TRAINING	18,280
	18,280	18,280
90	OFFICER ACQUISITION	820
	820	820
BASIC SKILLS AND ADVANCED TRAINING		
100	SPECIALIZED SKILLS TRAINING	85,816
	85,816	85,816
120	PROFESSIONAL DEVELOPMENT EDUCATION	33,142
	33,142	33,142
130	TRAINING SUPPORT	324,643
	324,643	324,643
RECRUITING AND OTHER TRAINING EDUCATION		
140	RECRUITING AND ADVERTISING	184,432
	184,432	184,432
150	OFF-DUTY AND VOLUNTARY EDUCATION	43,708
	43,708	43,708
160	JUNIOR ROTC	19,671
	19,671	19,671
TOTAL, BUDGET ACTIVITY 3		
	710,512	710,512
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES		
SERVICEWIDE SUPPORT		
180	SERVICEWIDE TRANSPORTATION	36,021
	36,021	31,021
190	ADMINISTRATION	405,431
	405,431	405,431
200	ACQUISITION AND PROGRAM MANAGEMENT	91,153
	91,153	91,153
TOTAL, BUDGET ACTIVITY 4		
	532,605	527,605
TECHNOLOGY BUDGET JUSTIFICATION FOR THE OPERATIONAL		
	SUPPORT SYSTEMS - COMMAND AND CONTROL	---
	---	-20,000
UNOBLIGATED BALANCES		
	---	-18,000
=====		
TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS		
	5,960,437	5,542,937
=====		

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

<b>O-1</b>	<b>Budget Request</b>	<b>Conference</b>
<b>1A1A OPERATIONAL FORCES</b>	<b>715,196</b>	<b>695,196</b>
Request Inconsistent with Information Technology Budget		
Justification for the Global Combat Support System		-20,000
<b>1A3A DEPOT MAINTENANCE</b>	<b>190,713</b>	<b>78,713</b>
Transfer to title IX - Depot Maintenance		-112,000
<b>BSS1 BASE OPERATING SUPPORT</b>	<b>2,208,949</b>	<b>2,201,449</b>
Reduction for Collateral Equipment Requirements not Properly		
Accounted for in Budget Documentation		-20,000
Environmental Conservation for Ranges to Address Shortfalls		12,500
<b>TRANSFER TO TITLE IX - READINESS AND DEPOT MAINTENANCE</b>		<b>-235,000</b>
<b>4A3G SERVICEWIDE TRANSPORTATION</b>	<b>36,021</b>	<b>31,021</b>
Incorrect Price Growth Rate Used for Commercial Transportation		-5,000
<b>REQUEST INCONSISTENT WITH INFORMATION TECHNOLOGY BUDGET JUSTIFICATION FOR THE OPERATIONAL SUPPORT SYSTEMS COMMAND AND CONTROL</b>		<b>-20,000</b>
<b>UNOBLIGATED BALANCES</b>		<b>-18,000</b>

## PERSONAL PROTECTIVE EYEWEAR

The conferees do not agree to the reporting requirements carried in the Senate report accompanying the Department of Defense Appropriations Act, 2012 regarding the Ma-

rine Corps' personal protective eyewear. However, the conferees remain committed to ensuring that the Marine Corps' acquisition program and its performance meet the standards and procedures required for these important protective devices.

## OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OPERATION AND MAINTENANCE, AIR FORCE		
BUDGET ACTIVITY 1 OPERATING FORCES		
10 AIR OPERATIONS PRIMARY COMBAT FORCES	4,224,400	3,564,242
20 COMBAT ENHANCEMENT FORCES	3,417,731	2,706,439
30 AIR OPERATIONS TRAINING	1,482,814	1,380,264
50 DEPOT MAINTENANCE	2,204,131	3,743,606
60 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,652,318	1,652,318
70 BASE OPERATING SUPPORT	2,507,179	2,494,679
80 COMBAT RELATED OPERATIONS GLOBAL C3I AND EARLY WARNING	1,492,459	1,282,024
90 OTHER COMBAT OPERATIONS SUPPORT PROGRAMS	1,046,226	1,019,538
100 TACTICAL INTELLIGENCE AND SPECIAL ACTIVITIES	696,188	691,188
110 SPACE OPERATIONS LAUNCH FACILITIES	321,484	313,484
120 SPACE CONTROL SYSTEMS	633,738	619,552
130 COMBATANT COMMANDERS DIRECT MISSION SUPPORT	735,488	664,262
140 COMBATANT COMMANDERS CORE OPERATIONS	170,481	170,481
140 CONTRACTOR LOGISTICS SUPPORT	---	-200,000
TRANSFER TO TITLE IX READINESS AND DEPOT MAINTENANCE (BA1 UNDISTRIBUTED)	---	-470,000
TOTAL BUDGET ACTIVITY 1	20,584,637	19,632,077

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
BUDGET ACTIVITY 2 MOBILIZATION		
150 MOBILITY OPERATIONS	2,988,221	2,543,389
160 AIRLIFT OPERATIONS		
160 MOBILIZATION PREPAREDNESS	150,724	150,724
170 DEPOT MAINTENANCE	373,568	813,400
180 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	388,103	388,103
190 BASE SUPPORT	674,230	674,230
TOTAL, BUDGET ACTIVITY 2	4,574,846	4,569,846
BUDGET ACTIVITY 3 TRAINING AND RECRUITING		
200 ACCESSION TRAINING		
200 OFFICER ACQUISITION	114,448	114,448
210 RECRUIT TRAINING	22,192	22,192
220 RESERVE OFFICER TRAINING CORPS (ROTC)	90,545	90,545
230 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	430,090	430,090
240 BASE SUPPORT (ACADEMIES ONLY)	789,654	749,654
BASIC SKILLS AND ADVANCED TRAINING		
250 SPECIALIZED SKILL TRAINING	481,357	471,357
260 FLIGHT TRAINING	957,538	957,538
270 PROFESSIONAL DEVELOPMENT EDUCATION	198,897	198,897
280 TRAINING SUPPORT	108,248	108,248
290 DEPOT MAINTENANCE	6,386	6,386
RECRUITING, AND OTHER TRAINING AND EDUCATION		
300 RECRUITING AND ADVERTISING	136,102	136,102
310 EXAMINING	3,079	3,079
320 OFF DUTY AND VOLUNTARY EDUCATION	167,660	167,660
330 CIVILIAN EDUCATION AND TRAINING	202,767	189,767
340 JUNIOR ROTC	75,259	75,259
TOTAL, BUDGET ACTIVITY 3	3,784,222	3,721,222

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES		
350 LOGISTICS OPERATIONS.....	1,112,878	1,112,252
360 TECHNICAL SUPPORT ACTIVITIES.....	785,150	785,150
370 DEPOT MAINTENANCE.....	14,356	14,982
380 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION ..	416,588	416,588
390 BASE SUPPORT.....	1,219,043	1,219,043
SERVICEWIDE ACTIVITIES		
400 ADMINISTRATION.....	662,180	662,180
410 SERVICEWIDE COMMUNICATIONS.....	650,689	650,689
420 OTHER SERVICEWIDE ACTIVITIES.....	1,078,769	1,060,769
430 CIVIL AIR PATROL CORPORATION.....	23,338	27,838
SUPPORT TO OTHER NATIONS		
460 INTERNATIONAL SUPPORT.....	72,589	72,589
OTHER PROGRAMS.....		
OTHER PROGRAMS.....	1,215,848	1,200,261
IMPROVED MANAGEMENT OF TELECOM SERVICES.....	--	-10,000
TOTAL, BUDGET ACTIVITY 4.....	7,251,428	7,212,341
EXCESS WORKING CAPITAL FUND CARRY OVER.....	--	-90,000
UNOBLIGATED BALANCES.....	--	-60,000
=====		
TOTAL, OPERATION AND MAINTENANCE, AIR FORCE.....	36,195,133	34,985,486
=====		



**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

<b>O-1</b>	<b>Budget Request</b>	<b>Conference</b>
<b>011A PRIMARY COMBAT FORCES</b>	<b>4,224,400</b>	<b>3,564,242</b>
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-590,158
Transfer to title IX -Theater Security Package		-70,000
<b>011C COMBAT ENHANCEMENT FORCES</b>	<b>3,417,731</b>	<b>2,706,439</b>
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-673,292
Unjustified Increase in Travel		-10,000
Removal of One-Time fiscal year 2011 Costs for Administrative Support for Contractor to Civilian Conversions		-4,000
Removal of One-Time fiscal year 2011 Costs for Software Maintenance Requirements		-24,000
<b>011D AIR OPERATIONS TRAINING</b>	<b>1,482,814</b>	<b>1,380,264</b>
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-102,550
<b>011M DEPOT MAINTENANCE</b>	<b>2,204,131</b>	<b>3,743,606</b>
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		590,158
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		673,292
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		102,550
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		198,435
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		12,688
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		7,186
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		166
Efficiency Due to Consolidation of Management of Depot Maintenance		-45,000
<b>011Z BASE OPERATING SUPPORT</b>	<b>2,507,179</b>	<b>2,494,679</b>
Budget Justification Does Not Match Summary of Price and Program Changes for Utilities		-25,000
Environmental Conservation for Ranges to Address Shortfalls		12,500
<b>012A GLOBAL C3I AND EARLY WARNING</b>	<b>1,492,459</b>	<b>1,282,024</b>
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-198,435
Removal of One-Time fiscal year 2011 Costs for Long Range Radar Service Life Extension Program		-12,000
<b>012C OTHER COMBAT OPERATIONS SUPPORT PROGRAMS</b>	<b>1,046,226</b>	<b>1,019,538</b>
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-12,688
Removal of One-Time fiscal year 2011 Costs for Administrative Support for Contractor to Civilian Conversions		-14,000

O-1		Budget Request	Conference
<b>012F</b>	<b>TACTICAL INTELLIGENCE AND SPECIAL ACTIVITIES</b>	<b>696,188</b>	<b>691,188</b>
	Classified Adjustment		-5,000
<b>013A</b>	<b>LAUNCH FACILITIES</b>	<b>321,484</b>	<b>313,484</b>
	Overstated Requirement for Additional fiscal year 2012 Funding for Satellite and Launcher Control Ranges		-8,000
<b>013C</b>	<b>SPACE CONTROL SYSTEMS</b>	<b>633,738</b>	<b>619,552</b>
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-7,186
	Removal of One-Time fiscal year 2011 Costs for Administrative Support for Contractor to Civilian Conversions		-7,000
<b>015A</b>	<b>COMBATANT COMMANDERS DIRECT MISSION SUPPORT</b>	<b>735,488</b>	<b>664,262</b>
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-166
	Transfer to title IX and Program Reduction - Military Information Support Operations		-33,700
	Strategic Command Program Decreases not Accounted for in Budget Documentation		-20,000
	Transfer to title IX - CENTCOM HQ C4		-12,500
	Transfer to title IX - CENTCOM Public Affairs		-4,860
	<b>CONTRACTOR LOGISTICS SUPPORT</b>		<b>-200,000</b>
	<b>TRANSFER TO TITLE IX - READINESS AND DEPOT MAINTENANCE</b>		<b>-470,000</b>
<b>021A</b>	<b>AIRLIFT OPERATIONS</b>	<b>2,988,221</b>	<b>2,543,389</b>
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-444,832
<b>021M</b>	<b>DEPOT MAINTENANCE</b>	<b>373,568</b>	<b>813,400</b>
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		444,832
	Efficiency Due to Consolidation of Management of Depot Maintenance		-5,000
<b>031Z</b>	<b>BASE SUPPORT (ACADEMIES ONLY)</b>	<b>789,654</b>	<b>749,654</b>
	Budget Justification does not Match Summary of Price and Program Changes for Utilities		-25,000
	Unjustified Growth for Competitive Sourcing and Privatization		-15,000
<b>032A</b>	<b>SPECIALIZED SKILL TRAINING</b>	<b>481,357</b>	<b>471,357</b>
	Budget Justification does not Match Summary of Price and Program Changes for Equipment Maintenance by Contract		-10,000
<b>033D</b>	<b>CIVILIAN EDUCATION AND TRAINING</b>	<b>202,767</b>	<b>189,767</b>
	Maintain Service Contracts at the fiscal year 2011 Level		-13,000
<b>041A</b>	<b>LOGISTICS OPERATIONS</b>	<b>1,112,878</b>	<b>1,112,252</b>
	Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		-626

O-1	Budget	
	Request	Conference
<b>041M DEPOT MAINTENANCE</b>	<b>14,356</b>	<b>14,982</b>
Consolidate Depot Maintenance Funding in the Depot Maintenance SAG		626
<b>042G OTHER SERVICEWIDE ACTIVITIES</b>	<b>1,078,769</b>	<b>1,060,769</b>
National Aeronautics and Space Agency Orbiter Change in Requirement		-11,000
Budget Justification does not Match Summary of Price and Program Changes for Defense Finance and Accounting Services		-7,000
<b>042I CIVIL AIR PATROL CORPORATION</b>	<b>23,338</b>	<b>27,838</b>
Civil Air Patrol		4,500
<b>043A SECURITY PROGRAMS</b>	<b>1,215,848</b>	<b>1,200,261</b>
Classified Adjustment		-15,587
<b>IMPROVED MANAGEMENT OF TELECOM SERVICES</b>		<b>-10,000</b>
<b>EXCESS WORKING CAPITAL FUND CARRYOVER</b>		<b>-90,000</b>
<b>UNOBLIGATED BALANCES</b>		<b>-60,000</b>

## VISIBILITY OF DEPOT MAINTENANCE FUNDING

All depot maintenance funding contained in the Air Force's fiscal year 2012 budget request has been identified, consolidated, and displayed in the Depot Maintenance Subactivity Group. In fiscal year 2013, all depot maintenance funds requested in the budget

must be discretely visible and fully justified. Air Force officials have provided assurances that contracts will be modified as necessary to include specific accounting of depot maintenance costs and that implementation of the Air Force's Next Generation Contractor Logistics Support concept will provide need-

ed data in the required format to achieve full cost visibility and proper accounting of depot maintenance funding in the future.

## OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OPERATION AND MAINTENANCE, DEFENSE-WIDE		
BUDGET ACTIVITY 1 OPERATING FORCES		
10 JOINT CHIEFS OF STAFF	563,787	558,287
20 SPECIAL OPERATIONS COMMAND	3,986,766	3,893,859
TOTAL, BUDGET ACTIVITY 1	4,550,553	4,452,146
BUDGET ACTIVITY 3 TRAINING AND RECRUITING		
30 DEFENSE ACQUISITION UNIVERSITY	124,075	124,075
40 NATIONAL DEFENSE UNIVERSITY	93,348	93,348
TOTAL, BUDGET ACTIVITY 3	217,423	217,423
BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
50 CIVIL MILITARY PROGRAMS	159,692	169,692
80 DEFENSE CONTRACT AUDIT AGENCY	508,822	495,722
100 DEFENSE FINANCE AND ACCOUNTING SERVICE	12,000	12,000
120 DEFENSE INFORMATION SYSTEMS AGENCY	1,360,392	1,360,392
140 DEFENSE LEGAL SERVICES AGENCY	37,367	37,367
150 DEFENSE LOGISTICS AGENCY	450,863	455,263
160 DEFENSE MEDIA ACTIVITY	256,133	256,133
170 DEFENSE POW /MISSING PERSONS OFFICE	22,372	22,372
200 DEFENSE TECHNOLOGY SECURITY AGENCY	33,848	33,848
210 DEFENSE THREAT REDUCTION AGENCY	432,133	432,133
220 DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,768,677	2,738,677
110 DEFENSE HUMAN RESOURCES ACTIVITY	676,419	646,289
90 DEFENSE CONTRACT MANAGEMENT AGENCY	1,147,366	1,147,366

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
180 DEFENSE SECURITY COOPERATION AGENCY.....	682,831	530,551
190 DEFENSE SECURITY SERVICE.....	505,366	505,366
230 MISSILE DEFENSE AGENCY.....	202,758	202,758
250 OFFICE OF ECONOMIC ADJUSTMENT.....	81,754	91,754
260 OFFICE OF THE SECRETARY OF DEFENSE.....	2,201,964	2,164,564
270 WASHINGTON HEADQUARTERS SERVICES.....	563,184	556,684
TOTAL, BUDGET ACTIVITY 4.....	12,103,941	11,858,931
IMPACT AID .....	---	40,000
IMPACT AID FOR CHILDREN WITH DISABILITIES.....	---	5,000
OTHER PROGRAMS.....	14,068,492	13,628,508
UNOBLIGATED BALANCES.....	---	-50,000
TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE.....	30,940,409	30,152,008

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[In thousands of dollars]

<b>O-1</b>	<b>Budget Request</b>	<b>Conference</b>
<b>JOINT CHIEFS OF STAFF</b>	<b>563,787</b>	<b>558,287</b>
Reduce Civilian Personnel fiscal year 2012 Average Salary Growth		-5,500
<b>SPECIAL OPERATIONS COMMAND</b>	<b>3,986,766</b>	<b>3,893,859</b>
Sustaining Base Communications - Excessive Growth		-8,000
Aviation Foreign Internal Defense		-17,607
Transfer to title IX and Program Reduction - Military Information		
Support Operations		-57,300
Reduce Civilian Personnel fiscal year 2012 Average Salary Growth		-10,000
<b>CIVIL MILITARY PROGRAMS</b>	<b>159,692</b>	<b>169,692</b>
Youth ChalleNGe		5,000
STARBASE Youth Program		5,000
<b>DEFENSE CONTRACT AUDIT AGENCY</b>	<b>508,822</b>	<b>495,722</b>
Transfer from Excess Support Overhead Costs for Additional		
Contract Oversight		26,100
Reduction in Non-Pay Personnel Support Overhead Costs		-39,200
<b>DEFENSE LOGISTICS AGENCY</b>	<b>450,863</b>	<b>455,263</b>
Unjustified Request for the Defense Property Accountability		
System Program Office		-1,600
Efficiencies in the Continuity of Operations Policy		-3,000
Procurement Technical Assistance Program		9,000
<b>DEFENSE DEPENDENTS EDUCATION</b>	<b>2,768,677</b>	<b>2,738,677</b>
Restore Unjustified Reduction for Educational Partnership		
Program		43,000
Transfer to title IX - Child Care and Counseling		-73,000
<b>DEFENSE HUMAN RESOURCES ACTIVITY</b>	<b>676,419</b>	<b>646,289</b>
Fully Fund Wounded Care and Transition Policy Office		300
Unjustified Increase for the Request for Defense Advisory		
Committee on Women in the Services Program Reporting		-430
Overstatement of fiscal year 2012 Costs for Civilian Personnel		-30,000
<b>DEFENSE SECURITY COOPERATION AGENCY</b>	<b>682,831</b>	<b>530,551</b>
Global Train and Equip Program		-150,000
Security Cooperation Assessment Office		-2,280
<b>OFFICE OF ECONOMIC ADJUSTMENT</b>	<b>81,754</b>	<b>91,754</b>
Program Increase		10,000
<b>OFFICE OF THE SECRETARY OF DEFENSE</b>	<b>2,201,964</b>	<b>2,164,564</b>
Unjustified Growth for Boards and Commissions		-7,300
Unjustified Growth for the Office of the Under Secretary of		
Defense, Policy and for other OSD Programs		-10,100
Unjustified Growth for Equipment Maintenance by Contract		-10,000
Additional Efficiencies Based on Disestablishment of the Assistant		
Secretary of Defense (Networks and Information Integration)		-10,000



O-1	Budget	
	Request	Conference
WASHINGTON HEADQUARTERS SERVICES	563,184	556,684
Removal of fiscal year 2011 Costs Budgeted for the Defense Agencies Initiative		-6,500
OTHER PROGRAMS	14,068,492	13,628,508
Classified Adjustment		-439,984
IMPACT AID		40,000
UNOBLIGATED BALANCES		-50,000
IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES		5,000

OPERATION AND MAINTENANCE, ARMY  
RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OPERATION AND MAINTENANCE, ARMY RESERVE		
BUDGET ACTIVITY 1 OPERATING FORCES		
10 LAND FORCES MANEUVER UNITS	1,091	1,091
20 MODULAR SUPPORT BRIGADES	18,129	18,129
30 ECHELONS ABOVE BRIGADES	492,705	492,705
40 THEATER LEVEL ASSETS	137,304	137,304
50 LAND FORCES OPERATIONS SUPPORT	597,786	597,786
60 AVIATION ASSETS	67,366	67,366
70 LAND FORCES READINESS FORCES READINESS OPERATIONS SUPPORT	474,966	448,523
80 LAND FORCES SYSTEM READINESS	69,841	69,841
90 DEPOT MAINTENANCE	247,010	247,010
100 LAND FORCES READINESS SUPPORT BASE OPERATIONS SUPPORT	590,078	583,078
110 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	255,618	255,618
TOTAL, BUDGET ACTIVITY 1	2,951,694	2,918,451
BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
130 ADMINISTRATION AND SERVICEWIDE ACTIVITIES SERVICEWIDE TRANSPORTATION	14,447	14,447
140 ADMINISTRATION	76,393	76,393
150 SERVICEWIDE COMMUNICATIONS	3,844	3,844
160 PERSONNEL/FINANCIAL ADMINISTRATION	9,033	9,033
170 RECRUITING AND ADVERTISING	53,565	53,565
TOTAL, BUDGET ACTIVITY 4	157,282	157,282
DENY INCREASE BUDGETED FOR FY 12 PRICE GROWTH FOR CIVILIAN PERSONNEL COMPENSATION	---	-4,000
TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE	3,109,176	3,071,733

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[In thousands of dollars]

<b>O-1</b>		<b>Budget</b>	
		<b>Request</b>	<b>Conference</b>
<b>121</b>	<b>FORCES READINESS OPERATIONS SUPPORT</b>	<b>474,966</b>	<b>448,523</b>
	Unjustified Funding for Milcon Planning and Design		-20,443
	Sustainment Costs for Weapons of Mass Destruction Equipment		
	Purchases not Needed in fiscal year 2012		-6,000
<b>131</b>	<b>BASE OPERATIONS SUPPORT</b>	<b>590,078</b>	<b>583,078</b>
	Reduction for Payments to the General Services Administration for		
	Standard Level User Charges not Properly Accounted for in		
	Budget Documentation		-7,000
	<b>UNJUSTIFIED INCREASE BUDGETED FOR FISCAL YEAR 2012</b>		
	<b>PRICE GROWTH FOR CIVILIAN COMPENSATION</b>		<b>-4,000</b>

OPERATION AND MAINTENANCE, NAVY RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OPERATION AND MAINTENANCE, NAVY RESERVE		
BUDGET ACTIVITY 1 OPERATING FORCES		
10	622,868	622,868
20	16,041	16,041
30	1,511	1,511
40	123,547	123,547
50	379	379
60	49,701	49,701
70	593	593
80	53,916	53,916
90	15,445	15,445
100	153,942	153,942
110	7,292	7,292
120	75,131	57,131
130	72,083	72,083
140	109,024	109,024
TOTAL, BUDGET ACTIVITY 1	1,301,473	1,283,473

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
-----		
BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
150 ADMINISTRATION	1,857	1,857
160 MILITARY MANPOWER & PERSONNEL	14,438	14,438
170 SERVICEWIDE COMMUNICATIONS	2,394	2,394
180 ACQUISITION AND PROGRAM MANAGEMENT	2,972	2,972
	-----	-----
TOTAL BUDGET ACTIVITY 4	21,661	21,661
	=====	=====
TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	1,323,134	1,305,134
	=====	=====



EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[In thousands of dollars]

O-1		Budget Request	Conference
BSIT	ENTERPRISE INFORMATION TECHNOLOGY	75,131	57,131
	Unjustified Growth for Next Generation Enterprise Network Seat Services		-18,000

OPERATION AND MAINTENANCE, MARINE CORPS  
RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
-----		
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE		
BUDGET ACTIVITY 1 OPERATING FORCES		
10	EXPEDITIONARY FORCES OPERATING FORCES	94,604 94,604
20	DEPOT MAINTENANCE	16,382 16,382
40	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	31,520 31,520
50	BASE OPERATING SUPPORT	105,809 105,809
	TOTAL, BUDGET ACTIVITY 1	248,315 248,315
BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
70	ADMINISTRATION AND SERVICEWIDE ACTIVITIES SERVICEWIDE TRANSPORTATION	852 852
80	ADMINISTRATION	13,257 13,257
90	RECRUITING AND ADVERTISING	9,019 9,019
	TOTAL, BUDGET ACTIVITY 4	23,128 23,128
	TOTAL, OPERATION & MAINTENANCE, MARINE CORPS RESERVE	271,443 271,443
	=====	=====

OPERATION AND MAINTENANCE, AIR FORCE  
RESERVE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
-----		
OPERATION AND MAINTENANCE, AIR FORCE RESERVE		
BUDGET ACTIVITY 1 OPERATING FORCES		
AIR OPERATIONS		
10	PRIMARY COMBAT FORCES	2 171,853 2,171,853
20	MISSION SUPPORT OPERATIONS	116,513 116,513
30	DEPOL MAINTENANCE	471,707 471,707
40	FACILITIES SUSTAINMENT RESTORATION & MODERNIZATION	77,161 77,161
50	BASE OPERATING SUPPORT	308,974 308,974
-----		
TOTAL, BUDGET ACTIVITY 1		3,146,208 3,146,208
BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
60	ADMINISTRATION	84,423 84,423
70	RECRUITING AND ADVERTISING	17,076 17,076
80	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	19,688 19,688
90	OTHER PERSONNEL SUPPORT	6,170 6,170
100	AUDIOVISUAL	794 794
-----		
TOTAL, BUDGET ACTIVITY 4		128,151 128,151
=====		
TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE		3,274,359 3,274,359
=====		

OPERATION AND MAINTENANCE, ARMY  
NATIONAL GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD		
BUDGET ACTIVITY 1 OPERATING FORCES		
10	634,181	634,181
20	189,899	189,899
30	751,899	751,899
40	112,971	112,971
50	33,972	33,972
60	854,048	838,048
70	706,299	706,299
80	50,453	50,453
90	646,608	646,608
100	1,028,126	988,626
110	618,513	618,513
120	792,575	787,575
	---	-25,000
TOTAL, BUDGET ACTIVITY 1	6,419,544	6,334,044

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
-----		
BUDGET ACTIVITY 4. ADMIN & SERVICEWIDE ACTIVITIES		
ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
140 SERVICEWIDE TRANSPORTATION . . . . .	11,703	11,703
150 ADMINISTRATION . . . . .	178,655	178,655
160 SERVICEWIDE COMMUNICATIONS . . . . .	42,073	42,073
170 MANPOWER MANAGEMENT . . . . .	6,789	6,789
180 RECRUITING AND ADVERTISING. . . . .	382,668	382,668
-----		
TOTAL, BUDGET ACTIVITY 4 . . . . .	621,888	621,888
DENY FY 12 BUDGETED PRICE GROWTH FOR CIVILIAN PERSONNEL COMPENSATION. . . . .		
	---	-11,000
REDUCTION NON-DUAL STATUS TECHNICIAN LIMITATION... .		
	---	-20,000
=====		
TOTAL, OPERATION & MAINTENANCE, ARMY NATIONAL GUARD	7,041,432	6,924,932
	=====	=====



**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[In thousands of dollars]

<b>O-1</b>		<b>Budget Request</b>	<b>Conference</b>
<b>131</b>	<b>BASE OPERATIONS SUPPORT</b>	<b>1,028,126</b>	<b>988,626</b>
	Unjustified Growth for Travel		-25,000
	Unjustified Growth for Utilities Based on Metrics Provided in Budget Documentation		-10,000
	Unjustified Growth for Public Affairs		-4,500
<b>133</b>	<b>MANAGEMENT AND OPERATIONAL HEADQUARTERS</b>	<b>792,575</b>	<b>787,575</b>
	Army National Guard-Identified Excess		-5,000
	<b>UNEXECUTABLE OPTEMPO GROWTH</b>		<b>-25,000</b>
	<b>UNJUSTIFIED INCREASE BUDGETED FOR FISCAL YEAR 2012 PRICE GROWTH FOR CIVILIAN COMPENSATION</b>		<b>-11,000</b>
	<b>REDUCTION IN NON-DUAL STATUS TECHNICIAN LIMITATION</b>		<b>-20,000</b>

OPERATION AND MAINTENANCE, AIR NATIONAL  
GUARD

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD		
BUDGET ACTIVITY 1 OPERATING FORCES		
AIR OPERATIONS		
10 AIRCRAFT OPERATIONS	3 651,900	3,647,900
20 MISSION SUPPORT OPERATIONS	751,519	751,519
30 DEPOT MAINTENANCE	753,525	753,525
40 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	284,348	284,348
50 BASE OPERATING SUPPORT	621,942	598,442
TOTAL, BUDGET ACTIVITY 1	6,063,234	6,035,734
BUDGET ACTIVITY 4 ADMIN & SERVICEWIDE ACTIVITIES		
60 SERVICEWIDE ACTIVITIES		
ADMINISTRATION	39,387	39,387
70 RECRUITING AND ADVERTISING	33,659	33,659
TOTAL, BUDGET ACTIVITY 4	73,046	73,046
O&M AIR NATIONAL GUARD REQUEST INCONSISTENT WITH MILITARY INTELLIGENCE PROGRAM (MIP) BUDGET JUSTIFICATION FOR AIR INTELLIGENCE SYSTEMS		
	- - -	-10,000
TOTAL, OPERATION & MAINTENANCE, AIR NATIONAL GUARD	6,136,280	6,098,780

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

<b>O-1</b>		<b>Budget Request</b>	<b>Conference</b>
<b>011F</b>	<b>AIRCRAFT OPERATIONS</b>	<b>3,651,900</b>	<b>3,647,900</b>
	Overstated Requirement for Additional fiscal year 2012 Funding for Air Sovereignty Alert Program		-4,000
<b>011Z</b>	<b>BASE OPERATING SUPPORT</b>	<b>621,942</b>	<b>598,442</b>
	Request Inconsistent With Information Technology Budget Justification for Base Level Communications Infrastructure		-23,500
	<b>REQUEST INCONSISTENT WITH MILITARY INTELLIGENCE PROGRAM (MIP) BUDGET JUSTIFICATION FOR AIR INTELLIGENCE SYSTEMS</b>		<b>-10,000</b>

UNITED STATES COURT OF APPEALS FOR THE  
ARMED SERVICES

The conference agreement provides \$13,861,000 for the United States Court of Appeals for the Armed Services, as proposed by both the House and the Senate.

## ENVIRONMENTAL RESTORATION

The conference agreement provides \$1,517,363,000 for the Environmental Restoration program, as proposed by the Senate, instead of \$1,467,363,000 as proposed by the House.

## CONTRACT OVERSIGHT AND TRANSPARENCY

The conferees are pleased that the adoption of performance-based contracting has led to increased efficiencies within the Department of Defense Environmental Restoration program. However, improved oversight and management would bring even greater benefits. The conferees direct the Secretary of Defense to implement measures to improve management of the program and to institute a process by which better oversight can be conducted of the contracting process and progress of cleanup.

Additionally, included as part of the Defense Environmental Program's Annual Report to Congress, the Secretary of Defense is directed to provide the following information: the amount of environmental restoration funding provided to each installation during the previous year as well as the subsequent reduction in the projected cost-to-complete at that installation, a listing along with explanation of those installations where the cost-to-complete is not reduced by the corresponding amount of monetary investment, a detailed justification regarding any increase of ten percent or more in the projected cost-to-complete from the previous year at an installation, and a detailed justification for any installation in which the projected "response complete" date has been delayed by a year or more from the previous year.

## ENVIRONMENTAL RESTORATION, ARMY

The conference agreement provides \$346,031,000 for Environmental Restoration, Army, as proposed by both the House and the Senate.

## ENVIRONMENTAL RESTORATION, NAVY

The conference agreement provides \$308,668,000 for Environmental Restoration, Navy, as proposed by both the House and the Senate.

## ENVIRONMENTAL RESTORATION, AIR FORCE

The conference agreement provides \$525,453,000 for Environmental Restoration, Air Force, as proposed by both the House and the Senate.

## ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

The conference agreement provides \$10,716,000 for Environmental Restoration, Defense-Wide, as proposed by both the House and the Senate.

ENVIRONMENTAL RESTORATION, FORMERLY  
USED DEFENSE SITES

The conference agreement provides \$326,495,000 for Environmental Restoration, Formerly Used Defense Sites, as proposed by the Senate, instead of \$276,495,000 as proposed by the House.

NATIONAL CAPITAL REGION ENVIRONMENTAL  
HEALTH STUDY

The conferees encourage the Secretary of Defense to support both new and ongoing public health scoping studies of densely populated residential communities located on or near formerly used defense sites that have conducted research and tested chemical agents, equipment, and munitions.

OVERSEAS HUMANITARIAN, DISASTER, AND  
CIVIC AID

The conference agreement provides \$107,662,000 for Overseas Humanitarian, Disaster, and Civic Aid, as proposed by both the House and the Senate.

## COOPERATIVE THREAT REDUCTION ACCOUNT

The conference agreement provides \$508,219,000 for the Cooperative Threat Reduction Account, as proposed by both the House and the Senate.

DEPARTMENT OF DEFENSE ACQUISITION  
WORKFORCE DEVELOPMENT FUND

The conference agreement provides \$105,501,000 for the Department of Defense Acquisition Workforce Development Fund (DAWDF), as proposed by the House, instead of \$175,501,000 as proposed by the Senate, a reduction of \$200,000,000 below the request.

Along with the funding reduction due to carryover from large unobligated balances for the past several years, the conferees believe the Department should reassess further growth of its acquisition workforce in light of two considerations. First, the goal of 147,000 personnel set forth in the 2010 Human Capital Plan Update should be revisited considering today's uncertain fiscal environ-

ment and budgetary outlook. For example, 10 USC 1705 mandates annual funding floors for the DAWDF—floors that exceed \$1,000,000,000 in the outyears. The conferees believe that these floors may need to be adjusted and direct the Secretary of Defense to provide recommendations for appropriate funding levels to the congressional defense committees not later than 180 days after enactment of this Act. Second, the conferees are aware that the Department has not yet completed competency assessments for all of the functional areas that compose this workforce, which suggests the ability to assess the full range of required competencies within the workforce may be limited. Having these assessments completed is essential to understanding how best to prioritize future hiring and to optimize workforce training. The conferees direct the Secretary of Defense to publish a revised strategic Human Capital Plan Update for the defense acquisition workforce not later than August 1, 2012, detailing future workforce needs. In so doing, the conferees expect the Secretary to ensure that competency assessments for all functional areas that make up the defense acquisition workforce are completed, using DAWDF resources to facilitate this task if necessary.

To assist in the Human Capital Plan Update, the conferees direct the Comptroller General to report on the funding mechanisms and statutory limits established for the DAWDF through Section 852 of the National Defense Authorization Act, 2008 and codified by 10 USC 1705 to the congressional defense committees not later than 180 days after enactment of this Act. The current statute should be revisited in the near term. Absent this, the Department will be forced either to over-commit precious resources or violate the law, neither of which is an acceptable option. Therefore, the Comptroller General report should include recommendations to improve the overall funding process for the DAWDF.

## TITLE III—PROCUREMENT

The conference agreement provides \$104,579,701,000 in Title III, Procurement, instead of \$107,581,474,000 as proposed by the House and \$102,118,282,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
-----		
SUMMARY		
ARMY		
AIRCRAFT . . . . .	7,061,381	5,360,334
MISSILES . . . . .	1,478,718	1,481,223
WEAPONS, TRACKED COMBAT VEHICLES . . . . .	1,933,512	2,070,405
AMMUNITION . . . . .	1,992,825	1,884,424
OTHER . . . . .	9,682,592	7,924,214
-----		
TOTAL, ARMY . . . . .	22,148,828	18,700,600
NAVY		
AIRCRAFT . . . . .	18,587,033	17,675,734
WEAPONS . . . . .	3,408,478	3,224,432
AMMUNITION . . . . .	719,952	628,848
SHIPS . . . . .	14,928,921	14,919,114
OTHER . . . . .	6,285,451	6,013,385
MARINE CORPS . . . . .	1,391,602	1,422,570
-----		
TOTAL, NAVY . . . . .	45,321,437	43,682,083
AIR FORCE		
AIRCRAFT . . . . .	14,082,527	12,950,000
MISSILES . . . . .	6,074,017	6,080,877
AMMUNITION . . . . .	539,065	499,185
OTHER . . . . .	17,602,038	17,403,584
-----		
TOTAL, AIR FORCE . . . . .	38,297,645	36,933,628
DEFENSE-WIDE		
DEFENSE-WIDE . . . . .	5,365,248	4,893,428
DEFENSE PRODUCTION ACT PURCHASES . . . . .	19,964	169,964
=====		
TOTAL PROCUREMENT . . . . .	111,153,122	104,579,701
=====		

## SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase “only for” or “only to” in this report are congressional special interest items for the purpose of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount specifically addressed in the explanatory statement.

## REPROGRAMMING GUIDANCE FOR ACQUISITION ACCOUNTS

The conferees direct the Department of Defense to continue to follow the reprogramming guidance specified in the report accompanying the House version of the fiscal year 2006 Department of Defense Appropriations bill (H.R. 109–119). Specifically, the dollar threshold for reprogramming funds will remain at \$20,000,000 for procurement and \$10,000,000 for research, development, test and evaluation. The Department shall continue to follow the limitation that prior approval reprogrammings are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative. Therefore, if the combined value of transfers into or out of a procurement (P–1) or research, development, test and evaluation (R–1) line exceeds the

identified threshold, the Department of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this statement.

## REPROGRAMMING REPORTING REQUIREMENTS

The conferees direct the Under Secretary of Defense (Comptroller) to continue to provide the congressional defense committees quarterly, spreadsheet-based DD Form 1416 reports for Service and defense-wide accounts in titles III and IV of this Act as required in the explanatory statement accompanying the Department of Defense Appropriations Act, 2006.

## JOINT STRIKE FIGHTER

The conference agreement reduces the budget request by \$151,000,000 for the procurement of one F–35A Conventional Take-off and Landing aircraft, by \$94,500,000 for advance procurement of Conventional Take-off and Landing aircraft, and by \$109,000,000 for advance procurement of Carrier Variant aircraft. Additionally, the conferees are concerned with the cost of concurrency changes on the Joint Strike Fighter program and provide \$100,000,000 to help offset the cost of concurrency for lot six aircraft and pre-

viously procured aircraft. The conferees encourage the Joint Strike Fighter Team to review processes and oversight of concurrency changes and establish a process that will reduce the time it takes to discover a problem, develop a solution, and implement this solution to reduce future concurrency change costs.

The conferees recognize that, for a variety of reasons, the Joint Strike Fighter program is burdened with what could be the highest level of concurrency ever seen in an acquisition program. Therefore, the conferees direct the Secretary of Defense to provide a semi-annual report to the congressional defense committees that shows the actual concurrency costs for the Joint Strike Fighter program. The report showing these actual concurrency costs shall be made available to the Director, Cost Assessment and Program Evaluation for the purposes of cost estimating and to develop lessons learned from allowing programmatic concurrency, so this cost can be considered when decisions are made regarding allowing such a high degree of concurrency in future programs.

## AIRCRAFT PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
AIRCRAFT PROCUREMENT, ARMY		
AIRCRAFT FIXED WING		
1 UTILITY F/W CARGO AIRCRAFT	14,572	14,572
3 AERIAL COMMON SENSOR (ACS) (MIP)	539,574	-
4 MQ-1 UAV	658,798	---
5 RQ-11 (RAVEN)	70,762	70,762
ROTARY		
7 HELICOPTER, LIGHT UTILITY (LUH)	250,415	250,415
9 AH-64 APACHE BLOCK IIIA REMAN	411,005	368,505
10 AH-64 APACHE BLOCK IIIA REMAN (AP-CY)	192,764	192,764
11 AH-64 APACHE BLOCK IIIB NEW BUILD	104,263	104,263
12 UH-60 BLACKHAWK (MYP)	1,325,666	1,317,666
13 UH-60 BLACKHAWK (MYP) (AP-CY)	199,781	199,781
14 CH-47 HELICOPTER	1,305,360	1,239,360
15 CH-47 HELICOPTER (AP-CY)	54,956	120,956
TOTAL, AIRCRAFT	5,127,916	3,879,044
MODIFICATION OF AIRCRAFT		
19 MQ-1 PAYLOAD - UAS	136,183	---
21 GUARDRAIL MODS (MIP)	27,575	27,575
22 MULTI SENSOR ABN RECON (MIP)	8,362	8,362
23 AH-64 MODS	331,230	331,230
24 CH-47 CARGO HELICOPTER MODS	79,712	57,012
25 UTILITY/CARGO AIRPLANE MODS	22,107	12,107
27 UTILITY HELICOPTER MODS	80,745	74,745
28 KIOWA WARRIOR	162,052	92,552
30 NETWORK AND MISSION PLAN	138,832	136,432
31 COMMS, NAV SURVEILLANCE	132,855	117,855
32 GATH ROLLUP	105,519	105,519
33 RQ 7 UAV MODS	126,239	76,239
TOTAL, MODIFICATION OF AIRCRAFT	1,351,411	1,039,628



(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
SUPPORT EQUIPMENT AND FACILITIES		
GROUND SUPPORT AVIONICS		
35 AIRCRAFT SURVIVABILITY EQUIPMENT	35,993	35,993
37 CMWS	162,811	104,251
OTHER SUPPORT		
38 AVIONICS SUPPORT EQUIPMENT	4,840	4,840
39 COMMON GROUND EQUIPMENT	176,212	114,517
40 AIRCREW INTEGRATED SYSTEMS	82,883	62,746
41 AIR TRAFFIC CONTROL	114,844	114,844
42 INDUSTRIAL FACILITIES	1,593	1,593
43 LAUNCHER, 2 75 ROCKET	2,878	2,878
TOTAL, SUPPORT EQUIPMENT AND FACILITIES	582,054	441,662
TOTAL, AIRCRAFT PROCUREMENT, ARMY	7,061,381	5,360,334
	=====	=====

## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget	
		Request	Conference
3	<b>AERIAL COMMON SENSOR (ACS) (MIP)</b> EMARSS - program delays	539,574	0 -539,574
4	<b>MQ-1 UAV</b> Unjustified production ramp Transfer to title IX	658,798	0 -108,000 -550,798
9	<b>AH-64 APACHE BLOCK IIIA REMAN</b> Unit Cost Pricing Adjustment	411,005	368,505 -42,500
12	<b>UH-60 BLACKHAWK (MYP)</b> Program Management - unjustified growth	1,325,666	1,317,666 -8,000
14	<b>CH-47 HELICOPTER</b> MH-47G - Advance Procurement - Army requested transfer to line 15	1,305,360	1,239,360 -66,000
15	<b>CH-47 HELICOPTER (AP-CY)</b> MH-47G - Advance Procurement - Army requested transfer from line 14	54,956	120,956 66,000
19	<b>MQ-1 PAYLOAD - UAS</b> Transfer to title IX	136,183	0 -136,183
24	<b>CH-47 CARGO HELICOPTER MODS</b> Cargo On/Off Loading System - contract delays Ballistic Protection System - contract delays	79,712	57,012 -17,800 -4,900
25	<b>UTILITY/CARGO AIRPLANE MODS</b> Contract delays	22,107	12,107 -10,000
27	<b>UTILITY HELICOPTER MODS</b> Contract delays	80,745	74,745 -6,000
28	<b>KIOWA WARRIOR</b> Cockpit and Sensor Upgrade Program ahead of need	162,052	92,552 -69,500
30	<b>NETWORK AND MISSION PLAN</b> Aviation Data Exploitation Capability - ahead of need	138,832	136,432 -2,400
31	<b>COMMS, NAV SURVEILLANCE</b> JTRS Integration ahead of need	132,855	117,855 -15,000
33	<b>RQ-7 UAV MODS</b> Funding ahead of need	126,239	76,239 -50,000

P-1	Budget	
	Request	Conference
<b>37 COMMON MISSILE WARNING SYSTEM</b>	<b>162,811</b>	<b>104,251</b>
CMWS A Kit Production and Installation contract delays		-58,560
<b>39 COMMON GROUND EQUIPMENT</b>	<b>176,212</b>	<b>114,517</b>
Aviation Light Utility Mobile Maintenance Capability		-3,287
Aviation Sets Kits and Outfits - contract delays		-58,408
<b>40 AIRCREW INTEGRATED SYSTEMS</b>	<b>82,883</b>	<b>62,746</b>
Air Soldier System ahead of need		-20,137

MISSILE PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
MISSILE PROCUREMENT, ARMY		
OTHER MISSILES		
SURFACE-TO-AIR MISSILE SYSTEM		
1 PATRIOT SYSTEM SUMMARY	662,231	662,231
2 MSE MISSILE	74,953	74,953
AIR-TO-SURFACE MISSILE SYSTEM		
4 HELLFIRE SYS SUMMARY	1,410	1,410
ANTI-TANK/ASSAULT MISSILE SYSTEM		
5 JAVELIN (AAWS-M) SYSTEM SUMMARY	160,767	160,767
6 TOW 2 SYSTEM SUMMARY	61,676	58,676
7 TOW 2 SYSTEM SUMMARY (AP-CY)	19,886	19,886
9 GUIDED MLRS ROCKET (GMLRS)	314,167	314,167
10 MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,175	18,175
11 HIGH MOBILITY ARTILLERY ROCKET SYSTEM	31,674	31,674
TOTAL, OTHER MISSILES	1,344,939	1,341,939
MODIFICATION OF MISSILES		
12 PATRIOT MODS	66,925	66,925
13 STINGER MODS	14,495	---
14 ITAS/TOW MODS	13,577	13,577
15 MLRS MODS	8,236	8,236
16 HIMARS MODIFICATIONS	11,670	11,670
TOTAL, MODIFICATION OF MISSILES	114,803	100,408
SPARES AND REPAIR PARTS		
18 SPARES AND REPAIR PARTS	8,700	8,700
SUPPORT EQUIPMENT AND FACILITIES		
19 AIR DEFENSE TARGETS	3,674	3,674
20 ITEMS LESS THAN \$5 OM (MISSILES)	1,459	1,459
21 PRODUCTION BASE SUPPORT	5,043	5,043
TOTAL, SUPPORT EQUIPMENT AND FACILITIES	10,176	10,176
TOTAL, MISSILE PROCUREMENT, ARMY	1,478,718	1,461,223

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[In thousands of dollars]

P-1		Budget Request	Conference
6	TOW 2 SYSTEM SUMMARY	61,676	58,676
	Unit Cost Efficiencies		-3,000
13	STINGER MODS	14,495	0
	Procurement early to need - Transfer to RDTE,A line 169		-14,495

PROCUREMENT OF WEAPONS AND  
TRACKED COMBAT VEHICLES, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
PROCUREMENT OF W&TCV ARMY		
1 TRACKED COMBAT VEHICLES		
STRYKER VEHICLE	632,994	606,894
5 MODIFICATION OF TRACKED COMBAT VEHICLES		
STRYKER (MOD)	52,797	51,497
6 FIST VEHICLE (MOD)	43,962	35,082
7 BRADLEY PROGRAM (MOD)	250,710	250,710
8 HOWITZER, MED SP FT 155MM M109A6 (MOD)	46,876	46,876
9 IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	10,452	7,452
10 ARMORED BREACHER VEHICLE	99,904	97,004
11 M88 FOV MODS	32,483	32,483
13 M1 ABRAMS TANK (MOD)	160,578	131,178
14 ABRAMS UPGRADE PROGRAM	181,329	436,329
SUPPORT EQUIPMENT AND FACILITIES		
15 PRODUCTION BASE SUPPORT (ICV-WTCV)	1,073	1,073
TOTAL, TRACKED COMBAT VEHICLES	1,513,158	1,696,578
WEAPONS AND OTHER COMBAT VEHICLES		
17 INTEGRATED AIR BURST WEAPON SYS FAMILY	16,046	...
19 MACHINE GUN, CAL 50 M2 ROLL	65,102	31,102
20 LIGHTWEIGHT 50 CALIBER MACHINE GUN	28,796	13,930
23 MORTAR SYSTEMS	12,477	10,177
25 XM320 GRENADE LAUNCHER MODULE (GLM)	12,055	12,055
27 M4 CARBINE	35,015	21,700
28 SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,707	6,707
31 HOWITZER LT WT 155MM (T)	13,066	13,066



(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
MOD OF WEAPONS AND OTHER COMBAT VEH		
33 M4 CARBINE MODS	25,092	25,092
34 M2 50 CAL MACHINE GUN MODS	14,856	48,856
35 M249 SAW MACHINE GUN MODS	8,480	8,480
36 M240 MEDIUM MACHINE GUN MODS	15,718	15,718
37 SNIPER RIFLES MODIFICATIONS	1,994	1,994
38 M119 MODIFICATIONS	38,701	38,701
39 M16 RIFLE MODS	3,476	3,476
41 MODIFICATIONS LESS THAN \$5 OM (WOCV-WTCV)	2,973	2,973
SUPPORT EQUIPMENT AND FACILITIES		
43 PRODUCTION BASE SUPPORT (WOCV-WTCV)	10,080	10,080
44 INDUSTRIAL PREPAREDNESS	424	424
45 SMALL ARMS EQUIPMENT (SOLDIER ENH PROC)	2,453	2,453
TOTAL, WEAPONS AND OTHER COMBAT VEHICLES	313,511	266,984
SPARE AND REPAIR PARTS		
46 SPARES AND REPAIR PARTS (WTCV)	106,843	106,843
TOTAL, PROCUREMENT OF W&TCV, ARMY	1,933,512	2,070,405

## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget	
		Request	Conference
1	<b>STRYKER VEHICLE</b> Prior year funds available	632,994	606,894 -26,100
5	<b>STRYKER (MOD)</b> Excess program management	52,797	51,497 -1,300
6	<b>FIST VEHICLE (MOD)</b> Funding ahead of need	43,962	35,082 -8,880
9	<b>IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)</b> Excess contractor engineering	10,452	7,452 -3,000
10	<b>ARMORED BREACHER VEHICLE</b> Unjustified growth in matrix support and engineering change proposals	99,904	97,004 -2,900
13	<b>M1 ABRAMS TANK (MOD)</b> Unjustified technical support	160,578	131,178 -29,400
14	<b>ABRAMS UPGRADE PROGRAM</b> Abrams program increase - add 42 vehicles	181,329	436,329 255,000
17	<b>INTEGRATED AIR BURST WEAPON SYSTEM FAMILY</b> Army requested transfer to RDTE,A line 84 due to program delays	16,046	0 -16,046
19	<b>MACHINE GUN, CAL .50 M2 ROLL</b> Army requested transfer to line 34 for correction of safety issue	65,102	31,102 -34,000
20	<b>LIGHTWEIGHT .50 CALIBER MACHINE GUN</b> Army requested transfer to RDTE,A line 84 due to program delays Army revised quantities	28,796	13,930 -1,700 -13,166
23	<b>MORTAR SYSTEMS</b> Excess production engineering	12,477	10,177 -2,300
27	<b>M4 CARBINE</b> Excess to need	35,015	21,700 -13,315
34	<b>M2 50 CAL MACHINE GUN MODS</b> Army requested transfer from line 19 for correction of safety issue	14,856	48,856 34,000

## M1 TANK

The conferees are aware that the Army has been reviewing alternative courses of action for future tank production. Options have been studied ranging from a temporary shutdown and storage of facilities to adding funds to the tank program in order to maintain a steady flow of new tanks and a ready capacity in case of urgent need. Both the House and the Senate added funds for the

Abrams Upgrade Program in fiscal year 2012. The House proposed a funding increase of \$272,000,000 and the Senate proposed a funding increase of \$240,000,000. The conference agreement provides an additional amount of \$255,000,000 above the President's request to continue upgrading M1 tanks to the M1A2SEP variant. The additional funding supports production of 42 additional M1A2SEP tanks. The conferees direct the

Secretary of the Army to provide a report not later than 60 days after enactment of this Act on the plan for the use of the additional funds, including the plan to sustain tank production.

## PROCUREMENT OF AMMUNITION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
PROCUREMENT OF AMMUNITION, ARMY		
AMMUNITION		
1 SMALL/MEDIUM CAL AMMUNITION		
CTG. 5 56MM, ALL TYPES	210,758	210,758
2 CTG. 7 62MM ALL TYPES	83,730	83,730
4 CTG. HANDGUN, ALL TYPES	9,064	7,064
5 CTG. 50 CAL., ALL TYPES	131,775	131,775
7 CTG. 25MM, ALL TYPES	14,894	13,694
8 OBJECTIVE FAMILY OF WEAPONS AMMO, ALL T	3,399	---
9 CTG. 30MM, ALL TYPES	118,966	105,966
10 CTG. 40MM, ALL TYPES	84,799	82,599
MORTAR AMMUNITION		
12 60MM MORTAR, ALL TYPES	31,287	31,287
13 81MM MORTAR, ALL TYPES	12,187	12,187
14 120MM MORTAR, ALL TYPES	108,416	106,916
TANK AMMUNITION		
15 CTG TANK 105MM AND 120MM ALL TYPES	105,704	65,205
ARTILLERY AMMUNITION		
17 CTG. ARTY, 75MM AND 105MM ALL TYPES	103,227	103,227
19 ARTILLERY PROJECTILE, 155MM, ALL TYPES	32,887	32,887
20 PROJ 155MM EXTENDED RANGE XM982	69,074	58,074
21 MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	48,205	46,705
MINES		
23 MINES AND CLEARING CHARGE, ALL TYPES	2,518	2,518
NETWORKED MUNITIONS		
25 ANTIPERSONNEL LANDMINE ALTERNATIVES	43,123	43,123
ROCKETS		
27 SHOULDER LAUNCHED MUNITIONS, ALL TYPES	19,254	17,854
28 ROCKET HYDRA /O, ALL TYPES	127,265	123,865
OTHER AMMUNITION		
29 DEMOLITION MUNITIONS, ALL TYPES	53,685	38,685
30 GRENADES ALL TYPES	42,558	42,558
31 SIGNALS, ALL TYPES	26,173	26,173
32 SIMULATORS, ALL TYPES	14,108	14,108
33 ALL OTHER (AMMO)	50	50

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
MISCELLANEOUS		
34 AMMO COMPONENTS, ALL TYPES	18,296	18,296
35 NON-LETHAL AMMUNITION, ALL TYPES	14,864	14,864
36 CAD/PAD ALL TYPES	5,449	5,449
37 ITEMS LESS THAN \$5 MILLION	11,009	11,009
38 AMMUNITION PECULIAR EQUIPMENT.	24,200	24,200
39 FIRST DESTINATION TRANSPORTATION (AMMO)	13,711	13,711
40 CLOSEOUT LIABILITIES	103	---
TOTAL, AMMUNITION	1,584,738	1,488,537
AMMUNITION PRODUCTION BASE SUPPORT		
PRODUCTION BASE SUPPORT		
41 PROVISION OF INDUSTRIAL FACILITIES	199,841	199,841
42 LAYAWAY OF INDUSTRIAL FACILITIES	9,451	9,451
43 MAINTENANCE OF INACTIVE FACILITIES	5,533	5,533
44 CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	189,789	177,789
45 ARMS INITIATIVE	3,273	3,273
TOTAL, AMMUNITION PRODUCTION BASE SUPPORT	407,887	395,887
TOTAL, PROCUREMENT OF AMMUNITION, ARMY	1,992,625	1,884,424

## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1	Budget	
	Request	Conference
<b>4 CTG, HANDGUN, ALL TYPES</b>	<b>9,064</b>	<b>7,064</b>
Funding ahead of need		-2,000
<b>7 CTG, 25MM, ALL TYPES</b>	<b>14,894</b>	<b>13,694</b>
Prior year funds available		-1,200
<b>8 OBJECTIVE FAMILY OF WEAPONS AMMO, ALL TYPES</b>	<b>3,399</b>	<b>0</b>
Funding ahead of need		-3,399
<b>9 CTG, 30MM, ALL TYPES</b>	<b>118,966</b>	<b>105,966</b>
Program growth adjustment		-13,000
<b>10 CTG, 40MM, ALL TYPES</b>	<b>84,799</b>	<b>82,599</b>
Excess production engineering		-2,200
<b>14 120MM MORTAR, ALL TYPES</b>	<b>108,416</b>	<b>106,916</b>
Excess production engineering		-1,500
<b>15 CTG TANK 105MM AND 120MM: ALL TYPES</b>	<b>105,704</b>	<b>65,205</b>
Unjustified request		-499
Pricing adjustment		-40,000
<b>20 PROJ 155MM EXTENDED RANGE XM982</b>	<b>69,074</b>	<b>58,074</b>
Program restructure		-11,000
<b>MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL</b>		
<b>21 TYPES</b>	<b>48,205</b>	<b>46,705</b>
Pricing adjustment		-1,500
<b>27 SHOULDER LAUNCHED MUNITIONS, ALL TYPES</b>	<b>19,254</b>	<b>17,854</b>
Excess production engineering		-1,400
<b>28 ROCKET, HYDRA 70, ALL TYPES</b>	<b>127,265</b>	<b>123,865</b>
Excess production engineering		-3,400
<b>29 DEMOLITION MUNITIONS, ALL TYPES</b>	<b>53,685</b>	<b>38,685</b>
Program growth adjustment		-15,000
<b>40 CLOSEOUT LIABILITIES</b>	<b>103</b>	<b>0</b>
Prior year funds available		-103
<b>44 CONVENTIONAL MUNITIONS DEMILITARIZATION</b>	<b>189,789</b>	<b>177,789</b>
Contract award delay		-12,000

## OTHER PROCUREMENT, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OTHER PROCUREMENT, ARMY		
TACTICAL AND SUPPORT VEHICLES		
TACTICAL VEHICLES		
2 SEMITRAILERS, FLATBED	13,496	596
5 FAMILY OF MEDIUM TACTICAL VEH (FMIV)	432,936	422,936
6 FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN	21,930	21,930
7 FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	627,294	597,794
8 PLS ESP	251,667	251,667
10 MINE PROTECTION VEHICLE FAMILY	56,671	56,671
12 TRUCK, TRACTOR, LINE HAUL, M915/M916	1,461	---
13 HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	156,747	156,747
14 HMMWV RECAPITALIZATION PROGRAM	161,631	4,313
15 TACTICAL WHEELED VEHICLE PROTECTION KITS	39,908	39,908
16 MODIFICATION OF IN SVC EQUIP	362,672	344,772
17 MINE-RESISTANT AMBUSH-PROTECTED MODS	142,862	127,862
20 AMC CRITICAL ITEMS, OPA1	20,156	---
NON-TACTICAL VEHICLES		
21 HEAVY ARMORED SEDAN	1,161	1,161
22 PASSENGER CARRYING VEHICLES	3,222	3,222
23 NONTACTICAL VEHICLES, OTHER	19,869	19,869
TOTAL, TACTICAL AND SUPPORT VEHICLES	2,313,683	2,049,448



(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
COMM - JOINT COMMUNICATIONS		
24 JOINT COMBAT IDENTIFICATION MARKING SYSTEM	9,984	9,984
25 WIN-T - GROUND FORCES TACTICAL NETWORK	974,186	865,186
26 JCSE EQUIPMENT (USREDCOM)	4,826	4,826
COMM - SATELLITE COMMUNICATIONS		
28 DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	123,859	123,859
29 SHF TERM	8,910	8,249
31 NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	29,568	26,368
32 SMART-T (SPACE)	49,704	49,704
33 SCAMP (SPACE)	2,415	2,415
34 GLOBAL BRDCST SVC - GBS	73,374	64,774
35 MOD OF IN-SVC EQUIP (TAC SAT)	31,799	31,799
COMM - COMBAT SUPPORT		
36 MOD-IN-SERVICE PROFILER	969	969
COMM - C3 SYSTEM		
37 ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	18,788	18,788
COMM - COMBAT COMMUNICATIONS		
38 ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	3,994	3,994
39 JOINT TACTICAL RADIO SYSTEM	775,832	427,099
40 RADIO TERMINAL SET, MIDS LVT(2)	8,336	8,336
41 SINGARS FAMILY	4,992	500
43 MULTI-PURPOSE INFORMATION OPERATIONS SYSTEMS	10,827	10,827
45 SPIDER APLA REMOTE CONTROL UNIT	36,224	36,224
47 SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	1,843	1,843
49 GUNSHOT DETECTION SYSTEM (GDS)	3,939	1,000
50 RADIO, IMPROVED HI (COTS) FAMILY	38,535	38,535
51 MEDICAL COMM FOR CRT CASUALTY CARE (MC4)	26,232	26,232
COMM - INTELLIGENCE COMM		
53 CI AUTOMATION ARCHITECTURE (MIP)	1,547	1,547
54 RESERVE CA/MISO GPF EQUIPMENT	28,266	28,266

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
INFORMATION SECURITY		
55 TSEC - ARMY KEY MGT SYS (AKMS)	12,541	12,541
56 INFORMATION SYSTEM SECURITY PROGRAM ISSP	39,349	37,022
56A FAMILY OF BIOMETRICS	- -	2,327
COMM - LONG HAUL COMMUNICATIONS		
57 TERRESTRIAL TRANSMISSION	2,232	2,232
58 BASE SUPPORT COMMUNICATIONS	37,780	37,780
59 WW TECH CON IMP PROG (WWTCIP)	12,805	12,805
COMM - BASE COMMUNICATIONS		
60 INFORMATION SYSTEMS	187,227	131,227
61 DEFENSE MESSAGE SYSTEM (DMS)	4,393	4,393
62 INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	310,761	310,761
63 PENTAGON INFORMATION MGT AND TELECOM	4,992	4,992
ELECT EQUIP		
ELECT EQUIP - TACT INT REL ACT (TIARA)		
66 JTT/CIBS-M (MIP)	4,657	4,657
67 PROPHET GROUND (MIP)	72,041	72,041
70 DCGS-A (MIP)	144,548	124,548
71 JOINT TACTICAL GROUND STATION (JTACS)	1,199	1,199
72 TROJAN (MIP)	32,707	32,707
73 MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	9,163	9,163
74 CI HUMINT AUTO REPRING AND COLL (CHARCS) (MIP)	3,493	3,493
75 ITEMS LESS THAN \$5 OM (MIP)	802	802
ELECT EQUIP - ELECTRONIC WARFARE (EW)		
76 LIGHTWEIGHT COUNTER MORTAR RADAR	33,810	33,810
77 WARLOCK	24,104	- - -
80 COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,252	1,252
81 CI MODERNIZATION (MIP)	1,332	1,332

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
ELECT EQUIP - TACTICAL SURV (TAC SURV)		
82 FAAD GBS	7,958	3,958
83 SENTINEL MODS	41,657	41,657
84 SENSE THROUGH THE WALL (STTW)	47,498	47,498
85 NIGHT VISION DEVICES	156,204	156,204
86 LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	102,334	102,334
87 NIGHT VISION, THERMAL WPN SIGHT	186,859	186,859
88 SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	10,227	10,227
90 COUNTER ROCKET, ARTILLERY & MORTAR	15,774	15,774
92 GREEN LASER INTERDICTION SYSTEM	25,356	25,356
95 PROFILER	3,312	3,312
96 MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	3,005	3,005
98 JOINT BATTLE COMMAND - PLATFORM (JBC-P)	69,514	69,514
99 LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD)	58,042	58,042
101 MORTAR FIRE CONTROL SYSTEM	21,022	17,022
102 COUNTERFIRE RADARS	227,629	227,629
103 ENHANCED SENSOR & MONITORING SYSTEM	2,226	2,226
ELECT EQUIP - TACTICAL C2 SYSTEMS		
104 TACTICAL OPERATIONS CENTERS	54,907	54,907
105 FIRE SUPPORT C2 FAMILY	54,223	54,223
106 BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	12,454	12,454
107 FAAD C2	5,030	5,030
108 AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD)	62,710	62,710
109 KNIGHT FAMILY	51,488	46,488
110 LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,807	1,807
111 AUTOMATIC IDENTIFICATION TECHNOLOGY	28,924	27,324
115 MANEUVER CONTROL SYSTEM (MCS)	34,031	34,031
116 SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	210,312	124,026
117 RECONNAISSANCE AND SURVEYING INSTRUMENT SII	19,113	19,113

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
ELECT EQUIP - AUTOMATION		
119 GENERAL FUND ENTERPRISE BUSINESS SYSTEM	23,664	25,459
120 ARMY TRAINING MODERNIZATION	11,192	11,192
121 AUTOMATED DATA PROCESSING EQUIPMENT	220,250	174,772
122 CSS COMMUNICATIONS	39,310	39,310
123 RESERVE COMPONENT AUTOMATION SYS (RCAS)	41,248	41,248
ELECT EQUIP - AUDIO VISUAL SYS (A/V)		
124 ITEMS LESS THAN \$5 OM (A/V)	10,437	10,437
125 ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)	7,480	4,395
ELECT EQUIP - SUPPORT		
126 PRODUCTION BASE SUPPORT (C-E)	571	571
127 BCT NETWORK	---	---
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	5,077,905	4,352,522
OTHER SUPPORT EQUIPMENT		
CHEMICAL DEFENSIVE EQUIPMENT		
129 FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	8,636	5,213
130 BASE DEFENSE SYSTEMS (BDS)	41,204	41,204
131 CBRN SOLDIER PROTECTION . .	10,700	10,700
132 SMOKE & OBSCURANT FAMILY SOF (NON AAO ITEM)	362	362
BRIDGING EQUIPMENT		
133 TACTICAL BRIDGING	77,428	77,428
134 TACTICAL BRIDGE, FLOAT-RIBBON	49,154	45,454
ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
135 HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	39,263	39,263
136 GROUND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS)	20,678	20,678
137 ROBOTIC COMBAT SUPPORT SYSTEM	30,297	22,297
138 EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	17,626	17,626
139 REMOTE DEMOLITION SYSTEMS	14,672	14,672
140 ITEMS LESS THAN \$5M, COUNTERMINE EQUIPMENT	7,352	7,352

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
COMBAT SERVICE SUPPORT EQUIPMENT		
142 HEATERS AND ECU'S	10,109	10,109
144 SOLDIER ENHANCEMENT	9,591	9,591
146 PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	8,509	8,509
147 GROUND SOLDIER SYSTEM	184,072	63,500
148 MOUNTED SOLDIER SYSTEM	43,419	5,000
150 FIELD FEEDING EQUIPMENT	26,860	26,860
151 CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	68,392	68,392
152 MOBILE INTEGRATED REMAINS COLLECTION SYSTEM	7,384	7,384
153 FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	54,190	54,190
154 ITEMS LESS THAN \$5M (ENG SPT)	12,482	12,482
PETROLEUM EQUIPMENT		
156 DISTRIBUTION SYSTEMS, PETROLEUM & WATER	75,457	75,457
MEDICAL EQUIPMENT		
158 COMBAT SUPPORT MEDICAL	53,450	53,450
MAINTENANCE EQUIPMENT		
159 MOBILE MAINTENANCE EQUIPMENT SYSTEMS	16,572	16,572
160 ITEMS LESS THAN \$5 OM (MAINT EQ)	3,852	3,852
CONSTRUCTION EQUIPMENT		
161 GRADER, ROAD MTZD, HVY, 6X4 (CCE)	2,201	2,201
162 SKID STEER LOADER (SSL) FAMILY OF SYSTEM	8,584	3,984
163 SCRAPERS, EARTHMOVING	21,031	21,031
164 MISSION MODULES - ENGINEERING	43,432	43,432
165 COMPACTOR	2,859	2,859
168 TRACTOR, FULL TRACKED	59,534	50,434
169 PLANT, ASPHALT MIXING	8,314	614
170 HIGH MOBILITY ENGINEER EXCAVATOR (HME) FOS	18,974	18,974
171 ENHANCED RAPID AIRFIELD CONSTRUCTION	15,833	---
172 CONST EQUIP ESP	9,771	9,771
173 ITEMS LESS THAN \$5 OM (CONST EQUIP)	12,654	12,654
RAIL FLOAT CONTAINERIZATION EQUIPMENT		
174 JOINT HIGH SPEED VESSEL (JHSV)	223,845	---
176 ITEMS LESS THAN \$5 OM (FLOAT/RAIL)	10,175	10,175

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
GENERATORS		
177 GENERATORS AND ASSOCIATED EQUIPMENT	31,897	31,897
MATERIAL HANDLING EQUIPMENT		
179 FAMILY OF FORKLIFTS	10,944	10,944
180 ALL TERRAIN LIFTING ARMY SYSTEM	21,859	21,859
TRAINING EQUIPMENT		
181 COMBAT TRAINING CENTERS SUPPORT	133,178	46,117
182 TRAINING DEVICES NONSYSTEM	168,392	180,892
183 CLOSE COMBAT TACTICAL TRAINER	17,760	13,290
184 AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA)	9,413	9,413
TEST MEASURE AND DIG EQUIPMENT (TMD)		
186 CALIBRATION SETS EQUIPMENT	13,618	13,618
187 INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	49,437	36,937
188 TEST EQUIPMENT MODERNIZATION (TEMOD)	30,451	30,451
OTHER SUPPORT EQUIPMENT		
189 RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	4,923	4,923
190 PHYSICAL SECURITY SYSTEMS (OPA3)	69,316	19,606
191 BASE LEVEL COM'L EQUIPMENT	1,591	1,591
192 MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	72,271	72,271
193 PRODUCTION BASE SUPPORT (OTH)	2,325	2,325
194 SPECIAL EQUIPMENT FOR USER TESTING	17,411	17,411
195 AMC CRITICAL ITEMS OPA3	34,500	34,500
196 TRACTOR YARD	3,740	3,740
197 BCT UNMANNED GROUND VEHICLE	24,805	24,805
198 BCT TRAINING/LOGISTICS/MANAGEMENT	149,308	26,008
199 BCT TRAINING/LOGISTICS/MANAGEMENT INC 2	57,103	---
200 BCT UNMANNED GROUND VEHICLE INC 2	11,924	---
TOTAL, OTHER SUPPORT EQUIPMENT	2,265,084	1,496,324
SPARE AND REPAIR PARTS		
201 INITIAL SPARES - C&E	21,647	21,647
TOTAL, SPARE AND REPAIR PARTS	21,647	21,647
CLASSIFIED PROGRAMS	4,273	4,273
TOTAL, OTHER PROCUREMENT, ARMY	9,682,592	7,924,214

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**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

P-1	Budget	
	Request	Conference
<b>2 SEMITRAILERS, FLATBED</b>	<b>13,496</b>	<b>596</b>
Early to need		-12,900
<b>5 FAMILY OF MEDIUM TACTICAL VEH (FMTV)</b>	<b>432,936</b>	<b>422,936</b>
Unjustified program management increase		-10,000
<b>7 FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)</b>	<b>627,294</b>	<b>597,794</b>
Excessive program management and engineering change orders		-2,500
Exceeds annual manufacturing capability		-27,000
<b>12 TRUCK, TRACTOR, LINE HAUL, M915/M916</b>	<b>1,461</b>	<b>0</b>
Unobligated prior year funds		-1,461
<b>14 HMMWV RECAPITALIZATION PROGRAM</b>	<b>161,631</b>	<b>4,313</b>
Funded in fiscal year 2011-19 Prior Approval reprogramming		-157,318
<b>16 MODIFICATION OF IN SVC EQUIP</b>	<b>362,672</b>	<b>344,772</b>
HMMWV install early to need		-3,900
Excessive program support		-14,000
<b>17 MINE-RESISTANT AMBUSH-PROTECTED MODS</b>	<b>142,862</b>	<b>127,862</b>
Excessive program support		-15,000
<b>20 AMC CRITICAL ITEMS, OPA1</b>	<b>20,156</b>	<b>0</b>
Unjustified request		-20,156
<b>25 WIN-T - GROUND FORCES TACTICAL NETWORK</b>	<b>974,186</b>	<b>865,186</b>
Increment 2 contract award delay		-109,000
<b>29 SHF TERMINAL</b>	<b>8,910</b>	<b>8,249</b>
Full funding for engineering change proposals in prior years		-661
<b>31 NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)</b>	<b>29,568</b>	<b>26,368</b>
Fielding cost growth		-3,200
<b>34 GLOBAL BROADCAST SERVICE - GBS</b>	<b>73,374</b>	<b>64,774</b>
Unit cost growth		-8,600
<b>39 JOINT TACTICAL RADIO SYSTEM</b>	<b>775,832</b>	<b>427,099</b>
Schedule delay in Maritime/Fixed Station Radio Program		-37,900
Ground Mobile Radio restructure		-153,833
Army requested transfer to RDTE,N line 100		-51,000
Airborne, Maritime, Fixed Station Milestone C delay		-106,000
<b>41 SINCGARS FAMILY</b>	<b>4,992</b>	<b>500</b>
Unobligated prior year funds		-4,492

P-1	Budget Request	Conference
<b>49 GUNSHOT DETECTION SYSTEM (GDS)</b>	<b>3,939</b>	<b>1,000</b>
Early to need		-2,939
<b>56 INFORMATION SYSTEM SECURITY PROGRAM-ISSP</b>	<b>39,349</b>	<b>37,022</b>
Army requested transfer to line 56a		-2,327
<b>56a FAMILY OF BIOMETRICS</b>	<b>0</b>	<b>2,327</b>
Army requested transfer from line 56		2,327
<b>60 INFORMATION SYSTEMS</b>	<b>187,227</b>	<b>131,227</b>
Unobligated prior year funds		-56,000
<b>70 DEFENSE COMMON GROUND STATION-ARMY (MIP)</b>	<b>144,548</b>	<b>124,548</b>
Unjustified support growth		-20,000
<b>77 WARLOCK</b>	<b>24,104</b>	<b>0</b>
Requirement fulfilled with prior year funds		-24,104
<b>82 FAAD GBS</b>	<b>7,958</b>	<b>3,958</b>
Violates full funding		-4,000
<b>101 MORTAR FIRE CONTROL SYSTEM</b>	<b>21,022</b>	<b>17,022</b>
Unjustified request		-4,000
<b>109 KNIGHT FAMILY</b>	<b>51,488</b>	<b>46,488</b>
Program growth adjustment		-5,000
<b>111 AUTOMATIC IDENTIFICATION TECHNOLOGY</b>	<b>28,924</b>	<b>27,324</b>
Unjustified request		-1,600
<b>116 SINGLE ARMY LOGISTICS ENTERPRISE (SALE)</b>	<b>210,312</b>	<b>124,026</b>
Army requested transfer to OM,A BA-04		-9,251
Army requested transfer to RDTE,A line 177		-60,240
Army requested transfer to line 119		-1,795
Army identified excess		-15,000
<b>119 GENERAL FUND ENTERPRISE BUSINESS SYSTEM</b>	<b>23,664</b>	<b>25,459</b>
Army requested transfer for GFEBS from line 116		1,795
<b>121 AUTOMATED DATA PROCESSING EQUIPMENT</b>	<b>220,250</b>	<b>174,772</b>
Unobligated prior year funds		-35,000
Army identified excess		-10,478
<b>125 ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)</b>	<b>7,480</b>	<b>4,395</b>
Excess to need - design engineering		-3,085
<b>129 FAMILY OF NON-LETHAL EQUIPMENT (FNLE)</b>	<b>8,636</b>	<b>5,213</b>
Acoustic Hailing Device contract delay		-3,423
<b>134 TACTICAL BRIDGE, FLOAT-RIBBON</b>	<b>49,154</b>	<b>45,454</b>
Program support cost growth		-3,700
<b>137 ROBOTIC COMBAT SUPPORT SYSTEM</b>	<b>30,297</b>	<b>22,297</b>
M160 incremental funding		-8,000



P-1	Budget	
	Request	Conference
<b>147 GROUND SOLDIER SYSTEM</b>	<b>184,072</b>	<b>63,500</b>
Milestone C delay		-107,472
Army requested transfer to RDTE,A line 119		-7,600
Additional Army requested transfer to RDTE,A line 119		-5,500
<b>148 MOUNTED SOLDIER SYSTEM</b>	<b>43,419</b>	<b>5,000</b>
Milestone C delay		-38,419
<b>162 SKID STEER LOADER (SSL) FAMILY OF SYSTEM</b>	<b>8,584</b>	<b>3,984</b>
Unit cost and program support growth		-4,600
<b>168 TRACTOR, FULL TRACKED</b>	<b>59,534</b>	<b>50,434</b>
Unjustified program support growth		-9,100
<b>169 PLANT, ASPHALT MIXING</b>	<b>8,314</b>	<b>614</b>
Unobligated prior year funds		-7,700
<b>171 ENHANCED RAPID AIRFIELD CONSTRUCTION</b>	<b>15,833</b>	<b>0</b>
Unexecutable acquisition strategy		-15,833
<b>174 JOINT HIGH SPEED VESSEL (JHSV)</b>	<b>223,845</b>	<b>0</b>
Army requested transfer to SC,N line 17		-187,226
Excess to need		-36,619
<b>181 COMBAT TRAINING CENTERS SUPPORT</b>	<b>133,178</b>	<b>46,117</b>
Instrumentation System program delay		-87,061
<b>182 TRAINING DEVICES, NONSYSTEM</b>	<b>168,392</b>	<b>180,892</b>
Test and training range upgrades		12,500
<b>183 CLOSE COMBAT TACTICAL TRAINER</b>	<b>17,760</b>	<b>13,290</b>
Dismounted Soldier unobligated prior year funds		-4,470
<b>187 INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)</b>	<b>49,437</b>	<b>36,937</b>
Next Generation Automatic Test System unobligated prior year funds		-12,500
<b>190 PHYSICAL SECURITY SYSTEMS (OPA3)</b>	<b>69,316</b>	<b>19,606</b>
Unobligated prior year funds		-49,710
<b>BRIGADE COMBAT TEAM</b>		
<b>198 TRAINING/LOGISTICS/MANAGEMENT</b>	<b>149,308</b>	<b>26,008</b>
Army identified program termination		-123,300
<b>BRIGADE COMBAT TEAM</b>		
<b>199 TRAINING/LOGISTICS/MANAGEMENT INC 2</b>	<b>57,103</b>	<b>0</b>
Army identified program termination		-57,103
<b>BRIGADE COMBAT TEAM UNMANNED GROUND</b>		
<b>200 VEHICLE INC 2</b>	<b>11,924</b>	<b>0</b>
Army identified program termination		-11,924

AIRCRAFT PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
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AIRCRAFT PROCUREMENT, NAVY		
COMBAT AIRCRAFT		
1 EA-18G	1,079,364	994,596
2 EA-18G (AP-CY)	28,119	28,119
3 F/A-18E/F (FIGHTER) HORNET (MYP)	2,366,752	2,240,184
4 F/A 18E/F (FIGHTER) HORNET (MYP) (AP-CY)	64,962	63,262
5 JOINT STRIKE FIGHTER	1,503,096	1,448,086
6 JOINT STRIKE FIGHTER ADVANCE PROCUREMENT (CY)	217,666	109,066
7 JSF STOVL	1,141,933	1,141,933
8 JSF STOVL (AP-CY)	117,229	117,229
9 V-22 (MEDIUM LIFT)	2,224,817	2,202,117
10 V-22 (MEDIUM LIFT) (AP-CY)	84,008	63,768
11 UH-1Y/AH-1Z	700,306	652,561
12 UH-1Y/AH-1Z (AP-CY)	68,310	56,750
13 MH-60S (MYP)	408,921	400,621
14 MH-60S (MYP) (AP-CY)	74,040	74,040
15 MH-60R	791,025	775,525
16 MH-60R (AP-CY)	209,431	209,431
17 P-8A POSEIDON	2,018,851	2,008,851
18 P-8A POSEIDON (ADVANCE PROCUREMENT)	256,594	244,894
19 E-2D ADV HAWKEYE	914,892	886,892
20 E-2D ADV HAWKEYE (AP-CY)	157,942	157,942
TOTAL, COMBAT AIRCRAFT	14,428,258	13,875,877
-----		
TRAINER AIRCRAFT		
22 JPATS	266,906	256,906
TOTAL, TRAINER AIRCRAFT	266,906	256,906
-----		

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OTHER AIRCRAFT		
24 KC-130J (AP-CY)	87,288	87,288
26 MQ-8 UAV	191,986	191,986
27 STUASLO UAV	12,772	---
TOTAL, OTHER AIRCRAFT	292,046	279,274
MODIFICATION OF AIRCRAFT		
29 EA-6 SERIES	27,734	27,734
30 AEA SYSTEMS	34,065	31,765
31 AV-8 SERIES	30,762	29,162
32 F-18 SERIES	499,597	425,167
33 H-46 SERIES	27,112	24,612
34 AH-1W SERIES	15,828	15,828
35 H-53 SERIES	62,820	60,320
36 SH-60 SERIES	83,394	83,394
37 H-1 SERIES	11,012	8,412
38 EP-3 SERIES	83,181	73,681
39 P-3 SERIES	171,466	170,466
40 E-2 SERIES	29,215	29,215
41 TRAINER A/C SERIES	22,090	18,790
42 C-2A	16,302	16,302
43 C-130 SERIES	27,139	27,139
44 FEWSG	2,773	1,773
45 CARGO/TRANSPORT A/C SERIES	16,463	16,463
46 E-6 SERIES	165,253	148,053
47 EXECUTIVE HELICOPTERS SERIES	58,011	77,511
48 SPECIAL PROJECT AIRCRAFT	12,248	11,048
49 T-45 SERIES	57,779	45,179
50 POWER PLANT CHANGES	21,847	21,847
51 JPATS SERIES	1,524	524
52 AVIATION LIFE SUPPORT MODS	1,069	1,069
53 COMMON ECM EQUIPMENT	92,072	63,772
54 COMMON AVIONICS CHANGES	147,093	136,293
56 ID SYSTEMS	37,330	32,030

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
57 P-8 SERIES	2,930	---
58 MAGTF EW FOR AVIATION	489	489
59 RQ 7 SERIES	11,419	---
60 V-22 (TILT/ROTOR ACF1) OSPLRY	60,264	55,764
TOTAL, MODIFICATION OF AIRCRAFT	1,830,281	1,653,802
AIRCRAFT SPARES AND REPAIR PARTS		
61 SPARES AND REPAIR PARTS	1,331,961	1,163,294
AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES		
62 COMMON GROUND EQUIPMENT	351,685	363,685
63 AIRCRAFT INDUSTRIAL FACILITIES	22,358	22,358
64 WAR CONSUMABLES	27,300	27,300
65 OTHER PRODUCTION CHARGES	10,124	10,124
66 SPECIAL SUPPORT EQUIPMENT	24,395	21,395
67 FIRST DESTINATION TRANSPORTATION	1,719	1,719
TOTAL, AIRCRAFT SUPPORT EQUIPMENT & FACILITIES	437,581	446,581
TOTAL, AIRCRAFT PROCUREMENT, NAVY	18,587,033	17,675,734

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

<b>P-1</b>	<b>Budget Request</b>	<b>Conference</b>
<b>1 EA-18G</b>	<b>1,079,364</b>	<b>994,596</b>
CFE Electronics cost growth		-26,600
Engine cost growth		-9,168
Avionics PGSE cost growth		-36,000
Other ILS cost growth		-6,000
Reduce Engineering change orders to fiscal year 2010 levels		-7,000
<b>3 F/A-18E/F (FIGHTER) HORNET (MYP)</b>	<b>2,366,752</b>	<b>2,240,184</b>
Engine cost growth		-15,000
CFE Electronics cost growth		-15,540
GFE Electronics cost growth		-4,480
Armament cost growth		-2,548
Multi-year procurement savings		-68,000
ECO excess		-21,000
<b>4 F/A-18E/F (FIGHTER) HORNET (MYP) (AP-CY)</b>	<b>64,962</b>	<b>63,262</b>
Airframe termination liability growth		-1,700
<b>5 JOINT STRIKE FIGHTER CV</b>	<b>1,503,096</b>	<b>1,448,096</b>
Engineering change order carryover		-20,000
Peculiar ground support equipment growth		-30,000
Logistic support growth		-5,000
<b>6 JOINT STRIKE FIGHTER CV ADVANCE PROCUREMENT</b>	<b>217,666</b>	<b>109,066</b>
Reduce advance procurement		-108,600
<b>9 V-22 (MEDIUM LIFT)</b>	<b>2,224,817</b>	<b>2,202,117</b>
Support funding carryover		-15,000
V-22 voice recorder - Navy identified shortfall		2,800
Reduce ECO		-10,500
<b>10 V-22 (MEDIUM LIFT) (AP-CY)</b>	<b>84,008</b>	<b>63,768</b>
Advance procurement equipment cost growth		-20,240
<b>11 UH-1Y/AH-1Z</b>	<b>700,306</b>	<b>652,561</b>
AH-1Z (remanufacture) airframe cost growth		-9,400
AH-1Z (new build) GFE Electronics cost growth		-2,345
Unjustified support increase		-30,000
Reduce ECO		-6,000
<b>12 UH-1Y/AH-1Z (AP-CY)</b>	<b>68,310</b>	<b>56,750</b>
Excess advance procurement		-11,560
<b>13 MH-60S (MYP)</b>	<b>408,921</b>	<b>400,621</b>
Support funding carryover		-8,300
<b>15 MH-60R</b>	<b>791,025</b>	<b>775,525</b>
Support funding carryover		-11,300
Reduce ECO		-4,200
<b>17 P-8A POSEIDON</b>	<b>2,018,851</b>	<b>2,008,851</b>
Support funding increase		-10,000

P-1	Budget	
	Request	Conference
<b>18 P-8A POSEIDON (ADVANCED PROCUREMENT)</b>	<b>256,594</b>	<b>244,894</b>
Excess advance procurement		-11,700
<b>19 E-2D (EARLY WARNING) HAWKEYE (MYP)</b>	<b>914,892</b>	<b>886,892</b>
Support funding carryover		-8,000
Excess funding reserve		-20,000
<b>22 JPATS</b>	<b>266,906</b>	<b>256,906</b>
Excess ECO		-10,000
<b>27 STUASLO UAV</b>	<b>12,772</b>	<b>0</b>
Low rate initial production contract award slip		-12,772
<b>30 AEA SYSTEMS</b>	<b>34,065</b>	<b>31,765</b>
Air launched decoy jammer		-2,300
<b>31 AV-8 SERIES</b>	<b>30,762</b>	<b>29,162</b>
Non-recurring installation funding unjustified increase		-1,600
<b>32 F-18 SERIES</b>	<b>499,597</b>	<b>425,167</b>
OSIP 011-84 installation funds savings		-9,300
ECP 904 Part I cost growth		-6,930
OSIP 11-99 installation funding ahead of need		-7,000
ECP 904 Part 1 procurement ahead of need		-16,500
OSIP 001-10 ANAV installation kits cost growth		-1,000
Integrated Logistics Support excess to need		-20,900
Other support growth		-12,800
<b>33 H-46 SERIES</b>	<b>27,112</b>	<b>24,612</b>
OSIP 018-07 ECO growth		-2,500
<b>35 H-53 SERIES</b>	<b>62,820</b>	<b>60,320</b>
Kapton wiring installation kit cost growth		-1,500
DIRCM other support excess		-1,000
<b>37 H-1 SERIES</b>	<b>11,012</b>	<b>8,412</b>
Obsolescence ECP installation funding unjustified growth		-2,600
<b>38 EP-3 SERIES</b>	<b>83,181</b>	<b>73,681</b>
OSIP 11-01 JMOD obsolescence carryover		-5,100
Obsolescence ECP installation funding growth		-2,700
Other support growth		-1,700
<b>39 P-3 SERIES</b>	<b>171,466</b>	<b>170,466</b>
HFIP modification kit procurement ahead of need		-1,000
<b>41 TRAINER A/C SERIES</b>	<b>22,090</b>	<b>18,790</b>
Training equipment growth		-3,300
<b>44 FEWSG</b>	<b>2,773</b>	<b>1,773</b>
Other support growth		-1,000

P-1	Budget	
	Request	Conference
<b>46 E-6 SERIES</b>	<b>165,253</b>	<b>148,053</b>
OSIP 008-10 support funding growth		-2,000
OSIP 013-10 support funding growth		-1,000
Service life extension program install early to need		-7,800
Block I install cost savings		-1,200
Block II FAB-T non-recurring engineering early to need		-5,200
<b>47 EXECUTIVE HELICOPTERS SERIES</b>	<b>58,011</b>	<b>77,511</b>
OSIP 009-02 excess installation funding		-4,500
Navy requested transfer from RDTE,N line 98 for VH-3/VH-60 sustainment		24,000
<b>48 SPECIAL PROJECT AIRCRAFT</b>	<b>12,248</b>	<b>11,048</b>
Install equipment non-recurring unjustified growth		-1,200
<b>49 T-45 SERIES</b>	<b>57,779</b>	<b>45,179</b>
Correction of Deficiencies contract support growth		-6,600
Avionics Obsolescence contract support growth		-6,000
<b>51 JPATS SERIES</b>	<b>1,524</b>	<b>524</b>
Unobligated balances		-1,000
<b>53 COMMON ECM EQUIPMENT</b>	<b>92,072</b>	<b>63,772</b>
IDECM Block IV concurrency		-25,500
DIRCM A kit savings		-2,800
<b>54 COMMON AVIONICS CHANGES</b>	<b>147,093</b>	<b>136,293</b>
OSIP 01-02 other support growth		-2,000
CNS/ATM other support growth		-8,800
<b>56 ID SYSTEMS</b>	<b>37,330</b>	<b>32,030</b>
OSIP 015-03 support growth		-5,300
<b>57 P-8 SERIES</b>	<b>2,930</b>	<b>0</b>
P-8 modifications ahead of need		-2,930
<b>59 RQ-7 SERIES</b>	<b>11,419</b>	<b>0</b>
TCDL contract delay		-11,419
<b>60 V-22 (TILT/ROTOR ACFT) OSPREY</b>	<b>60,264</b>	<b>55,764</b>
Deficiencies modifications other support growth		-2,500
Reliability modifications other support growth		-2,000
<b>61 SPARES AND REPAIR PARTS</b>	<b>1,331,961</b>	<b>1,163,294</b>
F/A-18E/F initial spares cost growth		-23,967
F-35 initial spares execution		-100,000
P-8A initial spares execution		-36,000
E-2D initial spares cost growth		-8,700
<b>62 COMMON GROUND EQUIPMENT</b>	<b>351,685</b>	<b>363,685</b>
Navy requested transfer from RDTE,N line 98 for VH-60 trainer		12,000
<b>66 SPECIAL SUPPORT EQUIPMENT</b>	<b>24,395</b>	<b>21,395</b>
Unjustified support increase		-3,000



## MQ-8 UNMANNED AERIAL VEHICLE

The conference agreement provides \$191,986,000 for the procurement of 12 MQ-8 unmanned aerial vehicles and associated support equipment. Although the budget justification materials provided by the Navy

were unclear about the MQ-8 model to be procured, the conferees understand that the Navy will actually procure the longer range MQ-8C variant. The conferees fully support this decision as the longer range will provide greater operational flexibility for the var-

ious missions the aircraft is expected to conduct.

## WEAPONS PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
WEAPONS PROCUREMENT, NAVY		
BALLISTIC MISSILES		
MODIFICATION OF MISSILES		
1 TRIDENT II MODS	1,309,102	1,308,102
SUPPORT EQUIPMENT AND FACILITIES		
2 MISSILE INDUSTRIAL FACILITIES	3,492	3,492
TOTAL, BALLISTIC MISSILES	1,312,594	1,309,594
OTHER MISSILES		
STRATEGIC MISSILES		
3 TOMAHAWK	303,306	297,608
TACTICAL MISSILES		
4 AMRAAM	188,494	105,119
5 SIDEWINDER	47,098	42,198
6 JSOW	137,722	131,722
7 STANDARD MISSILE	420,324	356,878
8 RAM	66,197	66,197
9 HELLFIRE	22,703	22,703
11 AERIAL TARGETS	46,359	46,359
12 OTHER MISSILE SUPPORT	3,561	3,561
MODIFICATION OF MISSILES		
13 ESSM	48,486	48,486
14 HARM MODS	73,061	71,561
SUPPORT EQUIPMENT AND FACILITIES		
16 WEAPONS INDUSTRIAL FACILITIES	1,979	1,979
17 FLEET SATELLITE COMM FOLLOW-ON	238,215	238,215
ORDNANCE SUPPORT EQUIPMENT		
19 ORDNANCE SUPPORT EQUIPMENT	52,255	52,255
TOTAL, OTHER MISSILES	1,649,760	1,484,839

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
TORPEDOES AND RELATED EQUIPMENT		
TORPEDOES AND RELATED EQUIP		
20 ASW TARGETS	31,803	31,803
MOD OF TORPEDOES AND RELATED EQUIP		
21 MK-46 TORPEDO MODS	78,045	78,805
22 MK-48 TORPEDO ADCAP MODS	42,493	42,493
23 QUICKSTRIKE MINE	5,770	5,770
SUPPORT EQUIPMENT		
24 TORPEDO SUPPORT EQUIPMENT	43,003	43,003
25 ASW RANGE SUPPORT	9,219	9,219
DESTINATION TRANSPORTATION		
26 FIRST DESTINATION TRANSPORTATION	3,553	3,553
TOTAL, TORPEDOES AND RELATED EQUIPMENT	213,886	212,446
OTHER WEAPONS		
GUNS AND GUN MOUNTS		
27 SMALL ARMS AND WEAPONS	15,037	15,037
MODIFICATION OF GUNS AND GUN MOUNTS		
28 CIWS MODS	37,550	37,550
29 COAST GUARD WEAPONS	17,525	9,179
30 GUN MOUNT MODS	43,957	43,957
32 CRUISER MODERNIZATION WEAPONS	50,013	50,013
33 AIRBORNE MINE NEUTRALIZATION SYSTEMS	12,203	12,203
TOTAL, OTHER WEAPONS	176,285	167,939
35 SPARES AND REPAIR PARTS	55,953	49,614
TOTAL, WEAPONS PROCUREMENT, NAVY	3,408,478	3,224,432

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

<b>P-1</b>	<b>Budget Request</b>	<b>Conference</b>
<b>1 TRIDENT II MODS</b>	<b>1,309,102</b>	<b>1,306,102</b>
Support funding carryover		-10,000
Cost growth		-3,000
Program increase - Solid rocket motor industrial base sustainment		10,000
<b>3 TOMAHAWK</b>	<b>303,306</b>	<b>297,606</b>
Submarine capsules cost growth		-5,700
<b>4 AMRAAM</b>	<b>188,494</b>	<b>105,119</b>
All Up Round Missile contract delay		-83,375
<b>5 SIDEWINDER</b>	<b>47,098</b>	<b>42,198</b>
Excess Block II support		-4,900
<b>6 JSOW</b>	<b>137,722</b>	<b>131,722</b>
All Up Round Missile cost growth		-6,000
<b>7 STANDARD MISSILE</b>	<b>420,324</b>	<b>356,878</b>
Support funding growth		-3,500
Installation and check out funding growth		-1,900
Unit Cost Efficiencies		-58,046
<b>14 HARM MODS</b>	<b>73,061</b>	<b>71,561</b>
Production support growth		-1,500
<b>21 MK-54 TORPEDO MODS</b>	<b>78,045</b>	<b>76,605</b>
MK-54 array cost growth		-1,440
<b>29 COAST GUARD WEAPONS</b>	<b>17,525</b>	<b>9,179</b>
MK-110 57MM contract delay		-8,346
<b>35 SPARES AND REPAIR PARTS</b>	<b>55,953</b>	<b>49,614</b>
CIWS replenishment spares execution		-6,339

PROCUREMENT OF AMMUNITION, NAVY  
AND MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
PROCUREMENT OF AMMO NAVY & MARINE CORPS		
PROC AMMO NAVY		
NAVY AMMUNITION		
1 GENERAL PURPOSE BOMBS	64,766	63,666
3 AIRBORNE ROCKETS ALL TYPES	38,264	23,264
4 MACHINE GUN AMMUNITION	17,788	17,788
5 PRACTICE BOMBS	35,289	35,289
6 CARTRIDGES & CART ACTUATED DEVICES	49,416	46,716
7 AIR EXPENDABLE COUNTERMEASURES	60,677	60,677
8 JATOS	2,766	2,766
9 5 INCH/54 GUN AMMUNITION	19,006	10,901
10 INTERMEDIATE CALIBER GUN AMMUNITION	19,320	1,112
11 OTHER SHIP GUN AMMUNITION	21,938	19,018
12 SMALL ARMS & LANDING PARTY AMMO	51,819	46,039
13 PYROTECHNIC AND DEMOLITION	10,199	10,199
14 AMMUNITION LESS THAN \$5 MILLION	4,107	4,107
TOTAL, PROC AMMO, NAVY	395,355	341,542

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
PROC AMMO, MARINE CORPS		
MARINE CORPS AMMUNITION		
15 SMALL ARMS AMMUNITION	58,812	58,812
16 LINEAR CHARGES ALL TYPES	21,434	17,660
17 40 MM, ALL TYPES	84,864	80,664
18 60MM, ALL TYPES	937	937
19 81MM, ALL TYPES	26,324	18,100
20 120MM, ALL TYPES	9,387	9,387
21 CTG 25MM ALL TYPES	3,889	3,889
22 GRENADES, ALL TYPES	13,452	13,452
23 ROCKETS, ALL TYPES	15,556	12,463
24 ARTILLERY, ALL TYPES	42,526	22,526
25 DEMOLITION MUNITIONS, ALL TYPES	22,786	22,786
26 FUZE, ALL TYPES	9,266	9,266
27 NON LETHALS	2,927	2,927
28 AMMO MODERNIZATION	8,557	8,557
29 ITEMS LESS THAN \$5 MILLION	3,880	3,880
TOTAL, PROC AMMO, MARINE CORPS	324,597	285,306
TOTAL PROCUREMENT OF AMMO, NAVY & MARINE CORPS	719,952	626,848

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

<b>P-1</b>		<b>Budget</b>	
		<b>Request</b>	<b>Conference</b>
<b>1</b>	<b>GENERAL PURPOSE BOMBS</b>	<b>64,766</b>	<b>63,666</b>
	BLU-109 cost growth		-1,100
<b>3</b>	<b>AIRBORNE ROCKETS, ALL TYPES</b>	<b>38,264</b>	<b>23,264</b>
	MK-66 rocket motor cost growth		-10,500
	Support funding carryover		-1,000
	MK-182 warhead exceeds production rate		-3,500
<b>6</b>	<b>CARTRIDGES &amp; CART ACTUATED DEVICES</b>	<b>49,416</b>	<b>46,716</b>
	Initiator and Impulse cartridge unit cost growth		-2,700
<b>9</b>	<b>5 INCH/54 GUN AMMUNITION</b>	<b>19,006</b>	<b>10,901</b>
	Excess prior year multi-option fuze support funding		-7,105
	Support funding carryover		-1,000
<b>10</b>	<b>INTERMEDIATE CALIBER GUN AMMUNITION</b>	<b>19,320</b>	<b>1,112</b>
	MK295 cartridge contract delay		-18,208
<b>11</b>	<b>OTHER SHIP GUN AMMUNITION</b>	<b>21,938</b>	<b>19,018</b>
	30MM x 173 linked cartridge contract delay		-2,920
<b>12</b>	<b>SMALL ARMS &amp; LANDING PARTY AMMO</b>	<b>51,819</b>	<b>46,039</b>
	Production engineering growth		-1,200
	A131 complete rounds cost growth		-2,500
	A576 LAP kit cost growth		-2,080
<b>16</b>	<b>LINEAR CHARGES, ALL TYPES</b>	<b>21,434</b>	<b>17,660</b>
	M913 LAP kit contract delay		-3,774
<b>17</b>	<b>40 MM, ALL TYPES</b>	<b>84,864</b>	<b>80,664</b>
	B542 LAP kit cost growth		-4,200
<b>19</b>	<b>81MM, ALL TYPES</b>	<b>26,324</b>	<b>18,100</b>
	M913 LAP kit contract delay		-8,224
<b>23</b>	<b>ROCKETS, ALL TYPES</b>	<b>15,556</b>	<b>12,463</b>
	C995 late contract award		-3,093
<b>24</b>	<b>ARTILLERY, ALL TYPES</b>	<b>42,526</b>	<b>22,526</b>
	TNT flake cost growth		-20,000



## SHIPBUILDING AND CONVERSION, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
SHIPBUILDING & CONVERSION, NAVY		
OTHER WARSHIPS		
2 CARRIER REPLACEMENT PROGRAM (AP-CY)	554,798	554,798
3 VIRGINIA CLASS SUBMARINE	3,232,215	3,221,314
4 VIRGINIA CLASS SUBMARINE (AP-CY)	1,524,761	1,461,361
6 CVN REFUELING OVERHAULS (AP-CY)	529,652	529,652
8 DDG 1000	453,727	453,727
9 DDG-51	1,980,709	1,980,709
10 DDG-51 (AP-CY)	100,723	100,723
11 LITTORAL COMBAT SHIP	1,802,093	1,755,093
TOTAL, OTHER WARSHIPS	10,178,678	10,057,377
AMPHIBIOUS SHIPS		
13 LPD-17	1,847,444	1,837,444
15 LHA REPLACEMENT (AP-CY)	2,018,691	1,999,191
17 INTRATHEATER CONNECTOR	185,106	372,332
TOTAL, AMPHIBIOUS SHIPS	4,051,241	4,208,967
AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM COSTS		
18 OCEANOGRAPHIC SHIPS	89,000	89,000
19 MOORED TRAINING SHIP	155,200	131,200
20 OUTFITTING	292,871	270,639
21 SERVICE CRAFT	3,863	3,863
22 LCAC SLEP	84,076	84,076
23 COMPLETION OF PY SHIPBUILDING PROGRAMS	73,992	73,992
TOTAL, AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGRAM	699,002	652,770
TOTAL, SHIPBUILDING & CONVERSION, NAVY	14,928,921	14,919,114

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

P-1	Budget	
	Request	Conference
<b>3 VIRGINIA CLASS SUBMARINE</b>	<b>3,232,215</b>	<b>3,221,314</b>
Sonar hardware pricing cost growth		-4,363
Exterior Communications System other cost unjustified growth		-1,000
Propulsor cost growth		-5,538
<b>4 VIRGINIA CLASS SUBMARINE (AP-CY)</b>	<b>1,524,761</b>	<b>1,461,361</b>
Nuclear long lead CFE advance procurement cost growth		-63,400
<b>11 LITTORAL COMBAT SHIP</b>	<b>1,802,093</b>	<b>1,755,093</b>
Basic construction cost growth		-47,000
<b>13 LPD-17</b>	<b>1,847,444</b>	<b>1,837,444</b>
Excess ECO funding		-10,000
<b>15 LHA REPLACEMENT</b>	<b>2,018,691</b>	<b>1,999,191</b>
SLQ-32(V)2 pricing		-5,000
SSDS support pricing		-5,000
MK-12 IFF pricing		-1,000
SPS-48 radar pricing		-2,000
SPQ-9B radar pricing		-1,000
RAM logistics pricing		-5,500
<b>17 JOINT HIGH SPEED VESSEL</b>	<b>185,106</b>	<b>372,332</b>
Transfer from OP,A line 174 per Army and Navy Memorandum of Agreement		187,226
<b>19 MOORED TRAINING SHIP (AP)</b>	<b>155,200</b>	<b>131,200</b>
Excess advance procurement		-24,000
<b>20 OUTFITTING</b>	<b>292,871</b>	<b>270,639</b>
LCS-5 outfitting phasing		-2,000
LCS-6 outfitting phasing		-2,000
LCS-7 outfitting phasing		-782
DDG-1001 and 1002 outfitting phasing		-1,750
SSN-785 outfitting phasing		-6,000
CVN-71 outfitting phasing		-5,000
SSN-782 post delivery phasing		-4,700

OTHER PROCUREMENT, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OTHER PROCUREMENT, NAVY		
SHIPS SUPPORT EQUIPMENT		
SHIP PROPULSION EQUIPMENT		
1 LM-2500 GAS TURBINE	13,794	13,794
2 ALLISON 501K GAS TURBINE	8,643	8,643
NAVIGATION EQUIPMENT		
3 OTHER NAVIGATION EQUIPMENT	22,982	20,582
PERISCOPES		
4 SUB PERISCOPES & IMAGING EQUIP	60,860	57,033
OTHER SHIPBOARD EQUIPMENT		
5 DDG MOD	119,522	117,522
6 FIREFIGHTING EQUIPMENT	17,637	17,637
7 COMMAND AND CONTROL SWITCHBOARD	3,049	3,049
8 POLLUTION CONTROL EQUIPMENT	22,266	22,266
9 SUBMARINE SUPPORT EQUIPMENT	15,892	14,122
10 VIRGINIA CLASS SUPPORT EQUIPMENT	100,693	93,487
11 SUBMARINE BATTERIES	42,296	42,296
12 STRATEGIC PLATFORM SUPPORT EQUIP	25,228	25,228
13 DSSP EQUIPMENT	2,600	2,600
14 CG-MODERNIZATION	590,349	573,349
16 UNDERWATER EOD PROGRAMS	18,499	17,499
17 ITEMS LESS THAN \$5 MILLION	113,809	93,401
18 CHEMICAL WARFARE DETECTORS	5,508	5,508
19 SUBMARINE LIFE SUPPORT SYSTEM	13,397	13,397
REACTOR PLANT EQUIPMENT		
20 REACTOR POWER UNITS	436,838	436,838
21 REACTOR COMPONENTS	271,600	271,600
OCEAN ENGINEERING		
22 DIVING AND SALVAGE EQUIPMENT	11,244	9,644
SMALL BOATS		
23 STANDARD BOATS	39,793	33,653
TRAINING EQUIPMENT		
24 OTHER SHIPS TRAINING EQUIPMENT	29,913	29,913
PRODUCTION FACILITIES EQUIPMENT		
25 OPERATING FORCES IPE	54,642	54,642
OTHER SHIP SUPPORT		
26 NUCLEAR ALTERATIONS	144,175	144,175
27 LCS MODULES	79,583	63,448

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
LOGISTICS SUPPORT		
28 LSD MIDLIFE	143,483	132,733
TOTAL SHIPS SUPPORT EQUIPMENT	2,408,295	2,318,059
COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
SHIP RADARS		
29 RADAR SUPPORT	18,818	10,618
SHIP SONARS		
30 SPQ-9B RADAR	24,613	18,236
31 AN/SQQ-89 SURF ASW COMBAT SYSTEM	73,829	71,771
32 SSN ACOUSTICS	212,913	212,913
33 UNDERSEA WARFARE SUPPORT EQUIPMENT	29,686	25,686
34 SONAR SWITCHES AND TRANSDUCERS	13,537	13,537
35 ELECTRONIC WARFARE MILDEC	18,141	16,841
ASW ELECTRONIC EQUIPMENT		
36 SUBMARINE ACOUSTIC WARFARE SYSTEM	20,554	20,554
37 SSTD	2,257	1,257
38 FIXED SURVEILLANCE SYSTEM	60,141	60,141
39 SURTASS	29,247	25,547
40 TACTICAL SUPPORT CENTER	13,453	13,453
ELECTRONIC WARFARE EQUIPMENT		
41 AN/SQQ-32	43,096	39,902
RECONNAISSANCE EQUIPMENT		
42 SHIPBOARD IW EXPLOIT	103,645	100,745
43 AUTOMATED IDENTIFICATION SYSTEM (AIS)	1,364	1,364
SUBMARINE SURVEILLANCE EQUIPMENT		
44 SUBMARINE SUPPORT EQUIPMENT PROG	100,793	89,241
OTHER SHIP ELECTRONIC EQUIPMENT		
45 COOPERATIVE ENGAGEMENT CAPABILITY	23,332	19,332
46 TRUSTED INFORMATION SYSTEM (TIS)	426	426
47 NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	33,017	33,017
48 ATDLS	942	942
49 NAVY COMMAND AND CONTROL SYSTEM (NCCS)	7,896	7,896
50 MINESWEEPING SYSTEM REPLACEMENT	27,868	27,868
51 SHALLOW WATER MCM	1,048	1,048
52 NAVSTAR GPS RECEIVERS (SPACE)	9,926	9,926
53 ARMED FORCES RADIO AND TV	4,370	4,370

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
54 STRATEGIC PLATFORM SUPPORT EQUIP	4,143	4,143
TRAINING EQUIPMENT		
55 OTHER TRAINING EQUIPMENT	45,989	35,189
AVIATION ELECTRONIC EQUIPMENT		
56 MATCALS	8,136	13,368
57 SHIPBOARD AIR TRAFFIC CONTROL	7,394	7,394
58 AUTOMATIC CARRIER LANDING SYSTEM	18,518	17,018
59 NATIONAL AIR SPACE SYSTEM	26,054	24,581
60 AIR STATION SUPPORT EQUIPMENT	7,213	7,213
61 MICROWAVE LANDING SYSTEM	7,138	7,138
62 ID SYSTEMS	33,170	31,470
63 TAC A/C MISSION PLANNING SYS(TAMPS)	8,941	8,941
OTHER SHORE ELECTRONIC EQUIPMENT		
64 DEPLOYABLE JOINT COMMAND AND CONT	8,994	8,994
65 TADIX B	13,529	13,529
66 GCCS-M EQUIPMENT TACTICAL/MOBILE	12,776	10,876
67 DCGS-N	11,201	11,201
68 CANES	195,141	96,088
69 RADIAC	6,201	6,201
70 CANES-INTELL	75,084	72,313
71 GPETE	6,010	6,010
72 INTEG COMBAT SYSTEM TEST FACILITY	4,441	4,441
73 EMI CONTROL INSTRUMENTATION	4,741	4,741
74 ITEMS LESS THAN \$5 MILLION	51,716	42,416
SHIPBOARD COMMUNICATIONS		
75 SHIPBOARD TACTICAL COMMUNICATIONS	26,197	1,494
76 SHIP COMMUNICATIONS AUTOMATION	177,510	255,110
77 MARITIME DOMAIN AWARENESS (MDA)	24,022	24,022
78 COMMUNICATIONS ITEMS UNDER \$5M	33,644	27,544
SUBMARINE COMMUNICATIONS		
79 SUBMARINE BROADCAST SUPPORT	10,357	10,357
80 SUBMARINE COMMUNICATION EQUIPMENT	75,447	74,047
SATELLITE COMMUNICATIONS		
81 SATELLITE COMMUNICATIONS SYSTEMS	25,522	25,522
82 NAVY MULTIBAND TERMINAL (NMT)	109,022	107,242

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
SHORE COMMUNICATIONS		
83 JCS COMMUNICATIONS EQUIPMENT	2,186	2,186
84 ELECTRICAL POWER SYSTEMS	1,329	1,329
85 NAVAL SHORE COMMUNICATIONS	2,418	2,418
CRYPTOGRAPHIC EQUIPMENT		
86 INFO SYSTEMS SECURITY PROGRAM (ISSP)	119,857	109,394
CRYPTOLOGIC EQUIPMENT		
87 CRYPTOLOGIC COMMUNICATIONS EQUIP	14,820	14,820
OTHER ELECTRONIC SUPPORT		
88 COAST GUARD EQUIPMENT	6,848	6,848
89 OTHER DRUG INTERDICTION SUPPORT	2,290	---
DRUG INTERDICTION SUPPORT		
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT	2,062,911	1,927,229
AVIATION SUPPORT EQUIPMENT		
SONOBUOYS		
90 SONOBUOYS - ALL TYPES	96,314	94,814
AIRCRAFT SUPPORT EQUIPMENT		
91 WEAPONS RANGE SUPPORT EQUIPMENT	40,697	50,197
92 EXPEDITIONARY AIRFIELDS	8,561	8,561
93 AIRCRAFT REARMING EQUIPMENT	8,941	5,587
94 AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	19,777	19,777
95 METEOROLOGICAL EQUIPMENT	22,003	19,478
96 OTHER PHOTOGRAPHIC EQUIPMENT	1,595	1,595
97 AVIATION LIFE SUPPORT	66,031	60,919
98 AIRBORNE MINE COUNTERMEASURES	49,668	33,515
99 LAMPS MK III SHIPBOARD EQUIPMENT	18,471	12,908
100 PORTABLE ELECTRONIC MAINTENANCE AIDS	7,875	7,875
101 OTHER AVIATION SUPPORT EQUIPMENT	12,553	12,553
TOTAL, AVIATION SUPPORT EQUIPMENT	352,486	327,779
ORDNANCE SUPPORT EQUIPMENT		
SHIP GUN SYSTEM EQUIPMENT		
102 NAVAL FIRES CONTROL SYSTEM	2,049	2,049
103 GUN FIRE CONTROL EQUIPMENT	4,488	4,488
SHIP MISSILE SYSTEMS EQUIPMENT		
104 NATO SEASPARROW	8,926	8,926
105 RAM GMLS	4,321	3,128



(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
106 SHIP SELF DEFENSE SYSTEM	60,700	54,324
107 AEGIS SUPPORT EQUIPMENT	43,148	43,148
108 TOMAHAWK SUPPORT EQUIPMENT	72,861	70,261
109 VERTICAL LAUNCH SYSTEMS	732	732
110 MARITIME INTEGRATED PLANNING SYSTEM-MIPS	4,823	4,823
FBM SUPPORT EQUIPMENT		
111 STRATEGIC MISSILE SYSTEMS EQUIP	187,807	187,807
ASW SUPPORT EQUIPMENT		
112 SSN COMBAT CONTROL SYSTEMS	81,596	89,096
113 SUBMARINE ASW SUPPORT EQUIPMENT	5,241	5,241
114 SURFACE ASW SUPPORT EQUIPMENT	5,816	5,816
115 ASW RANGE SUPPORT EQUIPMENT	7,842	7,842
OTHER ORDNANCE SUPPORT EQUIPMENT		
116 EXPLOSIVE ORDNANCE DISPOSAL EQUIP	98,847	96,947
117 ITEMS LESS THAN \$5 MILLION	4,073	4,073
OTHER EXPENDABLE ORDNANCE		
118 ANTI-SHIP MISSILE DECOY SYSTEM	32,716	32,716
119 SURFACE TRAINING DEVICE MODS	5,814	5,814
120 SUBMARINE TRAINING DEVICE MODS	36,777	36,777
TOTAL, ORDNANCE SUPPORT EQUIPMENT	668,577	664,008
CIVIL ENGINEERING SUPPORT EQUIPMENT		
121 PASSENGER CARRYING VEHICLES	6,271	4,771
122 GENERAL PURPOSE TRUCKS	3,202	3,202
123 CONSTRUCTION & MAINTENANCE EQUIP	9,850	9,850
124 FIRE FIGHTING EQUIPMENT	14,315	14,315
125 TACTICAL VEHICLES	16,502	16,502
126 AMPHIBIOUS EQUIPMENT	3,235	3,235
127 POLLUTION CONTROL EQUIPMENT	7,175	7,175
128 ITEMS UNDER \$5 MILLION	20,727	10,727
129 PHYSICAL SECURITY VEHICLES	1,142	1,142
TOTAL, CIVIL ENGINEERING SUPPORT EQUIPMENT	82,419	70,919

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
SUPPLY SUPPORT EQUIPMENT		
SUPPLY SUPPORT EQUIPMENT		
130 MATERIALS HANDLING EQUIPMENT	14,972	9,972
131 OTHER SUPPLY SUPPORT EQUIPMENT	4,453	4,453
132 FIRST DESTINATION TRANSPORTATION	6,416	6,416
133 SPECIAL PURPOSE SUPPLY SYSTEMS	51,894	51,894
TOTAL, SUPPLY SUPPORT EQUIPMENT	77,735	72,735
PERSONNEL AND COMMAND SUPPORT EQUIPMENT		
TRAINING DEVICES		
134 TRAINING SUPPORT EQUIPMENT	16,353	16,353
COMMAND SUPPORT EQUIPMENT		
135 COMMAND SUPPORT EQUIPMENT	28,693	26,321
136 EDUCATION SUPPORT EQUIPMENT	2,197	2,197
137 MEDICAL SUPPORT EQUIPMENT	7,175	14,175
138 NAVAL MIP SUPPORT EQUIPMENT	1,457	1,457
140 OPERATING FORCES SUPPORT EQUIPMENT	15,330	15,330
141 C4ISR EQUIPMENT	136	136
142 ENVIRONMENTAL SUPPORT EQUIPMENT	18,639	18,639
143 PHYSICAL SECURITY EQUIPMENT	177,240	177,240
144 ENTERPRISE INFORMATION TECHNOLOGY	143,022	143,022
TOTAL, PERSONNEL AND COMMAND SUPPORT EQUIPMENT	410,242	414,870
149 SPARES AND REPAIR PARTS	208,384	208,384
CLASSIFIED PROGRAMS	14,402	14,402
TOTAL OTHER PROCUREMENT, NAVY	6,285,451	6,013,385

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

<b>P-1</b>	<b>Budget Request</b>	<b>Conference</b>
<b>3 OTHER NAVIGATION EQUIPMENT</b>	<b>22,982</b>	<b>20,582</b>
ECDIS-N installation funding carryover		-1,000
Support funding carryover		-1,400
<b>4 SUB PERISCOPES &amp; IMAGING EQUIP</b>	<b>60,860</b>	<b>57,033</b>
ISIS capability insertion procurement ahead of need		-3,827
<b>5 DDG MOD</b>	<b>119,522</b>	<b>117,522</b>
Engineering services carryover		-2,000
<b>9 SUBMARINE SUPPORT EQUIPMENT</b>	<b>15,892</b>	<b>14,122</b>
SSTG governor procurement ahead of need		-1,770
<b>10 VIRGINIA CLASS SUPPORT EQUIPMENT</b>	<b>100,693</b>	<b>93,487</b>
ISEA labs growth		-2,100
SCS modernization backfit funding ahead of need		-2,106
Technology insertion/technology refresh growth		-3,000
<b>14 CG-MODERNIZATION</b>	<b>590,349</b>	<b>573,349</b>
Shore site upgrade growth		-11,000
Engineering services carryover		-6,000
<b>16 UNDERWATER EOD PROGRAMS</b>	<b>18,499</b>	<b>17,499</b>
Support funding carryover		-1,000
<b>17 ITEMS LESS THAN \$5 MILLION</b>	<b>113,809</b>	<b>93,401</b>
Machalts growth		-2,700
Voltage regulator procurement ahead of need		-3,480
LCS impellers/impeller assembly procurement ahead of need		-10,859
AS-39 modernization traveling crane funding previously appropriated		-3,369
<b>22 DIVING AND SALVAGE EQUIPMENT</b>	<b>11,244</b>	<b>9,644</b>
Outfitting equipment package cost growth		-1,600
<b>23 STANDARD BOATS</b>	<b>39,793</b>	<b>33,653</b>
Medium sized force protection boats cost growth		-2,000
7M RIB contract delay		-4,140
<b>27 LCS MODULES</b>	<b>79,583</b>	<b>63,448</b>
Engineering change proposal growth		-4,715
AN/AQS-20A contract delay		-8,920
Production support excess to need		-2,500
<b>28 LSD MIDLIFE</b>	<b>143,483</b>	<b>132,733</b>
Air conditioner plant upgrades installation ahead of need		-2,000
RO desalinators units installation funding ahead of need		-6,750
Steering control upgrade installation funding ahead of need		-2,000
<b>29 RADAR SUPPORT</b>	<b>18,818</b>	<b>10,618</b>
Excess ECO funding		-1,800
Radar procurement ahead of need		-6,400
<b>30 SPQ-9B RADAR</b>	<b>24,613</b>	<b>18,236</b>
Radar procurement ahead of need		-6,377

P-1	Budget Request	Conference
<b>31 AN/SQQ-89 SURF ASW COMBAT SYSTEM</b>	<b>73,829</b>	<b>71,771</b>
Sonar upgrade cost growth		-2,058
<b>33 UNDERSEA WARFARE SUPPORT EQUIPMENT</b>	<b>29,686</b>	<b>25,686</b>
Mission integration installation funding ahead of need		-4,000
<b>35 ELECTRONIC WARFARE MILDEC</b>	<b>18,141</b>	<b>16,841</b>
ICADS cost growth		-1,300
<b>37 SSTD</b>	<b>2,257</b>	<b>1,257</b>
Excess support funding		-1,000
<b>39 SURTASS</b>	<b>29,247</b>	<b>25,547</b>
ICP installation funding ahead of need		-1,500
ICP procurement ahead of need		-2,200
<b>41 AN/SLQ-32</b>	<b>43,096</b>	<b>39,902</b>
Block 1B3 Units - no longer required		-3,194
<b>42 SHIPBOARD IW EXPLOIT</b>	<b>103,645</b>	<b>100,745</b>
Paragon Systems - change to procurement strategy		-2,900
<b>44 SUBMARINE SUPPORT EQUIPMENT PROG</b>	<b>100,793</b>	<b>89,241</b>
Support funding carryover		-2,000
ICADF antenna installation delay		-7,286
Tech and capability insertion procurement ahead of need		-2,266
<b>45 COOPERATIVE ENGAGEMENT CAPABILITY</b>	<b>23,332</b>	<b>19,332</b>
Signal data processor backfit kit procurement ahead of need		-2,000
PAAA Backfit installation funding - no longer required		-2,000
<b>55 OTHER TRAINING EQUIPMENT</b>	<b>45,989</b>	<b>35,189</b>
COTS obsolescence excessive growth		-10,800
<b>56 MATCALs</b>	<b>8,136</b>	<b>13,368</b>
Support funding carryover		-2,000
Radar upgrade transfer from title IX		7,232
<b>58 AUTOMATIC CARRIER LANDING SYSTEM</b>	<b>18,518</b>	<b>17,018</b>
ECO growth		-1,500
<b>59 NATIONAL AIR SPACE SYSTEM</b>	<b>26,054</b>	<b>24,581</b>
Digital Airport Surveillance Radar cost growth		-1,473
<b>62 ID SYSTEMS</b>	<b>33,170</b>	<b>31,470</b>
IFF upgrade kit procurement ahead of need		-1,700
<b>66 GCCS-M EQUIPMENT TACTICAL/MOBILE</b>	<b>12,776</b>	<b>10,876</b>
Tactical/Mobile C4I Systems Increment 2.1 ahead of need		-1,900
<b>68 CANES</b>	<b>195,141</b>	<b>96,088</b>
Installation ahead of need		-7,153
Support funding carryover		-2,300
Navy requested transfer to RDTE,N line 201		-12,000
Navy requested transfer to line 76		-77,600
<b>70 CANES-INTELL</b>	<b>75,084</b>	<b>72,313</b>
Installation ahead of need		-2,771

P-1	Budget	
	Request	Conference
<b>74 ITEMS LESS THAN \$5 MILLION</b>	<b>51,716</b>	<b>42,416</b>
SPS-48 radar cost growth		-2,500
SPS-48 radar upgrade procurement ahead of need		-6,800
<b>75 SHIPBOARD TACTICAL COMMUNICATIONS</b>	<b>26,197</b>	<b>1,494</b>
Fixed station JTRS suite procurement ahead of need		-24,703
<b>76 SHIP COMMUNICATIONS AUTOMATION</b>	<b>177,510</b>	<b>255,110</b>
Navy requested transfer from line 68		77,600
<b>78 COMMUNICATIONS ITEMS UNDER \$5M</b>	<b>33,644</b>	<b>27,544</b>
HMS radios contract delay		-3,300
BFTN installation ahead of need		-2,800
<b>80 SUBMARINE COMMUNICATION EQUIPMENT</b>	<b>75,447</b>	<b>74,047</b>
Support funding carryover		-1,400
<b>82 NAVY MULTIBAND TERMINAL (NMT)</b>	<b>109,022</b>	<b>107,242</b>
Submarine terminal cost growth		-1,780
<b>86 INFO SYSTEMS SECURITY PROGRAM (ISSP)</b>	<b>119,857</b>	<b>109,394</b>
Excess installation funding		-3,789
125 KMI kit procurement ahead of need		-2,074
VACM program delay		-4,600
<b>89 OTHER DRUG INTERDICTION SUPPORT</b>	<b>2,290</b>	<b>0</b>
Transfer to Drug Interdiction and Counter-drug Activities, Defense		-2,290
<b>90 SONOBUOYS - ALL TYPES</b>	<b>96,314</b>	<b>94,814</b>
AN/SSQ-110 cost growth		-1,500
<b>91 WEAPONS RANGE SUPPORT EQUIPMENT</b>	<b>40,697</b>	<b>50,197</b>
Threat presentation program growth		-3,000
Test and Training range upgrades		12,500
<b>93 AIRCRAFT REARMING EQUIPMENT</b>	<b>8,941</b>	<b>5,587</b>
Munitions trailer contract delay		-2,354
Ordnance trailer contract delay		-1,000
<b>95 METEOROLOGICAL EQUIPMENT</b>	<b>22,003</b>	<b>19,478</b>
Meteorological Mobile Facility (Replacement) Next Generation contract delay		-2,525
<b>97 AVIATION LIFE SUPPORT</b>	<b>66,031</b>	<b>60,919</b>
Flight deck cranial cost growth		-5,112
<b>98 AIRBORNE MINE COUNTERMEASURES</b>	<b>49,668</b>	<b>33,515</b>
AQS-20A contract delay		-6,903
Production line set up excess funding		-9,250
<b>99 LAMPS MK III SHIPBOARD EQUIPMENT</b>	<b>18,471</b>	<b>12,908</b>
Modification kit procurement ahead of need		-5,563
<b>105 RAM GMLS</b>	<b>4,321</b>	<b>3,128</b>
Installation funding ahead of need		-1,193

P-1	Budget	
	Request	Conference
<b>106 SHIP SELF DEFENSE SYSTEM</b>	<b>60,700</b>	<b>54,324</b>
SSDS modification kit procurement ahead of need		-6,376
<b>108 TOMAHAWK SUPPORT EQUIPMENT</b>	<b>72,861</b>	<b>70,261</b>
Support funding carryover		-2,600
<b>112 SSN COMBAT CONTROL SYSTEMS</b>	<b>81,596</b>	<b>89,096</b>
Naval Intelligence Fusion Tool transfer from title IX		7,500
<b>116 EXPLOSIVE ORDNANCE DISPOSAL EQUIP</b>	<b>98,847</b>	<b>96,947</b>
Product improvement funding growth		-1,900
<b>121 PASSENGER CARRYING VEHICLES</b>	<b>6,271</b>	<b>4,771</b>
Non-SOCOM related contract delays		-1,500
<b>128 ITEMS UNDER \$5 MILLION</b>	<b>20,727</b>	<b>10,727</b>
Contract delays		-10,000
<b>130 MATERIALS HANDLING EQUIPMENT</b>	<b>14,972</b>	<b>9,972</b>
Contract delays		-5,000
<b>135 COMMAND SUPPORT EQUIPMENT</b>	<b>28,693</b>	<b>26,321</b>
US Fleet Forces equipment growth		-1,372
SPAWAR excess to need		-1,000
<b>137 MEDICAL SUPPORT EQUIPMENT</b>	<b>7,175</b>	<b>14,175</b>
Medical and dental outfitting kit cost growth		-3,000
Improved T-AH tender boats		10,000

## PROCUREMENT, MARINE CORPS

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
PROCUREMENT, MARINE CORPS		
WEAPONS AND COMBAT VEHICLES		
TRACKED COMBAT VEHICLES		
1 AAV7A1 PIP.....	9,894	9,894
2 LAV PIP.....	147,051	147,051
ARTILLERY AND OTHER WEAPONS		
3 EXPEDITIONARY FIRE SUPPORT SYSTEM.....	11,961	11,961
4 155MM LIGHTWEIGHT TOWED HOWITZER.....	5,552	5,552
5 HIGH MOBILITY ARTILLERY ROCKET SYSTEM.....	14,695	14,695
6 WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION.....	14,868	14,868
OTHER SUPPORT		
7 MODIFICATION KITS.....	53,932	53,932
8 WEAPONS ENHANCEMENT PROGRAM.....	13,795	13,795
TOTAL, WEAPONS AND COMBAT VEHICLES.....	271,748	271,748
GUIDED MISSILES AND EQUIPMENT		
GUIDED MISSILES		
9 GROUND BASED AIR DEFENSE.....	12,287	12,287
11 FOLLOW ON TO SHAW.....	46,563	46,563
12 ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H).....	19,606	19,606
OTHER SUPPORT		
13 MODIFICATION KITS.....	4,140	4,140
TOTAL, GUIDED MISSILES AND EQUIPMENT.....	82,596	82,596



(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
COMMAND AND CONTROL SYSTEMS		
14 COMBAT OPERATIONS CENTER.....	16,755	16,755
REPAIR AND TEST EQUIPMENT		
15 REPAIR AND TEST EQUIPMENT.....	24,071	24,071
OTHER SUPPORT (TEL)		
16 COMBAT SUPPORT SYSTEM.....	25,461	25,461
COMMAND AND CONTROL		
18 ITEMS UNDER \$5 MILLION (COMM & ELEC).....	5,926	5,926
19 AIR OPERATIONS C2 SYSTEMS.....	44,152	44,152
RADAR + EQUIPMENT (NON-TEL)		
20 RADAR SYSTEMS.....	40,352	40,352
INTELL/COMM EQUIPMENT (NON-TEL)		
21 FIRE SUPPORT SYSTEM.....	8,793	4,470
22 INTELLIGENCE SUPPORT EQUIPMENT.....	64,276	64,276
24 RQ-11 UAV.....	2,104	2,104
25 DCGS-MC.....	10,789	10,789
OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
28 NIGHT VISION EQUIPMENT.....	6,847	6,847
OTHER SUPPORT (NON-TEL)		
29 COMMON COMPUTER RESOURCES.....	218,869	218,869
30 COMMAND POST SYSTEMS.....	84,856	84,856
31 RADIO SYSTEMS.....	89,479	124,770
32 COMM SWITCHING & CONTROL SYSTEMS.....	16,598	16,598
33 COMM & ELEC INFRASTRUCTURE SUPPORT.....	47,505	47,505
33 CLASSIFIED PROGRAMS.....	1,606	1,606
TOTAL, COMMUNICATIONS AND ELECTRONICS EQUIPMENT.....	708,439	739,407
SUPPORT VEHICLES		
ADMINISTRATIVE VEHICLES		
34 COMMERCIAL PASSENGER VEHICLES.....	894	894
35 COMMERCIAL CARGO VEHICLES.....	14,231	14,231
TACTICAL VEHICLES		
37 MOTOR TRANSPORT MODIFICATIONS.....	8,389	8,389
38 MEDIUM TACTICAL VEHICLE REPLACEMENT.....	5,833	5,833
39 LOGISTICS VEHICLE SYSTEM REP.....	972	972
40 FAMILY OF TACTICAL TRAILERS.....	21,848	21,848

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OTHER SUPPORT		
42 ITEMS LESS THAN \$5 MILLION.....	4,503	4,503
TOTAL, SUPPORT VEHICLES.....	56,670	56,670
ENGINEER AND OTHER EQUIPMENT		
ENGINEER AND OTHER EQUIPMENT		
43 ENVIRONMENTAL CONTROL EQUIP ASSORT.....	2,599	2,599
44 BULK LIQUID EQUIPMENT.....	16,255	16,255
45 TACTICAL FUEL SYSTEMS.....	26,853	26,853
46 POWER EQUIPMENT ASSORTED.....	27,247	27,247
47 AMPHIBIOUS SUPPORT EQUIPMENT.....	5,533	5,533
48 EOD SYSTEMS.....	61,753	61,753
MATERIALS HANDLING EQUIPMENT		
49 PHYSICAL SECURITY EQUIPMENT.....	16,627	16,627
50 GARRISON MOBILE ENGR EQUIP.....	10,827	10,827
51 MATERIAL HANDLING EQUIP.....	37,055	37,055
52 FIRST DESTINATION TRANSPORTATION.....	1,462	1,462
GENERAL PROPERTY		
53 FIELD MEDICAL EQUIPMENT.....	24,079	24,079
54 TRAINING DEVICES.....	10,277	10,277
55 CONTAINER FAMILY.....	3,123	3,123
56 FAMILY OF CONSTRUCTION EQUIPMENT.....	18,137	18,137
59 RAPID DEPLOYABLE KITCHEN.....	5,026	5,026
OTHER SUPPORT		
60 ITEMS LESS THAN \$5 MILLION.....	5,206	5,206
TOTAL, ENGINEER AND OTHER EQUIPMENT.....	272,059	272,059
61 SPARES AND REPAIR PARTS.....	90	90
TOTAL, PROCUREMENT, MARINE CORPS.....	1,391,602	1,422,570
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## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

P-1		Budget Request	Conference
21	FIRE SUPPORT SYSTEM	8,793	4,470
	CLRF excess to need		-4,323
31	RADIO SYSTEMS	89,479	124,770
	Enterprise - Land Mobile Radios infrastructure		45,000
	JTRS Milestone C Delay		-10,709
	CBNIRF Equipment - Urgent unfunded requirement		1,000

AIRCRAFT PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
AIRCRAFT PROCUREMENT, AIR FORCE		
COMBAT AIRCRAFT		
TACTICAL FORCES		
1 F-35.....	3,340,615	3,289,615
2 F-35 (AP-CY).....	323,477	228,977
3 F-22A.....	104,118	104,118
TOTAL, COMBAT AIRCRAFT.....	3,768,210	3,622,710
AIRLIFT AIRCRAFT		
TACTICAL AIRLIFT		
4 C-17A (MYP).....	---	225,000
OTHER AIRLIFT		
5 C-130J.....	72,879	136,379
6 C-130J ADVANCE PROCUREMENT (CY).....	---	120,000
7 HC-130J.....	332,899	332,899
9 MC-130J.....	582,466	582,466
13 JOINT CARGO AIRCRAFT.....	479,896	479,896
TOTAL, AIRLIFT AIRCRAFT.....	1,468,140	1,876,640
OTHER AIRCRAFT		
TRAINER AIRCRAFT		
15 USAFA POWERED FLIGHT PROGRAM.....	1,060	1,060
OTHER AIRCRAFT		
HELICOPTERS		
17 COMM VERT LIFT SPT PLATFORM (UH-1N).....	52,800	52,800
19 V-22 OSPREY.....	339,865	339,865
20 V-22 OSPREY (AP-CY).....	20,000	20,000
MISSION SUPPORT AIRCRAFT		
23 CIVIL AIR PATROL A/C.....	2,190	8,990
24 HH-60M.....	104,711	104,711
25 LIGHT ATTACK ARMED RECON AIRCRAFT.....	158,549	115,049

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OTHER AIRCRAFT		
29 TARGET DRONES.....	64,268	59,268
30 C-37A.....	77,842	77,842
31 RQ-4 UAV.....	323,964	323,964
32 RQ-4 UAV (AP-CY).....	71,500	71,500
33 MC 130 IN BA 04.....	108,470	108,470
34 MQ-9.....	813,092	---
TOTAL, OTHER AIRCRAFT.....	2,137,251	1,282,459
MODIFICATION OF INSERVICE AIRCRAFT		
STRATEGIC AIRCRAFT		
35 B-2A.....	41,315	31,015
36 B-1B.....	198,007	198,007
37 B-52.....	93,897	93,897
TACTICAL AIRCRAFT		
38 A-10.....	153,128	55,028
39 F-15.....	222,386	255,586
40 F-16.....	73,346	56,746
41 F-22A.....	232,032	232,032
AIRLIFT AIRCRAFT		
43 C-5.....	11,741	11,741
45 C-5M.....	851,859	851,859
46 C-5M (AP-CY).....	112,200	112,200
47 C-9C.....	9	9
48 C-17A.....	202,179	202,179
49 C-21.....	328	328
50 C-32A.....	12,157	1,757
51 C-37A.....	21,986	486
52 C-130 AMP.....	235,635	208,135
TRAINER AIRCRAFT		
53 GLIDER MODS.....	123	123
54 T6.....	15,086	15,086
55 T-1.....	238	238
56 T-38.....	31,032	31,032

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OTHER AIRCRAFT		
57 KC-10A (ATCA).....	27,220	9,820
58 C-12.....	1,777	1,777
59 MC-12W.....	16,767	16,767
60 C-20 MODS.....	241	241
61 VC-25A MOD.....	387	387
62 C-40.....	206	206
63 C-130.....	45,876	56,276
64 C-130 MODS INTEL.....	3,593	3,593
65 C130J MODS.....	38,174	38,174
66 C-135.....	62,210	62,210
67 COMPASS CALL MODS.....	256,624	290,324
68 RC-135.....	162,211	162,211
69 E-3.....	135,031	135,031
70 E-4.....	57,829	57,829
71 E-8.....	29,058	22,558
72 H-1.....	5,280	5,280
73 H-60.....	34,371	58,971
74 RQ-4 UAV MODS.....	89,177	89,177
75 HC/MC-130 MODIFICATIONS.....	431	431
76 OTHER AIRCRAFT.....	115,338	68,238
77 MQ-1 MODS.....	158,446	158,446
78 MQ-9 MODS.....	181,302	149,744
79 MQ-9 PAYLOAD - UAS.....	74,866	74,866
80 CV-22 MODS.....	14,715	14,715
OTHER MODIFICATIONS		
TOTAL, MODIFICATION OF INSERVICE AIRCRAFT.....	4,019,814	3,834,756
AIRCRAFT SPARES AND REPAIR PARTS		
81 INITIAL SPARES/REPAIR PARTS.....	1,030,364	927,364
TOTAL, AIRCRAFT SPARES AND REPAIR PARTS.....	1,030,364	927,364

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
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AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES		
COMMON SUPPORT EQUIPMENT		
82 AIRCRAFT REPLACEMENT SUPPORT EQUIP.....	92,394	90,318
POST PRODUCTION SUPPORT		
83 B-1.....	4,743	4,743
84 B-2A.....	101	101
85 B-2A.....	49,319	49,319
87 C-5.....	521	521
89 KC-10A (ATCA).....	5,691	5,691
90 C-17A.....	183,696	75,115
91 C-130.....	25,646	25,646
93 C-135.....	2,434	2,434
94 F-15 POST PRODUCTION SUPPORT.....	2,076	2,076
95 F-16 POST PRODUCTION SUPPORT.....	4,537	4,537
97 OTHER AIRCRAFT.....	40,025	23,225
INDUSTRIAL PREPAREDNESS.....		
98 INDUSTRIAL PREPAREDNESS.....	21,050	21,050
WAR CONSUMABLES		
99 WAR CONSUMABLES.....	87,220	---
OTHER PRODUCTION CHARGES		
100 OTHER PRODUCTION CHARGES.....	1,072,858	1,034,858
DARP		
104 DARP.....	48,875	48,875
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TOTAL, AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES....	1,641,186	1,388,509
CLASSIFIED PROGRAMS.....	16,502	16,502
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TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE.....	14,082,527	12,950,000
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**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[in thousands of dollars]

<b>P-1</b>	<b>Budget Request</b>	<b>Conference</b>
<b>1 F-35</b>	<b>3,340,615</b>	<b>3,289,615</b>
Reduce by one aircraft		-151,000
Concurrency costs		100,000
<b>2 F-35 (AP-CY)</b>	<b>323,477</b>	<b>228,977</b>
Reduce advance procurement		-94,500
<b>4 C-17A (MYP)</b>	<b>0</b>	<b>225,000</b>
Operational loss replacement of one aircraft		225,000
<b>5 C-130J</b>	<b>72,879</b>	<b>136,379</b>
Transfer to Department of Homeland Security		63,500
<b>6 C-130J (AP-CY)</b>	<b>0</b>	<b>120,000</b>
Unfunded requirement for advance procurement for 12 C/HC/MC/AC-130Js		120,000
<b>23 CIVIL AIR PATROL AIRCRAFT</b>	<b>2,190</b>	<b>8,990</b>
Program increase		6,800
<b>25 LIGHT ATTACK ARMED RECONNAISSANCE (LAAR)</b>	<b>158,549</b>	<b>115,049</b>
Reduction of three aircraft		-43,500
<b>29 TARGET DRONES</b>	<b>64,268</b>	<b>59,268</b>
Slow execution		-5,000
<b>34 MQ-9</b>	<b>813,092</b>	<b>0</b>
Block 5 to Block 1 adjustment		-64,000
ASIP-2C sensors early to need		-29,500
Transfer to title IX		-719,592
<b>35 B-2A</b>	<b>41,315</b>	<b>31,015</b>
Excess to need		-10,300
<b>38 A-10</b>	<b>153,128</b>	<b>55,028</b>
PATS-70 maintenance testers and spares		42,500
Program reduction - Wing Replacement Program		-140,600
<b>39 F-15</b>	<b>222,386</b>	<b>255,586</b>
Mode 5/IFF early to need		-14,000
AESA Radar for ANG F-15s		47,200
<b>40 F-16</b>	<b>73,346</b>	<b>56,746</b>
Mode 5/IFF early to need		-16,600
<b>50 C-32A</b>	<b>12,157</b>	<b>1,757</b>
Program reduction - SLC3S-A		-10,400
<b>51 C-37A</b>	<b>21,986</b>	<b>486</b>
Program reduction - SLC3S-A		-21,500
<b>52 C-130 AMP</b>	<b>235,635</b>	<b>208,135</b>
Program reduction - kits early to need		-19,600
Install kits early to need		-7,900

P-1	Budget	
	Request	Conference
<b>57 KC-10A (ATCA)</b>	<b>27,220</b>	<b>9,820</b>
CNS/ATM early to need		-17,400
<b>63 C-130</b>	<b>45,876</b>	<b>56,276</b>
Air Force requested transfer from RDTE, AF line 81:		
HC-130 T-1 modification integration		2,500
HC-130 Loadmaster crashworthy seats		6,000
HC-130 Low cost modifications		1,900
<b>67 COMPASS CALL MODS</b>	<b>256,624</b>	<b>290,324</b>
Avionics modernization phase I		33,700
<b>71 E-8 (JSTARS)</b>	<b>29,058</b>	<b>22,558</b>
Program reduction - reengining		-6,500
<b>73 H-60</b>	<b>34,371</b>	<b>58,971</b>
Air Force requested transfer from RDTE, AF line 81:		
H-60 Support Stand		2,000
HH-60G SATCOM antenna		1,800
HH-60G Obsolete Equipment Replacement		15,800
HH-60G Cockpit reconfiguration/re-wiring		5,000
<b>76 OTHER AIRCRAFT</b>	<b>115,338</b>	<b>68,238</b>
FAB-T early to need		-47,100
<b>78 MQ-9 MODS</b>	<b>181,302</b>	<b>149,744</b>
Block 5 fielding early to need		-31,558
<b>81 INITIAL SPARES AND REPAIR PARTS</b>	<b>1,030,364</b>	<b>927,364</b>
General reduction for low execution rate		-103,000
<b>82 AIRCRAFT REPLACEMENT SUPPORT EQUIPMENT</b>	<b>92,394</b>	<b>90,318</b>
F-15 ESTS contract delay		-2,076
<b>90 C-17</b>	<b>183,696</b>	<b>75,115</b>
Transition to post production		-108,581
<b>97 OTHER AIRCRAFT</b>	<b>40,025</b>	<b>23,225</b>
F-16 Block 40/50 MTC		-16,800
<b>99 WAR CONSUMABLES</b>	<b>87,220</b>	<b>0</b>
Transfer to title IX		-87,220
<b>100 OTHER PRODUCTION CHARGES</b>	<b>1,072,858</b>	<b>1,034,858</b>
Classified adjustment		-38,000

## RETIREMENT OF B-1 AIRCRAFT

The fiscal year 2012 budget request includes a proposal to retire six B-1 bomber aircraft. The conferees understand that the B-1 fleet continues to operate almost constantly over Afghanistan in support of troops on the ground and that the B-1 is a critical component of the Nation's long-range strike

capabilities. The Air Force proposed to reinvest less than 40 percent of the savings from aircraft retirements in the B-1 modernization program across the Future Years Defense Program. The conferees are concerned that premature retirement of six B-1 aircraft could negatively impact long-range strike capabilities. Therefore, the conferees direct the Secretary of the Air Force to reinvest a

larger portion of savings realized from B-1 aircraft retirements, to the extent authorized by law, in the sustainment and modernization of the B-1 fleet.

## MISSILE PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
MISSILE PROCUREMENT, AIR FORCE		
BALLISTIC MISSILES		
MISSILE REPLACEMENT EQUIPMENT - BALLISTIC		
1 MISSILE REPLACEMENT EQ-BALLISTIC .....	67,745	67,745
OTHER MISSILES		
TACTICAL		
2 JASSM .....	236,193	236,193
3 SIDEWINDER (AIM-9X) .....	88,769	88,769
4 AMRAAM .....	309,561	202,176
5 PREDATOR HELLFIRE MISSILE .....	46,830	46,830
6 SMALL DIAMETER BOMB .....	7,523	7,523
INDUSTRIAL FACILITIES		
7 INDUSTRIAL PREPAREDNESS/POLLUTION PREVENTION .....	726	726
TOTAL, OTHER MISSILES .....	689,602	582,217
MODIFICATION OF INSERVICE MISSILES		
CLASS IV		
8 ADVANCED CRUISE MISSILE .....	39	39
9 MM III MODIFICATIONS .....	125,953	125,953
10 AGM-65D MAVERICK .....	266	266
11 AGM-88A HARM .....	25,642	25,642
12 AIR LAUNCH CRUISE MISSILE .....	14,987	14,987
TOTAL, MODIFICATION OF INSERVICE MISSILES .....	166,887	166,887

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
SPARES AND REPAIR PARTS		
13 INITIAL SPARES/REPAIR PARTS .....	43,241	43,241
OTHER SUPPORT		
SPACE PROGRAMS		
14 ADVANCED EHF.....	552,833	552,833
16 WIDEBAND GAFILLER SATELLITES.....	468,745	794,745
18 GPS III SPACE SEGMENT.....	433,526	433,526
19 GPS III SPACE SEGMENT (AP-CY).....	81,811	81,811
20 SPACEBORNE EQUIP (COMSEC).....	21,568	21,568
21 GLOBAL POSITIONING (SPACE).....	67,689	107,689
22 DEF METEOROLOGICAL SAT PROG (SPACE).....	101,397	101,397
23 EVOLVED EXPENDABLE LAUNCH VEH (SPACE).....	1,740,222	1,708,222
24 SBIR HIGH (SPACE).....	81,389	81,389
25 SBIR HIGH (SPACE) (AP-CY).....	243,500	243,500
SPECIAL PROGRAMS		
31 SPECIAL UPDATE PROGRAMS.....	154,727	154,727
TOTAL, OTHER SUPPORT.....	3,947,407	4,281,407
CLASSIFIED PROGRAMS.....	1,159,135	939,380
TOTAL, MISSILE PROCUREMENT, AIR FORCE.....	6,074,017	6,080,877
	=====	=====

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[in thousands of dollars]

P-1	Budget	
	Request	Conference
<b>4 AMRAAM</b>	<b>309,561</b>	<b>202,176</b>
Production delays		-107,385
<b>16 WIDEBAND GAPFILLER SATELLITES</b>	<b>468,745</b>	<b>794,745</b>
Transfer from P, DW line 20 for WGS-9		335,000
Reduction to support funding growth		-9,000
<b>21 GLOBAL POSITIONING (SPACE)</b>	<b>67,689</b>	<b>107,689</b>
GPS IIF production support		40,000
<b>23 EVOLVED EXPENDABLE LAUNCH VEHICLE (SPACE)</b>	<b>1,740,222</b>	<b>1,708,222</b>
Excess to need due to efficiencies		-32,000
<b>999 CLASSIFIED PROGRAMS</b>	<b>1,159,135</b>	<b>939,380</b>
Classified adjustment		-219,755

## SPACE ACQUISITION AND THE EVOLUTIONARY ACQUISITION FOR SPACE EFFICIENCY ACTIVITIES

The conferees continue to support block buys of satellites that are evolved from previous designs as described in the “Evolutionary Acquisition for Space Efficiency (EASE)” concept. However, the conferees remain concerned that the details associated with the technology insertion program are missing in the budget justification material. Therefore, the conferees direct that of the funds appropriated for the Advanced Extremely High Frequency (AEHF) system Capabilities/Affordability Insertion Program (CAIP), no more than 50 percent shall be available for obligation until the Secretary of the Air Force submits a report to the congressional defense committees on the individual CAIP efforts with a description of the technology insertion plans being pursued.

Further, the conferees direct the Secretary of the Air Force to include the detailed budget definition for each of the CAIP efforts in the R-3 documents for the fiscal year 2013 and future budget submissions. The conferees also direct that not more than the specified amounts shall be obligated for the AEHF CAIP/Space Modernization Initiative unless the Secretary of the Air Force notifies the congressional defense committees in writing 15 days prior to the obligation of funds which exceeds the following amounts: \$28,300,000 for cryptology parts obsolescence; \$20,000,000 for radiation hardened parts technologies; \$3,200,000 for remotely piloted aircraft concept definition; \$58,700,000 for protected military satellite communications (MILSATCOM) designs for affordability; \$7,000,000 for hosted payloads; and \$25,000,000 for MILSATCOM architecture and support.

In addition, the conferees reiterate their opposition to using advance appropriations for procurement of satellites and recommend that an alternative concept be proposed in future budget submissions.

Finally, the conferees are disappointed that it took the Department of Defense over two years to develop a 15-year space strategic plan. It is the intention of the conferees that such plans be regularly developed and updated; therefore, the conferees direct that the next 15-year space strategic plan be delivered with the fiscal year 2014 budget submission.

## PROCUREMENT OF AMMUNITION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
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PROCUREMENT OF AMMUNITION, AIR FORCE		
PROCUREMENT OF AMMO, AIR FORCE		
1 ROCKETS.....	23,919	23,919
2 CARTRIDGES.....	89,771	89,771
BOMBS		
3 PRACTICE BOMBS.....	38,756	33,876
4 GENERAL PURPOSE BOMBS.....	168,557	133,557
5 JOINT DIRECT ATTACK MUNITION.....	76,649	76,649
FLARE, IR MJU-7B		
6 CAD/PAD.....	42,410	42,410
7 EXPLOSIVE ORDNANCE DISPOSAL (EOD).....	3,119	3,119
8 SPARES AND REPAIR PARTS.....	998	998
9 MODIFICATIONS.....	1,132	1,132
10 ITEMS LESS THAN \$5,000,000.....	5,075	5,075
FUZES		
11 FLARES.....	46,749	46,749
12 FUZES.....	34,735	34,735
-----		
TOTAL, PROCUREMENT OF AMMO, AIR FORCE.....	531,870	491,990
WEAPONS		
13 SMALL ARMS.....	7,195	7,195
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TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE.....	539,065	499,185
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EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[in thousands of dollars]

P-1		Budget	
		Request	Conference
3	PRACTICE BOMBS	38,756	33,876
	BDU-50C/B - Unjustified cost growth		-4,880
4	GENERAL PURPOSE BOMBS	168,557	133,557
	BLU-109 - Incorrect cost estimate		-35,000

OTHER PROCUREMENT, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OTHER PROCUREMENT, AIR FORCE		
VEHICULAR EQUIPMENT		
PASSENGER CARRYING VEHICLES		
1 PASSENGER CARRYING VEHICLE.....	5,621	5,621
CARGO + UTILITY VEHICLES		
2 FAMILY MEDIUM TACTICAL VEHICLE.....	18,411	18,411
3 CAP VEHICLES.....	917	917
4 ITEMS LESS THAN \$5M (CARGO).....	18,694	18,694
SPECIAL PURPOSE VEHICLES		
5 SECURITY AND TACTICAL VEHICLES.....	5,982	85
6 ITEMS LESS THAN \$5M (SPECIAL).....	20,677	20,677
FIRE FIGHTING EQUIPMENT		
7 FIRE FIGHTING/CRASH RESCUE VEHICLES.....	22,881	22,881
MATERIALS HANDLING EQUIPMENT		
8 ITEMS LESS THAN \$5,000,000.....	14,978	14,978
BASE MAINTENANCE SUPPORT		
9 RUNWAY SNOW REMOVAL & CLEANING EQUIP.....	16,556	16,556
10 ITEMS LESS THAN \$5M.....	30,225	30,225
TOTAL, VEHICULAR EQUIPMENT.....	154,942	149,045
ELECTRONICS AND TELECOMMUNICATIONS EQUIP		
COMM SECURITY EQUIPMENT (COMSEC)		
11 COMSEC EQUIPMENT.....	135,169	135,169
12 MODIFICATIONS (COMSEC).....	1,263	1,263
INTELLIGENCE PROGRAMS		
14 INTELLIGENCE TRAINING EQUIPMENT.....	2,645	2,645
15 INTELLIGENCE COMM EQUIP.....	21,762	21,762
16 ADVANCE TECH SENSORS.....	899	899
17 MISSION PLANNING SYSTEMS.....	18,529	18,529
ELECTRONICS PROGRAMS		
18 TRAFFIC CONTROL/LANDING.....	32,473	32,473
19 NATIONAL AIRSPACE SYSTEM.....	51,426	51,426
20 BATTLE CONTROL SYSTEM - FIXED.....	32,468	32,468
21 THEATER AIR CONTROL SYS IMPRO.....	22,813	22,813
22 WEATHER OBSERVATION FORECAST.....	14,619	14,619
23 STRATEGIC COMMAND AND CONTROL.....	39,144	38,144
24 CHEYENNE MOUNTAIN COMPLEX.....	25,992	25,992
25 TAC SIGNIT SPT.....	217	217

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
SPECIAL COMM-ELECTRONICS PROJECTS		
27 GENERAL INFORMATION TECHNOLOGY.....	52,263	52,263
28 AF GLOBAL COMMAND & CONTROL SYSTEM.....	16,951	16,951
29 MOBILITY COMMAND AND CONTROL.....	26,433	17,033
30 AIR FORCE PHYSICAL SECURITY SYSTEM.....	90,015	90,015
31 COMBAT TRAINING RANGES.....	23,955	36,455
32 C3 COUNTERMEASURES.....	7,518	7,518
33 GCSS-AF FOS.....	72,641	72,641
34 THEATER BATTLE MGT C2 SYS.....	22,301	22,301
35 AIR OPERATIONS CENTER (AOC).....	15,525	15,525
AIR FORCE COMMUNICATIONS		
36 INFORMATION TRANSPORT SYSTEMS.....	49,377	49,377
37 BASE INFORMATION INFRASTRUCTURE.....	41,239	41,239
38 AFNET.....	228,978	128,978
39 VOICE SYSTEMS.....	43,603	23,603
40 USCENTCOM.....	30,983	30,983
DISA PROGRAMS		
41 SPACE BASED IR SENSOR PROG SPACE.....	49,570	49,570
42 NAVSTAR GPS SPACE.....	2,008	2,008
43 NUDET DETECTION SYS (NDS) SPACE.....	4,863	4,863
44 AF SATELLITE CONTROL NETWORK SPACE.....	61,386	61,386
45 SPACELIFT RANGE SYSTEM SPACE.....	125,947	125,947
46 MILSATCOM SPACE.....	104,720	36,570
47 SPACE MODS SPACE.....	28,075	28,075
48 COUNTERSPACE SYSTEM.....	20,718	20,718
ORGANIZATION AND BASE		
49 TACTICAL C-E EQUIPMENT.....	227,866	153,626
50 COMBAT SURVIVOR EVADER LOCATER.....	22,184	7,184
51 RADIO EQUIPMENT.....	11,408	11,408
52 CCTV/AUDIOVISUAL EQUIPMENT.....	11,559	11,559
53 BASE COMM INFRASTRUCTURE.....	105,977	80,977
MODIFICATIONS		
54 COMM ELECT MODS.....	76,810	76,810
TOTAL, ELECTRONICS AND TELECOMMUNICATIONS EQUIP.....	1,974,292	1,674,002

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OTHER BASE MAINTENANCE AND SUPPORT EQUIP		
PERSONAL SAFETY AND RESCUE EQUIP		
55 NIGHT VISION GOGGLES.....	20,008	1,008
56 ITEMS LESS THAN \$5,000,000 (SAFETY).....	25,499	12,598
DEPOT PLANT + MATERIALS HANDLING EQ		
57 MECHANIZED MATERIAL HANDLING.....	37,829	37,829
BASE SUPPORT EQUIPMENT		
58 BASE PROCURED EQUIPMENT.....	16,483	16,483
59 CONTINGENCY OPERATIONS.....	16,754	16,754
60 PRODUCTIVITY CAPITAL INVESTMENT.....	3,653	903
61 MOBILITY EQUIPMENT.....	30,345	20,345
62 ITEMS LESS THAN \$5M (BASE SUPPORT).....	2,819	2,819
SPECIAL SUPPORT PROJECTS		
64 DARP RC135.....	23,341	23,341
65 DISTRIBUTED GROUND SYSTEMS .....	212,146	212,146
67 SPECIAL UPDATE PROGRAM.....	410,069	410,069
68 DEFENSE SPACE RECONNAISSANCE PROGRAM.....	41,066	41,066
TOTAL, OTHER BASE MAINTENANCE AND SUPPORT EQUIP.....	840,012	795,361
SPARE AND REPAIR PARTS		
69 SPARES AND REPAIR PARTS.....	14,630	14,630
CLASSIFIED PROGRAMS.....	14,618,160	14,770,526
TOTAL, OTHER PROCUREMENT, AIR FORCE.....	17,602,036	17,403,564
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**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[in thousands of dollars]

<b>P-1</b>	<b>Budget Request</b>	<b>Conference</b>
<b>5 SECURITY AND TACTICAL VEHICLES</b>	<b>5,982</b>	<b>85</b>
HMMWV - Excess to need		-2,956
Guardian Angel contract delay		-2,941
<b>23 STRATEGIC COMMAND AND CONTROL</b>	<b>39,144</b>	<b>38,144</b>
JFHQ equipment		-1,000
<b>29 MOBILITY COMMAND AND CONTROL</b>	<b>26,433</b>	<b>17,033</b>
Wing LAN infrastructure - slow execution		-2,000
SLICC/Viper II excess to need		-7,400
<b>31 COMBAT TRAINING RANGES</b>	<b>23,955</b>	<b>36,455</b>
Test and Training Range upgrades		12,500
<b>38 AFNET</b>	<b>228,978</b>	<b>128,978</b>
Reduce program growth		-100,000
<b>39 VOICE SYSTEMS</b>	<b>43,603</b>	<b>23,603</b>
Reduce program growth		-20,000
<b>46 MILSATCOM SPACE</b>	<b>104,720</b>	<b>36,570</b>
FAB-T advance procurement ahead of need		-68,150
<b>49 TACTICAL C-E EQUIPMENT</b>	<b>227,866</b>	<b>153,626</b>
JTRS Handhelds/Manpacks - pricing		-44,500
JTRS AMF - Milestone C slip		-12,600
JTC Training and Rehearsal System ahead of need		-17,140
<b>50 COMBAT SURVIVOR EVADER LOCATER</b>	<b>22,184</b>	<b>7,184</b>
CSEL Contract delay		-15,000
<b>53 BASE COMM INFRASTRUCTURE</b>	<b>105,977</b>	<b>80,977</b>
Slow execution		-25,000
<b>55 NIGHT VISION GOGGLES</b>	<b>20,008</b>	<b>1,008</b>
Night Vision Cueing and Display contract delay		-19,000
<b>56 ITEMS LESS THAN \$5 MILLION - SAFETY/RESCUE</b>	<b>25,499</b>	<b>12,598</b>
Laser Eye Protection contract delay		-5,800
MACH early to need		-7,101
<b>60 PRODUCTIVITY CAPITAL INVESTMENT</b>	<b>3,653</b>	<b>903</b>
Unjustified program growth		-2,750
<b>61 MOBILITY EQUIPMENT</b>	<b>30,345</b>	<b>20,345</b>
Power Generation - reduce growth		-10,000
<b>999 CLASSIFIED PROGRAMS</b>	<b>14,618,160</b>	<b>14,770,526</b>
Classified adjustment		152,366

## PROCUREMENT, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
PROCUREMENT, DEFENSE-WIDE		
MAJOR EQUIPMENT		
MAJOR EQUIPMENT, DCAA		
2 MAJOR EQUIPMENT ITEMS LESS THAN \$5M.....	1,473	1,473
MAJOR EQUIPMENT, DCMA		
3 MAJOR EQUIPMENT.....	2,076	2,076
MAJOR EQUIPMENT, DHRA		
4 PERSONNEL ADMINISTRATION.....	11,019	11,019
MAJOR EQUIPMENT, DISA		
14 INFORMATION SYSTEMS SECURITY.....	19,952	19,952
15 GLOBAL COMMAND AND CONTROL SYS.....	5,324	5,324
16 GLOBAL COMBAT SUPPORT SYSTEM.....	2,955	2,955
17 TELEPORT PROGRAM.....	54,743	54,743
18 ITEMS LESS THAN \$5M.....	174,805	174,805
19 NET CENTRIC ENTERPRISE SERVICES (NCES).....	3,429	3,429
20 DEFENSE INFORMATION SYSTEMS NETWORK.....	500,932	84,932
21 PUBLIC KEY INFRASTRUCTURE.....	1,788	1,788
22 CYBER SECURITY INITIATIVE.....	24,085	24,085
MAJOR EQUIPMENT, DLA		
23 MAJOR EQUIPMENT.....	11,537	11,537
MAJOR EQUIPMENT, DHACT		
24 A - WEAPON SYSTEM COST.....	14,542	14,542
MAJOR EQUIPMENT, DODEA		
25 AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS.....	1,444	1,444
12 EQUIPMENT.....	971	971
12 OTHER CAPITAL EQUIPMENT.....	974	974
MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
28 VEHICLES.....	200	200
29 OTHER MAJOR EQUIPMENT.....	12,806	12,806
MAJOR EQUIPMENT, DTSA		
30 MAJOR EQUIPMENT.....	447	447
MAJOR EQUIPMENT, MDA		
33 THAAD SYSTEM.....	833,150	709,150
34 AEGIS BMD.....	565,393	565,393
35 BMDS AN/TPY-2 RADARS.....	380,195	380,195



(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
MAJOR EQUIPMENT, NSA		
43 INFORMATION SYSTEMS SECURITY PROGRAM (ISSP).....	5,787	5,787
MAJOR EQUIPMENT, OSD		
45 MAJOR EQUIPMENT, OSD.....	47,123	47,123
46 MAJOR EQUIPMENT, INTELLIGENCE.....	20,176	20,176
MAJOR EQUIPMENT, TJS		
47 MAJOR EQUIPMENT, TJS.....	29,729	29,729
MAJOR EQUIPMENT, WHS		
48 MAJOR EQUIPMENT, WHS.....	31,974	31,974
TOTAL, MAJOR EQUIPMENT.....	2,759,029	2,219,029
SPECIAL OPERATIONS COMMAND		
AVIATION PROGRAMS		
49 SOF ROTARY WING UPGRADES AND SUSTAINMENT.....	41,411	41,411
51 MH-60 SOF MODERNIZATION PROGRAM.....	171,456	145,456
52 NON-STANDARD AVIATION.....	272,623	217,623
54 SOF U-28.....	5,100	5,100
55 MH-47 CHINOOK.....	142,783	142,783
56 RQ-11 UAV.....	486	486
57 CV-22 SOF MODIFICATION.....	118,002	118,002
58 MQ-1 UAV.....	3,025	3,025
59 MQ-9 UAV.....	3,024	3,024
60 RQ-7 UNMANNED AERIAL VEHICLE.....	450	450
61 STUASLO.....	12,276	12,276
62 AC-130J.....	74,891	74,891
63 C-130 MODIFICATIONS.....	19,665	23,165
64 AIRCRAFT SUPPORT.....	6,207	6,207
SHIPBUILDING		
65 UNDERWATER SYSTEMS.....	6,999	6,999
AMMUNITION PROGRAMS		
67 SOF ORDNANCE REPLENISHMENT.....	116,009	106,009
68 SOF ORDNANCE ACQUISITION.....	28,281	18,281

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
OTHER PROCUREMENT PROGRAMS		
69 COMM EQUIPMENT & ELECTRONICS.....	87,489	164,489
70 SOF INTELLIGENCE SYSTEMS.....	74,702	74,702
71 SMALL ARMS & WEAPONS.....	9,196	9,196
72 DCGS-SOF.....	15,621	15,621
76 SOF COMBATANT CRAFT SYSTEMS.....	6,899	70,899
77 SPARES AND REPAIR PARTS.....	594	594
78 TACTICAL VEHICLES.....	33,915	33,915
79 MISSION TRAINING AND PREPARATIONS SYSTEMS.....	46,242	46,242
81 COMBAT MISSION REQUIREMENTS.....	50,000	20,000
82 MILCON COLLATERAL EQUIPMENT.....	18,723	18,723
85 SOF AUTOMATION SYSTEMS.....	51,232	51,232
86 SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES.....	7,782	7,782
87 SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE.....	22,960	22,960
88 SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS.....	362	362
89 SOF VISUAL AUGMENTATION, LASERS AND SENSOR SY.....	15,758	15,758
90 SOF TACTICAL RADIO SYSTEMS.....	76,459	148,459
93 MISCELLANEOUS EQUIPMENT.....	1,895	1,895
94 SOF OPERATIONAL ENHANCEMENTS.....	246,893	249,893
95 MILITARY INFORMATION SUPPORT OPERATIONS.....	4,142	4,142
TOTAL, SPECIAL OPERATIONS COMMAND.....	1,793,552	1,882,052
CHEMICAL/BIOLOGICAL DEFENSE		
96 INSTALLATION FORCE PROTECTION.....	15,900	15,900
97 INDIVIDUAL PROTECTION.....	71,376	71,376
98 DECONTAMINATION.....	6,466	6,466
99 JOINT BIOLOGICAL DEFENSE PROGRAM.....	11,143	4,143
100 COLLECTIVE PROTECTION.....	9,414	9,414
101 CONTAMINATION AVOIDANCE.....	139,948	139,948
TOTAL, CHEMICAL/BIOLOGICAL DEFENSE.....	254,247	247,247
CLASSIFIED PROGRAMS.....	558,420	545,100
TOTAL, PROCUREMENT, DEFENSE-WIDE.....	5,365,248	4,893,428

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

P-1	Budget	
	Request	Conference
<b>20 DEFENSE INFORMATION SYSTEMS NETWORK</b>	<b>500,932</b>	<b>84,932</b>
Commercial Satellite - Transfer to MP,AF line 16		-416,000
<b>33 THAAD SYSTEM</b>	<b>833,150</b>	<b>709,150</b>
Excess to production capacity		-124,000
<b>51 MH-60 SOF MODERNIZATION PROGRAM</b>	<b>171,456</b>	<b>145,456</b>
Maintain fiscal year 2011 production rate due to extended modification periods		-26,000
<b>52 NON-STANDARD AVIATION</b>	<b>272,623</b>	<b>217,623</b>
AvFID fixed-wing aircraft		-45,000
AvFID rotary-wing simulator		-10,000
<b>63 C-130 MODIFICATIONS</b>	<b>19,665</b>	<b>23,165</b>
Program increase - unfunded requirement		3,500
<b>67 SOF ORDNANCE REPLENISHMENT</b>	<b>116,009</b>	<b>106,009</b>
Prior year funding carryover		-10,000
<b>68 SOF ORDNANCE ACQUISITION</b>	<b>28,281</b>	<b>18,281</b>
Aviation ammunition - prior year funding carryover		-10,000
<b>69 COMMUNICATION EQUIPMENT &amp; ELECTRONICS</b>	<b>87,489</b>	<b>164,489</b>
Program increase - SOF Deployable Nodes unfunded requirement		77,000
<b>76 SOF COMBATANT CRAFT SYSTEMS</b>	<b>6,899</b>	<b>70,899</b>
Program increase - HSAC unfunded requirement		64,000
<b>81 COMBAT MISSION REQUIREMENTS</b>	<b>50,000</b>	<b>20,000</b>
Excess to need		-30,000
<b>90 SOF TACTICAL RADIO SYSTEMS</b>	<b>76,459</b>	<b>148,459</b>
Program increase - unfunded requirement		72,000
<b>94 SOF OPERATIONAL ENHANCEMENTS</b>	<b>246,893</b>	<b>249,893</b>
Program increase - Electronic Warfare unfunded requirement		3,000
<b>99 JOINT BIOLOGICAL DEFENSE PROGRAM</b>	<b>11,143</b>	<b>4,143</b>
Next Generation Diagnostic System ahead of need		-7,000
<b>CLASSIFIED PROGRAMS</b>	<b>558,420</b>	<b>545,100</b>
Classified adjustment		-13,320

SM-3 BLOCK IB MISSILE

The fiscal year 2012 budget request includes \$565,393,000 for the procurement of SM-3 Block IB missiles in support of Aegis Ballistic Missile Defense. The conferees have been informed by the Missile Defense Agency (MDA) that following a recent flight test failure, those funds are partially ahead of need. The conferees have also been informed that funding is required for a failure review of the SM-3 Block IB, sustainment of the industrial base, and the procurement of SM-3 Block IA missiles before SM-3 Block IB missiles will be procured. The conferees understand that the details of the specific funding requirements are currently being analyzed by MDA and direct MDA to submit a prior approval reprogramming request prior to executing funds from this line.

SPECIAL OPERATIONS COMMAND AVIATION  
FOREIGN INTERNAL DEFENSE

The conferees are aware of ongoing reviews of the proposed expansion of the Aviation Foreign Internal Defense (AvFID) mission in the Special Operations Command. While these reviews are not yet complete, the conferees believe that the rapid expansion of this mission, as proposed in the fiscal year 2012 budget request, must be tempered. The agreement contains reductions of \$45,000,000 from procurement of AvFID fixed-wing aircraft, \$10,000,000 from procurement of an AvFID rotary-wing aircraft simulator, and \$17,607,000 from operation and maintenance for aircraft that will not deliver until fiscal year 2013. The agreement fully funds the procurement of two AvFID rotary-wing aircraft and associated support equipment.

The conferees direct that no funds provided for fixed-wing Aviation Foreign Internal Defense aircraft may be obligated until 30 days

after submission of a report by the Commander, Special Operations Command to the congressional defense committees describing how the funds will be used to support the AvFID or the non-standard aviation (NSAV) missions, a summary of AvFID and NSAV funding contained in the fiscal year 2013 budget request and the Future Years Defense Program, and an analysis of alternatives used to justify the described program. The report shall be submitted not later than February 15, 2012.

DEFENSE PRODUCTION ACT PURCHASES

The conference agreement on items addressed by either the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS		
(in thousands of dollars)		
P-1	Budget request	Conference
DEFENSE PRODUCTION ACT:		
GALLIUM NITRIDE RADAR AND ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS .....	8,373	8,373
GALLIUM NITRIDE ADVANCED ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS .....	2,321	2,321
LITHIUM ION (LI ION) BATTERY PRODUCTION FOR SPACE .....	770	770
CADMIUM ZINC TELLURIDE SUBSTRATE PRODUCTION .....	1,900	1,900
READ OUT INTEGRATED CIRCUIT FOUNDRY IMPROVEMENT AND SUSTAINABILITY .....	1,200	1,200
SPACE QUALIFIED SOLAR CELL SUPPLY CHAIN .....	600	600
TRAVELING WAVE TUBE AMPLIFIERS .....	1,310	1,310
COMPLEMENTARY METAL OXIDE SEMICONDUCTOR FOCAL PLAN ARRAYS FOR VISIBLE SENSORS FOR STAR TRACKERS .....	1,800	1,800
ADVANCED PROJECTS .....	1,690	1,690
PROGRAM INCREASE .....		150,000
TOTAL, DEFENSE PRODUCTION ACT .....	19,964	169,964

LONG TERM CONTRACTS

The conferees believe that the time and money being invested by the Department of Defense in biofuels and alternative energy will reap dividends not only for the Nation's armed forces, but eventually for the Nation itself. The conferees want the Department to be in the best position possible to take advantage of the expected breakthroughs in this area and encourage the Department to eventually pursue extended multi-year contracts, pursuant to the Financial Management Regulation, for biofuels products in order to maximize efficiencies of scale for the best purchase price.

ADDITIONAL FUNDING

The conferees recognize the critical role the Defense Production Act program serves in strengthening the Nation's industrial base. Therefore, the conferees provide \$150,000,000 over the budget request to supplement this important program. As stated in the Senate report, the conferees direct the Under Secretary of Defense (Acquisition, Technology and Logistics) to award this funding to multiple projects using full and open competition and to notify the congressional defense committees not later than 30 days in advance of this funding being obligated.

TITLE IV—RESEARCH, DEVELOPMENT,  
TEST AND EVALUATION

The conference agreement provides \$72,420,675,000 in Title IV, Research, Development, Test and Evaluation, instead of \$72,983,469,000 as proposed by the House and \$71,033,956,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
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RECAPITULATION		
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY.....	9,683,980	8,745,492
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY.....	17,956,431	17,753,940
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE.	27,737,701	26,535,996
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE.....	19,755,678	19,193,955
OPERATIONAL TEST AND EVALUATION, DEFENSE.....	191,292	191,292
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GRAND TOTAL, RDT&E.....	75,325,082	72,420,675
	=====	=====

## SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase “only for” or “only to” in this report are congressional special interest items for the purpose of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount specifically addressed in the explanatory statement.

## REPROGRAMMING GUIDANCE FOR ACQUISITION ACCOUNTS

The conferees direct the Department of Defense to continue to follow the reprogramming guidance specified in the report accompanying the House version of the fiscal year 2006 Department of Defense Appropriations bill (H.R. 109–119). Specifically, the dollar threshold for reprogramming funds will remain at \$20,000,000 for procurement and \$10,000,000 for research, development, test and evaluation. The Department shall continue to follow the limitation that prior approval reprogrammings are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative. Therefore, if the

combined value of transfers into or out of a procurement (P–1) or research, development, test and evaluation (R–1) line exceeds the identified threshold, the Department of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this statement.

## REPROGRAMMING REPORTING REQUIREMENTS

The conferees direct the Under Secretary of Defense (Comptroller) to continue to provide the congressional defense committees quarterly, spreadsheet-based DD Form 1416 reports for service and defense-wide accounts in titles III and IV of this Act as required in the explanatory statement accompanying the Department of Defense Appropriations Act, 2006.

## DEPARTMENT OF DEFENSE AND SERVICE CYBER ACTIVITIES

The conferees acknowledge the threat to and from the cyber realm has been well documented; however, the resources being expended against the threat have not. In order to better evaluate the planning and resourcing for Department of Defense cyber

activities, the conferees direct the Commander, United States Cyber Command, in coordination with the Secretary of Defense and each of the Service Secretaries, to provide the congressional defense committees separate budget justification material, in the form of the budget documents as defined in the Department's own Financial Management Regulation, that details the year-to-year budgets, schedule, and milestone goals over the Future Years Defense Program for the individual programs that support the goals of the cyber initiative. The programs detailed must include cyberspace operations, computer network operations, information assurance, and full spectrum cyber operations for the Department of Defense and the Services.

The conferees suggest that the Department continue to refine what activities, budget lines, and programs should be considered cyber in order to better coordinate and track these budgets.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
	BASIC RESEARCH		
1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.....	21,064	21,064
2	DEFENSE RESEARCH SCIENCES.....	213,942	213,942
3	UNIVERSITY RESEARCH INITIATIVES.....	80,977	80,977
4	UNIVERSITY AND INDUSTRY RESEARCH CENTERS.....	120,937	140,937
	TOTAL, BASIC RESEARCH.....	436,920	456,920
	APPLIED RESEARCH		
5	MATERIALS TECHNOLOGY.....	30,258	50,758
6	SENSORS AND ELECTRONIC SURVIVABILITY.....	43,521	43,521
7	TRACTOR HIP.....	14,230	14,230
8	AVIATION TECHNOLOGY.....	44,610	44,610
9	ELECTRONIC WARFARE TECHNOLOGY.....	15,790	15,790
10	MISSILE TECHNOLOGY.....	50,685	67,185
11	ADVANCED WEAPONS TECHNOLOGY.....	20,034	20,034
12	ADVANCED CONCEPTS AND SIMULATION.....	20,933	20,933
13	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY.....	64,306	64,306
14	BALLISTICS TECHNOLOGY.....	59,214	59,214
15	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY....	4,877	4,877
16	JOINT SERVICE SMALL ARMS PROGRAM.....	8,244	8,244
17	WEAPONS AND MUNITIONS TECHNOLOGY.....	39,813	54,813
18	ELECTRONICS AND ELECTRONIC DEVICES.....	62,962	62,962
19	NIGHT VISION TECHNOLOGY.....	57,203	55,203
20	COUNTERMINE SYSTEMS.....	20,280	32,780
21	HUMAN FACTORS ENGINEERING TECHNOLOGY.....	21,801	21,801
22	ENVIRONMENTAL QUALITY TECHNOLOGY.....	20,837	20,837
23	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY.....	26,116	26,116
24	COMPUTER AND SOFTWARE TECHNOLOGY.....	8,591	8,591
25	MILITARY ENGINEERING TECHNOLOGY.....	80,317	80,317
26	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY.....	18,946	18,946
27	WARFIGHTER TECHNOLOGY.....	29,835	46,335

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
28 MEDICAL TECHNOLOGY.....	105,929	105,929
TOTAL, APPLIED RESEARCH .....	869,332	948,332
29 ADVANCED TECHNOLOGY DEVELOPMENT WARFIGHTER ADVANCED TECHNOLOGY.....	52,979	52,979
30 MEDICAL ADVANCED TECHNOLOGY.....	68,171	102,971
31 AVIATION ADVANCED TECHNOLOGY.....	62,193	62,193
32 WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.....	77,077	77,077
33 COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.....	106,145	146,145
34 COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY..	5,312	5,312
35 MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY..	10,298	10,298
36 ELECTRONIC WARFARE ADVANCED TECHNOLOGY.....	57,963	69,963
37 TRACTOR HIKE.....	8,155	8,155
38 NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....	17,936	17,936
39 TRACTOR ROSE.....	12,597	12,597
40 MILITARY HIV RESEARCH.....	6,796	22,796
41 COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT.....	12,191	12,191
42 TRACTOR NAIL.....	4,278	4,278
43 TRACTOR EGGS.....	2,261	2,261
44 ELECTRONIC WARFARE TECHNOLOGY.....	23,677	23,677
45 MISSILE AND ROCKET ADVANCED TECHNOLOGY.....	90,602	90,602
46 TRACTOR CAGE.....	10,315	10,315
47 HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.....	183,150	228,150
48 LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.....	31,541	31,541
49 JOINT SERVICE SMALL ARMS PROGRAM.....	7,686	7,686
50 NIGHT VISION ADVANCED TECHNOLOGY.....	42,414	42,414
51 ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.....	15,959	15,959
52 MILITARY ENGINEERING ADVANCED TECHNOLOGY.....	36,516	36,516
53 ADVANCED TACTICAL COMPUTER SCIENCE & SENSOR TECHNOLOGY	30,600	30,600
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT.....	976,812	1,124,612



(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
55 DEMONSTRATION & VALIDATION		
ARMY MISSILE DEFENSE SYSTEMS INTEGRATION.....	36,009	24,009
56 ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE).....	9,612	9,612
58 LANDMINE WARFARE AND BARRIER - ADV DEV.....	35,383	19,293
59 SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV.....	9,501	4,501
60 TANK AND MEDIUM CALIBER AMMUNITION.....	39,693	39,693
61 ADVANCED TANK ARMAMENT SYSTEM (ATAS).....	101,408	64,408
62 SOLDIER SUPPORT AND SURVIVABILITY.....	9,747	3,843
63 TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - AD.....	5,766	5,766
65 ENVIRONMENTAL QUALITY TECHNOLOGY.....	4,946	4,946
66 WARFIGHTER INFORMATION NETWORK-TACTICAL.....	297,955	182,955
67 NATO RESEARCH AND DEVELOPMENT.....	4,765	4,765
68 AVIATION - ADV DEV.....	7,107	7,107
69 LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV.....	19,509	12,509
70 COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION.....	5,258	5,258
71 MEDICAL SYSTEMS - ADV DEV.....	34,997	34,997
72 SOLDIER SYSTEMS - ADVANCED DEVELOPMENT.....	19,598	17,752
73 INTEGRATED BROADCAST SERVICE.....	1,496	1,496
74 TECHNOLOGY MATURATION INITIATIVES.....	10,181	10,181
75 TRACTOR JUTE.....	15,609	15,609
76 JOINT COOPERATIVE TARGET IDENTIFICATION - GROUND (JCTI)	41,652	15,052
77 ENDURANCE UAVS.....	42,892	42,892
TOTAL, DEMONSTRATION & VALIDATION.....	753,084	526,644
ENGINEERING & MANUFACTURING DEVELOPMENT		
78 AIRCRAFT AVIONICS.....	144,687	119,687
79 ARMED, DEPLOYABLE OH-58D.....	166,132	82,442
80 ELECTRONIC WARFARE DEVELOPMENT.....	101,265	34,265
82 ALL SOURCE ANALYSIS SYSTEM.....	17,412	7,412
83 TRACTOR CAGE.....	26,577	26,577
84 INFANTRY SUPPORT WEAPONS.....	73,728	83,474
85 MEDIUM TACTICAL VEHICLES.....	3,961	3,961
87 JAVELIN.....	17,340	9,940
88 FAMILY OF HEAVY TACTICAL VEHICLES.....	5,478	5,478

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
89	AIR TRAFFIC CONTROL.....	22,922	22,922
90	LIGHT TACTICAL WHEELED VEHICLES.....	---	70,000
93	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT.....	383,872	298,872
95	FCS UNMANNED GROUND VEHICLES.....	143,840	36,000
96	FCS UNATTENDED GROUND SENSORS.....	499	---
98	NIGHT VISION SYSTEMS - SDD.....	59,265	59,265
99	COMBAT FEEDING, CLOTHING, AND EQUIPMENT.....	2,075	2,075
100	NON-SYSTEM TRAINING DEVICES - SDD.....	30,021	30,021
101	TERRAIN INFORMATION - SDD.....	1,596	1,596
102	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE -SDD....	83,010	83,010
103	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT.....	28,305	28,305
104	AUTOMATIC TEST EQUIPMENT DEVELOPMENT.....	14,375	14,375
105	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - SDD.....	15,803	15,803
107	COMBINED ARMS TACTICAL TRAINER (CATT) CORE.....	22,226	22,226
108	WEAPONS AND MUNITIONS - SDD.....	13,828	13,828
109	LOGISTICS AND ENGINEER EQUIPMENT - SDD.....	251,104	173,311
110	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - SDD.....	137,811	81,811
111	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT..	27,160	27,160
112	LANDMINE WARFARE/BARRIER - SDD.....	87,426	76,326
113	ARTILLERY MUNITIONS.....	42,627	37,627
115	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE...	123,935	93,935
116	RADAR DEVELOPMENT.....	2,890	2,890
117	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBs).....	794	794
118	FIREFINDER.....	10,358	10,358
119	SOLDIER SYSTEMS - WARRIOR DEM/VAL.....	48,309	61,409
120	ARTILLERY SYSTEMS.....	120,146	120,146
121	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP).....	406,605	390,000
122	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK.....	7,398	7,398
123	INFORMATION TECHNOLOGY DEVELOPMENT.....	37,098	32,098
124	ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMH	68,693	68,693
125	JOINT AIR-TO-GROUND MISSILE (JAGM).....	127,095	127,095
126	SLAMRAAM.....	19,931	1,531
127	PAC-2/MSE MISSILE.....	88,993	88,993

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
128 ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD).....	270,607	270,607
129 MANNED GROUND VEHICLE.....	884,387	449,387
130 AERIAL COMMON SENSOR.....	31,465	31,465
131 TROJAN - RH12.....	3,920	3,920
132 ELECTRONIC WARFARE DEVELOPMENT.....	13,819	13,819
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT.....	4,190,788	3,242,307
133 RDT&E MANAGEMENT SUPPORT THREAT SIMULATOR DEVELOPMENT.....	16,992	26,158
134 TARGET SYSTEMS DEVELOPMENT.....	11,247	11,247
135 MAJOR T&E INVESTMENT.....	49,437	49,437
136 RAND ARROYO CENTER.....	20,384	20,384
137 ARMY KWAJALEIN ATOLL.....	145,606	145,606
138 CONCEPTS EXPERIMENTATION PROGRAM.....	28,800	28,800
140 ARMY TEST RANGES AND FACILITIES.....	262,456	312,456
141 ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.....	70,227	70,227
142 SURVIVABILITY/LETHALITY ANALYSIS.....	43,483	43,483
143 DOD HIGH ENERGY LASER TEST FACILITY.....	18	18
144 AIRCRAFT CERTIFICATION.....	5,630	5,630
145 METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES.....	7,182	7,182
146 MATERIEL SYSTEMS ANALYSIS.....	19,669	19,669
147 EXPLOITATION OF FOREIGN ITEMS.....	5,445	5,445
148 SUPPORT OF OPERATIONAL TESTING.....	68,786	68,786
149 ARMY EVALUATION CENTER.....	63,302	63,302
150 SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART)....	3,420	3,420
151 PROGRAMWIDE ACTIVITIES.....	83,054	83,054
152 TECHNICAL INFORMATION ACTIVITIES.....	63,872	54,872
ANALYSIS OF ALTERNATIVE PILOT.....	---	500
153 MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY...	57,142	57,142
154 ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.....	4,961	4,961
155 MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)....	17,558	17,558
TOTAL, RDT&E MANAGEMENT SUPPORT.....	1,048,671	1,099,337

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
158 OPERATIONAL SYSTEMS DEVELOPMENT MLRS PRODUCT IMPROVEMENT PROGRAM.....	66,641	66,641
159 WEAPONS CAPABILITY MODIFICATIONS UAV.....	24,142	7,500
160 AEROSTAT JOINT PROJECT OFFICE.....	344,655	327,855
162 ADV FIELD ARTILLERY TACTICAL DATA SYSTEM.....	29,546	29,546
163 COMBAT VEHICLE IMPROVEMENT PROGRAMS.....	53,307	36,207
164 MANEUVER CONTROL SYSTEM.....	65,002	42,414
165 AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS...	163,205	149,705
166 AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.....	823	823
167 DIGITIZATION.....	8,029	8,029
169 MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.....	44,560	54,560
171 TRACTOR CARD.....	42,554	42,554
172 JOINT TACTICAL GROUND SYSTEM.....	27,630	27,630
173 JOINT HIGH SPEED VESSEL (JHSV).....	3,044	---
175 SECURITY AND INTELLIGENCE ACTIVITIES.....	2,854	2,854
176 INFORMATION SYSTEMS SECURITY PROGRAM.....	61,220	15,709
176A FAMILY OF BIOMETRICS.....	---	45,511
177 GLOBAL COMBAT SUPPORT SYSTEM.....	100,505	160,745
178 SATCOM GROUND ENVIRONMENT (SPACE).....	12,104	12,104
179 WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM.....	23,937	23,937
181 TACTICAL UNMANNED AERIAL VEHICLES.....	40,650	26,550
182 DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.....	44,198	31,699
183 MQ-1 SKY WARRIOR A UAV.....	137,038	122,038
184 RQ-11 UAV.....	1,938	1,938
185 RQ-7 UAV.....	31,940	31,940
187 BIOMETRICS ENABLED INTELLIGENCE.....	15,018	15,018
188 END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES.....	59,297	59,297
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT.....	1,403,837	1,342,804
999 CLASSIFIED PROGRAMS.....	4,536	4,536
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.....	9,683,980	8,745,492
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**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

<b>R-1</b>	<b>Budget Request</b>	<b>Conference</b>
<b>4 UNIVERSITY AND INDUSTRY RESEARCH CENTERS</b>	<b>120,937</b>	<b>140,937</b>
Historically Black Colleges and Universities		20,000
<b>5 MATERIALS TECHNOLOGY</b>	<b>30,258</b>	<b>50,758</b>
Nanotechnology research		8,000
Silicon carbide research		12,500
<b>10 MISSILE TECHNOLOGY</b>	<b>50,685</b>	<b>67,185</b>
Restore unjustified reductions for missile lethality and precision research		16,500
<b>17 WEAPONS AND MUNITIONS TECHNOLOGY</b>	<b>39,813</b>	<b>54,813</b>
Program increase		15,000
<b>19 NIGHT VISION TECHNOLOGY</b>	<b>57,203</b>	<b>55,203</b>
Program growth adjustment		-2,000
<b>20 COUNTERMINE SYSTEMS</b>	<b>20,280</b>	<b>32,780</b>
Unexploded ordnance and landmine detection research		12,500
<b>27 WARFIGHTER TECHNOLOGY</b>	<b>29,835</b>	<b>46,335</b>
Power generation research		16,500
<b>30 MEDICAL ADVANCED TECHNOLOGY</b>	<b>68,171</b>	<b>102,971</b>
Peer-Reviewed Neurotoxin Exposure Treatment		
Parkinsons Research Program		16,000
Peer-Reviewed Neurofibromatosis Research Program		12,800
Peer-Reviewed Military Burn Research Program		6,000
<b>33 COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY</b>	<b>106,145</b>	<b>146,145</b>
Alternative energy research		40,000
<b>36 ELECTRONIC WARFARE ADVANCED TECHNOLOGY</b>	<b>57,963</b>	<b>69,963</b>
Cyber security/information assurance research		12,000
<b>40 MILITARY HIV RESEARCH</b>	<b>6,796</b>	<b>22,796</b>
Program increase		16,000
<b>47 HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM</b>	<b>183,150</b>	<b>228,150</b>
Restore unjustified reduction		45,000

R-1	Budget	
	Request	Conference
<b>55 ARMY MISSILE DEFENSE SYSTEMS INTEGRATION</b>	<b>36,009</b>	<b>24,009</b>
TR7 Schedule delays		-12,000
<b>58 LANDMINE WARFARE AND BARRIER - ADV DEV</b>	<b>35,383</b>	<b>19,293</b>
Excess to Army requirement		-16,090
<b>59 SMOKE, OBSCURANT AND TARGET DEFEATING SYSTEM-ADVANCE DEVELOPMENT</b>	<b>9,501</b>	<b>4,501</b>
Program growth adjustment		-5,000
<b>61 ADVANCED TANK ARMAMENT SYSTEM (ATAS)</b>	<b>101,408</b>	<b>64,408</b>
Program growth adjustment		-37,000
<b>62 SOLDIER SUPPORT AND SURVIVABILITY</b>	<b>9,747</b>	<b>3,843</b>
Rapid Equipping Force- Lack of baseline requirement		-5,904
<b>66 WARFIGHTER INFORMATION NETWORK-TACTICAL</b>	<b>297,955</b>	<b>182,955</b>
Increment III program acceleration		-115,000
<b>69 LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV</b>	<b>19,509</b>	<b>12,509</b>
G11-LAMPS - Army requested transfer to Line 109		-7,000
<b>72 SOLDIER SYSTEMS - ADVANCED DEVELOPMENT</b>	<b>19,598</b>	<b>17,752</b>
S53 efforts - Transfer to VS4		-1,846
<b>76 JOINT COOPERATIVE TARGET IDENTIFICATION - GROUND (JCTI-G) TECHNOLOGY DEVELOPMENT</b>	<b>41,652</b>	<b>15,052</b>
Army identified excess to requirement		-26,600
<b>78 AIRCRAFT AVIONICS</b>	<b>144,687</b>	<b>119,687</b>
JTRS AMF integration delays		-15,000
JPALS excessive growth		-10,000
<b>79 ARMED, DEPLOYABLE OH-58D</b>	<b>166,132</b>	<b>82,442</b>
OH-58D Project 538 support for continued service		-20,000
Project 53Z - Technology Development funding requested ahead of need		-78,690
Project 53Z Armed Scout Helicopter excursion to Analysis of Alternatives, and flight demonstration, as requested by Army		15,000
<b>80 ELECTRONIC WARFARE DEVELOPMENT</b>	<b>101,265</b>	<b>34,265</b>
CIRCM program delays		-67,000

R-1	Budget	
	Request	Conference
<b>82 ALL SOURCE ANALYSIS SYSTEM</b>	<b>17,412</b>	<b>7,412</b>
Machine Foreign Language Translation System contract award delay		-10,000
<b>84 INFANTRY SUPPORT WEAPONS</b>	<b>73,728</b>	<b>83,474</b>
Army requested transfer for Engineering and Manufacturing Development Testing from WTCV,A line 17		16,046
Army requested transfer for re-testing of Lightweight .50 Caliber Machine Gun following a parts failure from WTCV,A line 20		1,700
S61 - High concurrency of incremental efforts		-8,000
<b>87 JAVELIN</b>	<b>17,340</b>	<b>9,940</b>
Excess to requirement		-7,400
<b>90 LIGHT TACTICAL WHEELED VEHICLES</b>	<b>0</b>	<b>70,000</b>
Armored HMMWV survivability enhancements		50,000
Transfer from line 109 for fiscal year 2012 HMMWV Competitive RECAP (MECV) - Army identified shortfall		20,000
<b>FCS SYSTEMS OF SYSTEMS ENGINEERING AND</b>		
<b>93 PROGRAM MANAGEMENT</b>	<b>383,872</b>	<b>298,872</b>
Unjustified requirement		-85,000
<b>95 FCS UNMANNED GROUND VEHICLES</b>	<b>143,840</b>	<b>36,000</b>
Program adjustment		-107,840
<b>96 FCS UNATTENDED GROUND SENSORS</b>	<b>499</b>	<b>0</b>
Program termination		-499
<b>109 LOGISTICS AND ENGINEER EQUIPMENT - SDD</b>	<b>251,104</b>	<b>173,311</b>
Project 194 - LAMPS - Army requested transfer from line 69, project G11		7,000
Project L50 - JLTV Restructure		-64,793
Project L50 - Transfer to line 90 for HMMWV Competitive RECAP (MECV) Army identified shortfall		-20,000
<b>110 COMMAND, CONTROL, COMMUNICATIONS SYST - SDD</b>	<b>137,811</b>	<b>81,811</b>
JBC-P excessive growth		-56,000
<b>112 LANDMINE WARFARE/BARRIER - SDD</b>	<b>87,426</b>	<b>76,326</b>
EHP - Contract award delay		-11,100

R-1	Budget	
	Request	Conference
<b>113 ARTILLERY MUNITIONS</b>	<b>42,627</b>	<b>37,627</b>
Program growth adjustment		-5,000
<b>ARMY TACTICAL COMMAND &amp; CONTROL HARDWARE</b>		
<b>115 AND SOFTWARE</b>	<b>123,935</b>	<b>93,935</b>
Project 334 - Excessive growth		-30,000
<b>119 SOLDIER SYSTEMS - WARRIOR DEM/VAL</b>	<b>48,309</b>	<b>61,409</b>
Nett Warrior - Army requested transfer from OP,A, line 147		7,600
Nett Warrior - Additional Army requested transfer from OP,A line 147 for NIE		5,500
<b>121 PATRIOT/MEADS COMBINED AGGREGATE PROGRAM</b>	<b>406,605</b>	<b>390,000</b>
Program decrease		-16,605
<b>123 INFORMATION TECHNOLOGY DEVELOPMENT</b>	<b>37,098</b>	<b>32,098</b>
Unsustained growth		-5,000
<b>126 SLAMRAAM</b>	<b>19,931</b>	<b>1,531</b>
Excess to program close-out requirement		-18,400
<b>129 MANNED GROUND VEHICLE</b>	<b>884,387</b>	<b>449,387</b>
Excessive Technology Ramp-up prior to completion of Analysis of Alternatives		-435,000
<b>133 THREAT SIMULATOR DEVELOPMENT</b>	<b>16,992</b>	<b>26,158</b>
Unfunded JFCOM mission transfer		9,166
<b>140 ARMY TEST RANGES AND FACILITIES</b>	<b>262,456</b>	<b>312,456</b>
Program increase		50,000
<b>152 TECHNICAL INFORMATION ACTIVITIES</b>	<b>63,872</b>	<b>54,872</b>
Project 733 - Analysis of Alternatives Pilot - Transfer to line 152A		-9,000
<b>152A ANALYSIS OF ALTERNATIVES PILOT</b>	<b>0</b>	<b>500</b>
Transfer from line 152 for Analysis of Alternatives Pilot		500
<b>159 WEAPONS CAPABILITY MODIFICATIONS UAV</b>	<b>24,142</b>	<b>7,500</b>
Funding excess to only the Analysis of Alternatives		-16,642



R-1	Budget Request	Conference
<b>160 AEROSTAT JOINT PROJECT OFFICE</b>	<b>344,655</b>	<b>327,855</b>
Program growth adjustment - Joint Land Attack Cruise		
Missile Defense Elevated Netted Sensor System		-16,800
<b>163 COMBAT VEHICLE IMPROVEMENT PROGRAMS</b>	<b>53,307</b>	<b>36,207</b>
AMPV		-17,100
<b>164 MANEUVER CONTROL SYSTEM</b>	<b>65,002</b>	<b>42,414</b>
Unjustified growth		-22,588
<b>AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT</b>		
<b>165 PROGRAMS</b>	<b>163,205</b>	<b>149,705</b>
Project 504 - Excess to Army Analysis of Alternatives		
requirement		-13,500
<b>MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT</b>		
<b>169 PROGRAM</b>	<b>44,560</b>	<b>54,560</b>
Stinger SLEP - Army requested transfer from Missile		
Procurement, Army		10,000
<b>173 JOINT HIGH SPEED VESSEL (JHSV)</b>	<b>3,044</b>	<b>0</b>
Program transferred to Navy		-3,044
<b>176 INFORMATION SYSTEMS SECURITY PROGRAM</b>	<b>61,220</b>	<b>15,709</b>
Army requested transfer to line 176a		-45,511
<b>176a FAMILY OF BIOMETRICS</b>	<b>0</b>	<b>45,511</b>
Army requested transfer from line 176		45,511
<b>177 GLOBAL COMBAT SUPPORT SYSTEM</b>	<b>100,505</b>	<b>160,745</b>
Army requested transfer for GCSSA from		
OP,A line 116		47,240
Army requested transfer for Army Enterprise System		
Integration from OP,A line 116		13,000
<b>181 TACTICAL UNMANNED AERIAL VEHICLES</b>	<b>40,650</b>	<b>26,550</b>
Tactical SIGINT Package contract award delays and		
change to acquisition strategy		-14,100
<b>182 DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS</b>	<b>44,198</b>	<b>31,699</b>
Requirements increase		-12,499
<b>183 MQ-1 SKY WARRIOR A UAV</b>	<b>137,038</b>	<b>122,038</b>
Excessive growth		-15,000

## ARMY MODERNIZATION AND ACQUISITION

The conferees agree with the Army's steps to improve acquisition processes through implementation of the Decker-Wagner Army Acquisition Review findings as well as introducing other metrics and monthly reports to enable and strengthen senior civilian oversight across all Army modernization portfolios. The conferees believe continued acquisition improvement is only achievable with a strong, stable acquisition workforce and therefore urge the Secretary of the Army and the Secretary of Defense to guard against misguided efforts that shrink the acquisition workforce as was done in the 1990s with disastrous results. The conferees also believe that even with improvements in acquisition processes and a stable workforce, these steps alone will not ensure that the Army will achieve its modernization objectives.

After both the House and Senate Appropriations Committees completed their reviews of the fiscal year 2012 budget request, the Army provided additional information for its top-ten priority programs. Of these top-ten programs, six programs had undergone significant acquisition strategy modifications causing schedule and programmatic perturbations. As a result of these changes, the Army identified over \$1,000,000,000 from its original fiscal year 2012 budget request as excess to its funding requirements in fiscal year 2012. Additionally, the Army notified the congressional defense committees of over \$309,000,000 in excess funds from its budget request due to program terminations and requested transfers of over \$282,000,000 among ten different programs. This magnitude of change in funding across a multitude of programs, identified after submitting the budget only ten months prior, indicates a pervasive instability in Army programs.

While the conferees recognize that ten years of continuous war can force out-of-cycle changes, the Army's acquisition challenges precede the post-September 11, 2001 war efforts. Since 1995, the Army has spent \$32,000,000,000 on development of 22 programs that were eventually cancelled. The conferees believe this history of programmatic instability indicates a lack of focus and discipline in the requirements generation process that must be corrected before the Army will see any improvement in its ability to successfully modernize. Improvement must begin with clearly documented, stable, and affordable requirements. The conferees are aware that Army acquisition has taken on the responsibility of vetting each requirement for technical maturity and affordability prior to initiating a contract action, but the conferees are concerned that this is a short-term correction to a larger institutional problem with the requirements generation process.

Furthermore, while the conferees congratulate the Army on the success of the newly implemented Network Integration Evaluations, which ensure new equipment is interoperable, effective, and adds benefit to deployed troops, the process has revealed that a handful of programs would not be effective if deployed. The evaluations are causing the Army to reevaluate, restructure, and even terminate several programs that began years ago with established requirements. Thus, the conferees question the long-standing requirements process that serves as the foundation for Army modernization. Therefore, in addition to implementing changes identified in the Decker-Wagner Army Acquisition Review, the Secretary of the Army is encouraged to undertake a similar exam-

ination of the requirements generation process.

## FUTURE COMBAT SYSTEMS' SYSTEM OF SYSTEMS ENGINEERING AND PROGRAM MANAGEMENT AND NETWORK INTEGRATION EVALUATION

The conference agreement provides \$298,872,000 for the Future Combat Systems' System of Systems Engineering and Program Management, instead of \$311,872,000 as proposed by the House and \$283,872,000 as proposed by the Senate. The conferees note that this line now funds the Army's bi-annual Network Integration Evaluations (NIE). The conferees support the NIE and direct the Army to regularly update the congressional defense committees on the cost, schedule, scope, and methods for the tests and other associated reviews to be accomplished in the NIE, as well as outcomes and findings. Additionally, the conferees are aware of the savings the Army has achieved in Future Combat Systems termination costs and the lower costs projected for the fiscal year 2012 NIE. The conferees note that the continued use of the former "Future Combat Systems" terminology has become a counter-productive distraction and recommend updating program descriptions to improve communications among those who review and shape defense appropriations and to more accurately reflect the purpose for which appropriations are requested. The conferees believe that funding requirements for the NIE should be presented distinctly and separately in future budget submissions.

## ACTIVE AND SEMI-ACTIVE VEHICLE SUSPENSION COMPONENTS

The conferees are aware that the Army has begun the testing and development of active and semi-active vehicle suspension components with regenerative capabilities. The conferees understand that this technology may improve vehicle fuel efficiency and reduce maintenance. Accordingly, the conferees encourage the Army to continue the testing and development of this technology and to fully explore the potential benefits for application across vehicle programs.

## SUPPORT FOR BASE REALIGNMENT AND CLOSURE 2005 ACTIONS

The conferees support actions taken by the Army and the Defense Logistics Agency to fully fund the integration of their information technology systems in a timely manner to support the 2005 Base Realignment and Closure (BRAC) Commission's mandate to transfer re-procurement of depot level repairables. The conferees are aware that although the BRAC Commission determined the transfer has the potential to save millions of dollars, the Government Accountability Office has recently concluded that the savings are jeopardized by inadequate up-front funding for BRAC implementation. The conferees note that the Army's Tank and Automotive Research, Development, and Engineering Command (TARDEC) manages the repository of all ground vehicle technical data for the Army, and has built infrastructure for use by all Army programs to store weapons system technical information, drawings, and specifications. The conferees urge that the TARDEC use funds available for this effort to assist in meeting the 2005 BRAC recommendation for depot-level repairable transfer.

## ARMORED MULTI-PURPOSE VEHICLE

The conferees recommend \$14,300,000 for the Armored Multi-purpose Vehicle instead of \$31,400,000 as proposed by the House and no funding as proposed by the Senate. The conferees note that the requirement to find a re-

placement for the M113 series of vehicles has received scant attention for too long. The conferees believe that prompt and decisive action is needed to select and advance a near-term solution rather than continuing a long-term search for the perfect solution. The conferees note that the recommendation fully funds the Analysis of Alternatives, as requested by the Army. Subsequently, after notification to the congressional defense committees, available funds may be applied to expedite the acquisition effort.

## GROUND COMBAT VEHICLE

The conferees recommend \$449,387,000 for the Ground Combat Vehicle, instead of \$768,053,000 as proposed by the House and \$240,387,000 as proposed by the Senate. The conferees have been informed of a change to the acquisition strategy and note that the recommendation fully funds this revised strategy.

## ARMED SCOUT HELICOPTER

The conferees recommend no funding for technology development of the Armed Scout Helicopter (ASH), instead of \$63,690,000 as proposed by the House and \$4,761,000 as proposed by the Senate, because contrary to plans submitted with the fiscal year 2012 budget submission, the Army does not plan to award a technology development contract in fiscal year 2012. The conferees recommend \$15,000,000 for a flight demonstration of ASH capabilities, as requested by the Army. The conferees understand that this flight demonstration will occur in the spring of 2012, and direct the Army to brief the congressional defense committees in detail on the outcome of this demonstration not later than 30 days after its completion.

## JOINT LIGHT TACTICAL VEHICLE

The budget request includes \$243,940,000 within Army and Marine Corps accounts for the development of the Joint Light Tactical Vehicle (JLTV). The JLTV program has undergone significant changes since its inception and the submission of the fiscal year 2012 budget request. The principal reason for the changes is the discovery that the plan to acquire multiple variants of a limited number of vehicles with demanding performance specifications would result in an unaffordable program for both the Army and Marine Corps. As a result, the program will now pursue a competitively-selected single vehicle with a less complex design on a significantly accelerated timeline.

The conferees are encouraged to see the Army and Marine Corps taking definitive action to change their approach in evaluating requirements, technology, key performance parameters, and costs as they apply to this acquisition program. Continuing on the nine year path of studies, development, and testing to field a lightweight tactical vehicle that will carry four passengers and 3,500 pounds of cargo onto the battlefield was unacceptable.

Recognizing the renewed focus and approach, the conference agreement provides \$87,300,000 in Research, Development, Test and Evaluation, Army and \$46,700,000 in Research, Development, Test and Evaluation, Navy for continued JLTV development, in accordance with revised estimates for the program. The conferees strongly encourage the Army and Marine Corps, in conjunction with the Under Secretary of Defense (Acquisition, Technology and Logistics), to examine the feasibility of accelerating a competition for production through more efficient testing and acquisition practices and by embracing off-the-shelf technology demonstrated by industry so that improved vehicles are delivered to the warfighter as soon

as possible. Accordingly, the Army and Marine Corps are encouraged to acquire, test, and evaluate, as necessary, available off-the-shelf systems that meet the essential program requirements.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, NAVY

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
1	BASIC RESEARCH UNIVERSITY RESEARCH INITIATIVES.....	113,157	133,157
2	IN-HOUSE LABORATORY INDEPENDENT RESEARCH.....	18,092	18,092
3	DEFENSE RESEARCH SCIENCES.....	446,123	454,123
	TOTAL, BASIC RESEARCH.....	577,372	605,372
4	APPLIED RESEARCH POWER PROJECTION APPLIED RESEARCH.....	104,804	104,804
5	FORCE PROTECTION APPLIED RESEARCH.....	156,901	196,901
6	MARINE CORPS LANDING FORCE TECHNOLOGY.....	44,845	44,845
8	COMMON PICTURE APPLIED RESEARCH.....	65,448	65,448
9	WARFIGHTER SUSTAINMENT APPLIED RESEARCH.....	101,205	101,205
10	RF SYSTEMS APPLIED RESEARCH.....	108,329	108,329
11	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH.....	50,076	50,076
12	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH.....	5,937	5,937
13	UNDERSEA WARFARE APPLIED RESEARCH.....	108,666	108,666
14	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.....	37,583	37,583
	TOTAL, APPLIED RESEARCH.....	783,794	823,794
15	ADVANCED TECHNOLOGY DEVELOPMENT POWER PROJECTION ADVANCED TECHNOLOGY.....	114,270	114,270
16	FORCE PROTECTION ADVANCED TECHNOLOGY.....	64,057	45,234
17	COMMON PICTURE ADVANCED TECHNOLOGY.....	49,068	49,068
18	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY.....	71,232	71,232
19	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY.....	102,535	122,535
20	MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)...	124,324	124,324
21	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.....	11,286	11,286
22	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY.....	18,119	56,819
23	UNDERSEA WARFARE ADVANCED TECHNOLOGY.....	37,121	42,121
24	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.....	50,157	50,157
25	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY....	6,048	6,048
	TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT.....	648,217	693,094

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
26	DEMONSTRATION & VALIDATION AIR/OCEAN TACTICAL APPLICATIONS.....	94,972	84,972
27	AVIATION SURVIVABILITY.....	10,893	10,893
28	DEPLOYABLE JOINT COMMAND AND CONTROL.....	3,702	3,702
29	AIRCRAFT SYSTEMS.....	10,497	10,497
30	ASW SYSTEMS DEVELOPMENT.....	7,915	7,915
31	TACTICAL AIRBORNE RECONNAISSANCE.....	5,978	5,978
32	ADVANCED COMBAT SYSTEMS TECHNOLOGY.....	1,418	1,418
33	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.....	142,657	127,757
34	SURFACE SHIP TORPEDO DEFENSE.....	118,764	118,764
35	CARRIER SYSTEMS DEVELOPMENT.....	54,072	54,072
37	PILOT FISH.....	96,012	96,012
38	RETRACT LARCH.....	73,421	73,421
39	RETRACT JUNIPER.....	130,267	130,267
40	RADIOLOGICAL CONTROL.....	1,338	1,338
41	SURFACE ASW.....	29,797	29,797
42	ADVANCED SUBMARINE SYSTEM DEVELOPMENT.....	856,326	861,706
43	SUBMARINE TACTICAL WARFARE SYSTEMS.....	9,253	9,253
44	SHIP CONCEPT ADVANCED DESIGN.....	14,308	14,308
45	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES.....	22,213	22,213
46	ADVANCED NUCLEAR POWER SYSTEMS.....	463,683	463,683
47	ADVANCED SURFACE MACHINERY SYSTEMS.....	18,249	18,249
48	CHALK EAGLE.....	584,159	584,159
49	LITTORAL COMBAT SHIP (LCS).....	286,784	292,784
50	COMBAT SYSTEM INTEGRATION.....	34,157	34,157
51	CONVENTIONAL MUNITIONS.....	4,753	4,753
52	MARINE CORPS ASSAULT VEHICLES.....	12,000	37,000
53	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM.....	79,858	54,981

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
54 JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.....	33,654	33,654
55 COOPERATIVE ENGAGEMENT.....	54,783	54,783
56 OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT.....	9,996	9,996
57 ENVIRONMENTAL PROTECTION.....	21,714	21,714
58 NAVY ENERGY PROGRAM.....	70,538	70,538
59 FACILITIES IMPROVEMENT.....	3,754	3,754
60 CHALK CORAL.....	79,415	79,415
61 NAVY LOGISTIC PRODUCTIVITY.....	4,137	4,137
62 RETRACT MAPLE.....	276,383	276,383
63 LINK PLUMERIA.....	52,721	52,721
64 RETRACT ELM.....	160,964	150,964
66 LINK EVERGREEN.....	144,985	144,985
67 SPECIAL PROCESSES.....	43,704	43,704
68 NATO RESEARCH AND DEVELOPMENT.....	9,140	9,140
69 LAND ATTACK TECHNOLOGY.....	421	421
70 NONLETHAL WEAPONS.....	40,992	40,992
71 JOINT PRECISION APPROACH AND LANDING SYSTEMS.....	121,455	118,255
75 TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES.....	64,107	64,107
76 ASE SELF-PROTECTION OPTIMIZATION.....	711	711
77 JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE..	62,044	62,044
78 PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.....	22,665	3,450
79 SPACE & ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE..	33,621	33,621
80 ASW SYSTEMS DEVELOPMENT - MIP.....	1,078	1,078
82 ELECTRONIC WARFARE DEVELOPMENT - MIP.....	625	625
TOTAL, DEMONSTRATION & VALIDATION.....	4,481,053	4,435,241

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
83	ENGINEERING & MANUFACTURING DEVELOPMENT OTHER HELO DEVELOPMENT .....	35,651	42,651
84	AV-8B AIRCRAFT - ENG DEV.....	30,676	30,676
85	STANDARDS DEVELOPMENT.....	51,191	49,491
86	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.....	17,673	17,673
87	AIR/OCEAN EQUIPMENT ENGINEERING.....	5,922	5,922
88	P-3 MODERNIZATION PROGRAM.....	3,417	3,417
89	WARFARE SUPPORT SYSTEM.....	9,944	9,944
90	TACTICAL COMMAND SYSTEM.....	81,257	77,257
91	ADVANCED HAWKEYE.....	110,994	130,994
92	H-1 UPGRADES.....	72,569	67,569
93	ACOUSTIC SEARCH SENSORS.....	56,509	48,898
94	V-22A.....	84,477	84,477
95	AIR CREW SYSTEMS DEVELOPMENT.....	3,249	3,249
96	EA-18.....	17,100	17,100
97	ELECTRONIC WARFARE DEVELOPMENT.....	89,418	89,418
98	VH-71A EXECUTIVE HELO DEVELOPMENT.....	180,070	60,770
99	NEXT GENERATION JAMMER (NGJ).....	189,919	170,919
100	JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY).....	688,146	676,146
101	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.....	223,283	223,283
102	LPD-17 CLASS SYSTEMS INTEGRATION.....	884	884
103	SMALL DIAMETER BOMB (SDB).....	47,635	29,635
104	STANDARD MISSILE IMPROVEMENTS.....	46,705	46,705
105	AIRBORNE MCM.....	41,142	41,142
106	NAVAL INTEGRATED FIRE CONTROL-COUNTER AIR SYSTEMS ENG.	24,898	24,898
107	FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM.....	121,150	75,700
108	ADVANCED ABOVE WATER SENSORS.....	227,358	247,358
109	SSN-688 AND TRIDENT MODERNIZATION.....	100,591	90,291
110	AIR CONTROL.....	5,521	5,521
111	SHIPBOARD AVIATION SYSTEMS.....	45,445	45,445

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
112 COMBAT INFORMATION CENTER CONVERSION.....	3,400	3,400
113 NEW DESIGN SSN.....	97,235	112,235
114 SUBMARINE TACTICAL WARFARE SYSTEM.....	48,466	48,466
115 SHIP CONTRACT DESIGN/LIVE FIRE T&E.....	161,099	121,099
116 NAVY TACTICAL COMPUTER RESOURCES.....	3,848	3,848
117 MINE DEVELOPMENT.....	3,933	3,933
118 LIGHTWEIGHT TORPEDO DEVELOPMENT.....	32,592	32,592
119 JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.....	9,960	9,960
120 PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS....	12,992	12,992
121 JOINT STANDOFF WEAPON SYSTEMS.....	7,506	7,506
122 SHIP SELF DEFENSE (DETECT & CONTROL).....	71,222	71,222
123 SHIP SELF DEFENSE (ENGAGE: HARD KILL).....	6,631	6,631
124 SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW).....	184,095	184,095
125 INTELLIGENCE ENGINEERING.....	2,217	2,217
126 MEDICAL DEVELOPMENT.....	12,984	31,084
127 NAVIGATION/ID SYSTEM.....	50,178	39,378
128 JOINT STRIKE FIGHTER (JSF) - EMD.....	670,723	651,786
129 JOINT STRIKE FIGHTER (JSF).....	677,486	658,549
130 INFORMATION TECHNOLOGY DEVELOPMENT.....	27,461	19,461
131 INFORMATION TECHNOLOGY DEVELOPMENT.....	58,764	29,764
132 NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM.....	55,050	55,050
133 CH-53K.....	629,461	624,461
135 JOINT AIR-TO-GROUND MISSILE (JAGM).....	118,395	108,395
136 MULTI-MISSION MARITIME AIRCRAFT (MMA).....	622,713	618,713
138 DDG-1000.....	261,604	257,604
139 TACTICAL COMMAND SYSTEM - MIP.....	979	979
141 TACTICAL CRYPTOLOGIC SYSTEMS.....	31,740	31,740
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT.....	6,475,528	6,164,593



(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
142	RT&E MANAGEMENT SUPPORT THREAT SIMULATOR DEVELOPMENT.....	28,318	28,318
143	TARGET SYSTEMS DEVELOPMENT.....	44,700	44,700
144	MAJOR T&E INVESTMENT.....	37,957	37,957
145	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION....	2,970	2,970
146	STUDIES AND ANALYSIS SUPPORT - NAVY.....	23,454	17,454
147	CENTER FOR NAVAL ANALYSES.....	47,127	47,127
148	SMALL BUSINESS INNOVATIVE RESEARCH.....	10	10
149	TECHNICAL INFORMATION SERVICES.....	571	571
150	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT.....	68,301	58,301
151	STRATEGIC TECHNICAL SUPPORT.....	3,277	3,277
152	RT&E SCIENCE AND TECHNOLOGY MANAGEMENT.....	73,917	73,917
153	RT&E SHIP AND AIRCRAFT SUPPORT.....	136,531	136,531
154	TEST AND EVALUATION SUPPORT.....	335,367	335,367
155	OPERATIONAL TEST AND EVALUATION CAPABILITY.....	16,634	16,634
156	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.....	4,228	4,228
157	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT.....	7,642	7,642
158	MARINE CORPS PROGRAM WIDE SUPPORT.....	25,655	25,655
159	TACTICAL CRYPTOLOGIC ACTIVITIES.....	2,764	2,764
	TOTAL, RT&E MANAGEMENT SUPPORT.....	859,423	843,423
164	OPERATIONAL SYSTEMS DEVELOPMENT UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT.	198,298	198,298
165	MARINE CORPS COMBAT SERVICES SUPPORT.....	400	400
166	MARINE CORPS DATA SYSTEMS.....	1,650	1,650
167	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT.....	88,873	88,873
168	SSBN SECURITY TECHNOLOGY PROGRAM.....	33,553	33,553
169	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT.....	6,360	6,360
170	NAVY STRATEGIC COMMUNICATIONS.....	23,208	23,208
171	RAPID TECHNOLOGY TRANSITION (RTT).....	30,021	30,021
172	F/A-18 SQUADRONS.....	151,030	145,161
173	E-2 SQUADRONS.....	6,696	6,696
174	FLEET TELECOMMUNICATIONS (TACTICAL).....	1,739	1,739
175	SURFACE SUPPORT.....	3,377	3,377

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
176 TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)...	8,819	8,819
177 INTEGRATED SURVEILLANCE SYSTEM.....	21,259	21,259
178 AMPHIBIOUS TACTICAL SUPPORT UNITS.....	5,214	5,214
179 CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT.....	42,244	42,244
180 CRYPTOLOGIC DIRECT SUPPORT.....	1,447	1,447
181 ELECTRONIC WARFARE (EW) READINESS SUPPORT.....	18,142	18,142
182 HARM IMPROVEMENT.....	11,147	11,147
183 TACTICAL DATA LINKS.....	69,224	69,224
184 SURFACE ASW COMBAT SYSTEM INTEGRATION.....	22,010	29,510
185 MK-48 ADCAP.....	39,288	46,788
186 AVIATION IMPROVEMENTS.....	123,012	100,423
187 NAVY SCIENCE ASSISTANCE PROGRAM.....	1,957	1,957
188 OPERATIONAL NUCLEAR POWER SYSTEMS.....	82,705	82,705
189 MARINE CORPS COMMUNICATIONS SYSTEMS.....	320,864	320,864
190 MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS....	209,396	159,396
191 MARINE CORPS COMBAT SERVICES SUPPORT.....	45,172	27,072
192 USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)....	14,101	14,101
193 TACTICAL AIM MISSILES.....	8,765	8,765
194 ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)....	2,913	2,913
195 JOINT HIGH SPEED VESSEL (JHSV).....	4,108	4,108
200 SATELLITE COMMUNICATIONS (SPACE).....	263,712	263,712
201 CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES.....	12,906	24,906
202 INFORMATION SYSTEMS SECURITY PROGRAM.....	25,229	37,229
203 WWMCCS/Global Command and Control System.....	1,250	1,250
204 CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (MIP)...	6,602	6,602
206 COBRA JUDY.....	40,605	40,605
207 NAVY METEOROLOGICAL AND OCEAN SENSORS SPACE (METOC)...	904	904
208 JOINT MILITARY INTELLIGENCE PROGRAMS.....	4,099	4,099
209 TACTICAL UNMANNED AERIAL VEHICLES.....	9,353	9,353
210 AIRBORNE RECONNAISSANCE SYSTEMS.....	---	20,000

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
212	DISTRIBUTED COMMON GROUND SYSTEMS/SURFACE SYSTEMS.....	23,785	23,785
213	DISTRIBUTED COMMON GROUND SYSTEMS/SURFACE SYSTEMS.....	25,487	25,487
214	RQ-4 UAV.....	548,482	548,482
215	HQ-8 UAV.....	108,248	108,248
216	RQ-11 UAV.....	979	979
217	RQ-7 UAV.....	872	872
219	SMALL (LEVEL 0) TACTICAL UAS (STUASLO).....	22,698	21,398
220	MEDIUM RANGE MARITIME UAS.....	15,000	15,000
221	RQ-21A.....	26,301	24,201
223	MODELING AND SIMULATION SUPPORT.....	8,292	8,292
224	DEPOT MAINTENANCE (NON-IF).....	21,609	21,609
226	INDUSTRIAL PREPAREDNESS.....	54,031	54,031
227	MARITIME TECHNOLOGY (MARITECH).....	5,000	5,000
	TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT.....	2,822,436	2,781,478
999	CLASSIFIED PROGRAMS.....	1,308,608	1,406,945
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.....	17,956,431	17,753,940
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**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

<b>R-1</b>	<b>Budget Request</b>	<b>Conference</b>
<b>1 UNIVERSITY RESEARCH INITIATIVES</b>	<b>113,157</b>	<b>133,157</b>
Program increase - Competitive based university research program		20,000
<b>3 DEFENSE RESEARCH SCIENCES</b>	<b>446,123</b>	<b>454,123</b>
Nanotechnology research		8,000
<b>5 FORCE PROTECTION APPLIED RESEARCH</b>	<b>156,901</b>	<b>196,901</b>
Alternative Energy		40,000
<b>16 FORCE PROTECTION ADVANCED TECHNOLOGY</b>	<b>64,057</b>	<b>45,234</b>
Excess MRMUAS funding		-18,823
<b>19 ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY</b>	<b>102,535</b>	<b>122,535</b>
Advanced Radar Innovation Fund		20,000
<b>22 WARFIGHTER PROTECTION ADVANCED TECHNOLOGY</b>	<b>18,119</b>	<b>56,819</b>
Program increase - Bone Marrow Registry Program		31,500
Program increase - Tactical Athlete Program		7,200
<b>23 UNDERSEA WARFARE ADVANCED TECHNOLOGY</b>	<b>37,121</b>	<b>42,121</b>
Program increase - ASW research		5,000
<b>26 AIR/OCEAN TACTICAL APPLICATIONS</b>	<b>94,972</b>	<b>84,972</b>
JMAPS program delay		-10,000
<b>33 SURFACE AND SHALLOW WATER MINE COUNTERMEASURES</b>	<b>142,657</b>	<b>127,757</b>
UUV program delay		-6,000
Program execution		-8,900
<b>42 ADVANCED SUBMARINE SYSTEM DEVELOPMENT</b>	<b>856,326</b>	<b>861,706</b>
Navy requested transfer from line 109 for submarine battery development		5,380
<b>49 LITTORAL COMBAT SHIP (LCS)</b>	<b>286,784</b>	<b>292,784</b>
Program increase - Small business technology insertion (mission modules)		10,000
Defer development of Irregular Warfare mission package		-4,000
<b>52 MARINE CORPS ASSAULT VEHICLES</b>	<b>12,000</b>	<b>37,000</b>
Marine Corps requested transfer from line 190		25,000
<b>53 MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM</b>	<b>79,858</b>	<b>54,981</b>
JLTV restructure		-24,877
<b>64 RETRACT ELM</b>	<b>160,964</b>	<b>150,964</b>
Classified adjustment		-10,000
<b>71 JOINT PRECISION APPROACH AND LANDING SYSTEMS</b>	<b>121,455</b>	<b>118,255</b>
Excess management services funding		-3,200
<b>78 PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM</b>	<b>22,665</b>	<b>3,450</b>
Excess support funding		-1,000
FMU-164 fuze program termination		-18,215

R-1	Budget	
	Request	Conference
<b>83 OTHER HELO DEVELOPMENT</b>	<b>35,651</b>	<b>42,651</b>
Navy requested transfer from line 98 for VH-3/VH-60 sustainment		7,000
<b>85 STANDARDS DEVELOPMENT</b>	<b>51,191</b>	<b>49,491</b>
Collision avoidance safety program delay		-1,700
<b>90 TACTICAL COMMAND SYSTEM</b>	<b>81,257</b>	<b>77,257</b>
NTCSS - reduce program growth		-4,000
<b>91 ADVANCED HAWKEYE</b>	<b>110,994</b>	<b>130,994</b>
Advanced Radar Innovation Fund		20,000
<b>92 H-1 UPGRADES</b>	<b>72,569</b>	<b>67,569</b>
Development support funding growth		-5,000
<b>93 ACOUSTIC SEARCH SENSORS</b>	<b>56,509</b>	<b>48,898</b>
Management services funding growth		-6,000
High Altitude ASW program delay		-1,611
<b>98 VH-71A EXECUTIVE HELO DEVELOPMENT</b>	<b>180,070</b>	<b>60,770</b>
Navy requested transfer to line 83		-7,000
Navy requested transfer to AP,N line 47		-24,000
Navy requested transfer to AP,N line 62		-12,000
Early to need		-76,300
<b>99 NEXT GENERATION JAMMER (NGJ)</b>	<b>189,919</b>	<b>170,919</b>
Technology development late contract award		-19,000
<b>100 JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)</b>	<b>688,146</b>	<b>676,146</b>
Management services funding growth		-3,000
Transfer from OP,A line 39 for GMR correction of deficiencies		51,000
HMS capability enhancements unjustified request		-60,000
<b>103 SMALL DIAMETER BOMB (SDB)</b>	<b>47,635</b>	<b>29,635</b>
Defer integration on Joint Strike Fighter		-18,000
<b>107 FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM</b>	<b>121,150</b>	<b>75,700</b>
Delay to Technology Development contract award		-45,450
<b>108 ADVANCED ABOVE WATER SENSORS</b>	<b>227,358</b>	<b>247,358</b>
Advanced Radar Innovation Fund		20,000
<b>109 SSN-688 AND TRIDENT MODERNIZATION</b>	<b>100,591</b>	<b>90,291</b>
TB-33 program cancellation		-4,920
Navy requested transfer to line 42 for submarine battery development		-5,380
<b>113 NEW DESIGN SSN</b>	<b>97,235</b>	<b>112,235</b>
Program increase - Small business technology insertion		15,000

R-1	Budget	
	Request	Conference
<b>115 SHIP CONTRACT DESIGN/LIVE FIRE T&amp;E</b>	<b>161,099</b>	<b>121,099</b>
Ship to shore connector program delay		-40,000
<b>126 MEDICAL DEVELOPMENT</b>	<b>12,984</b>	<b>31,084</b>
Program increase - wound care research		13,000
Program increase - military dental research		5,100
<b>127 NAVIGATION/ID SYSTEM</b>	<b>50,178</b>	<b>39,378</b>
Mode 5 program delay		-10,800
<b>128 JOINT STRIKE FIGHTER (JSF) - EMD</b>	<b>670,723</b>	<b>651,786</b>
Block IV development ahead of need		-18,937
<b>129 JOINT STRIKE FIGHTER (JSF)</b>	<b>677,486</b>	<b>658,549</b>
Block IV development ahead of need		-18,937
<b>130 INFORMATION TECHNOLOGY DEVELOPMENT</b>	<b>27,461</b>	<b>19,461</b>
Program underexecution		-8,000
<b>131 INFORMATION TECHNOLOGY DEVELOPMENT</b>	<b>58,764</b>	<b>29,764</b>
Reduction to fourth quarter contract awards		-29,000
<b>133 CH-53K</b>	<b>629,461</b>	<b>624,461</b>
Management services funding growth		-5,000
<b>135 JOINT AIR-TO-GROUND MISSILE (JAGM)</b>	<b>118,395</b>	<b>108,395</b>
Program delay		-10,000
<b>136 MULTI-MISSION MARITIME AIRCRAFT (MMA)</b>	<b>622,713</b>	<b>618,713</b>
Program increase - Small business technology insertion		10,000
Increment 3 - development ahead of need		-14,000
<b>138 DDG-1000</b>	<b>261,604</b>	<b>257,604</b>
Government technical services growth		-4,000
<b>146 STUDIES AND ANALYSIS SUPPORT - NAVY</b>	<b>23,454</b>	<b>17,454</b>
Reduction to growth		-6,000
<b>150 MANAGEMENT, TECHNICAL &amp; INTERNATIONAL SUPPORT</b>	<b>68,301</b>	<b>58,301</b>
OASUW - defer new start		-10,000
<b>172 F/A-18 SQUADRONS</b>	<b>151,030</b>	<b>145,161</b>
Radar upgrade program delay		-5,869
<b>184 SURFACE ASW COMBAT SYSTEM INTEGRATION</b>	<b>22,010</b>	<b>29,510</b>
Program increase - Small business technology insertion		7,500
<b>185 MK-48 ADCAP</b>	<b>39,288</b>	<b>46,788</b>
Program increase - Small business technology insertion		7,500
<b>186 AVIATION IMPROVEMENTS</b>	<b>123,012</b>	<b>100,423</b>
Multi purpose bomb rack program termination		-22,589
<b>190 MARINE CORPS GROUND COMBAT/SUPPORTING ARMS</b>	<b>209,396</b>	<b>159,396</b>
Marine Corps requested transfer to line 52		-25,000
AAV upgrade program excess to need		-10,000
Marine Personnel Carrier ahead of need		-15,000

R-1	Budget	
	Request	Conference
<b>191 MARINE CORPS COMBAT SERVICES SUPPORT</b>	<b>45,172</b>	<b>27,072</b>
Program execution		-18,100
<b>CONSOLIDATED AFLOAT NETWORK ENTERPRISE</b>		
<b>201 SERVICES</b>	<b>12,906</b>	<b>24,906</b>
Navy requested transfer from OP,N line 68		12,000
<b>202 INFORMATION SYSTEMS SECURITY PROGRAM</b>	<b>25,229</b>	<b>37,229</b>
Cyber Security Research		12,000
<b>210 AIRBORNE RECONNAISSANCE SYSTEMS</b>	<b>0</b>	<b>20,000</b>
Combat Dragon II demonstration		20,000
<b>219 SMALL (LEVEL 0) TACTICAL UAS (STUASL0)</b>	<b>22,698</b>	<b>21,398</b>
Excess support funding		-1,300
<b>221 RQ-21A</b>	<b>26,301</b>	<b>24,201</b>
Program delays		-2,100
<b>999 CLASSIFIED PROGRAMS</b>	<b>1,308,608</b>	<b>1,406,945</b>
Classified adjustment		98,337

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, AIR FORCE

The conference agreement on items addressed by either the House or the Senate is as follows:



(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE		
1	BASIC RESEARCH DEFENSE RESEARCH SCIENCES.....	364,328	364,328
2	UNIVERSITY RESEARCH INITIATIVES.....	140,273	152,273
3	HIGH ENERGY LASER RESEARCH INITIATIVES.....	14,258	14,258
	TOTAL, BASIC RESEARCH.....	518,859	530,859
4	APPLIED RESEARCH MATERIALS.....	136,230	144,230
5	AEROSPACE VEHICLE TECHNOLOGIES.....	147,628	147,628
6	HUMAN EFFECTIVENESS APPLIED RESEARCH.....	86,663	86,663
7	AEROSPACE PROPULSION.....	207,508	207,508
8	AEROSPACE SENSORS.....	134,787	134,787
9	SPACE TECHNOLOGY.....	115,285	115,285
10	CONVENTIONAL MUNITIONS.....	60,692	60,692
11	DIRECTED ENERGY TECHNOLOGY.....	111,156	141,156
12	DOMINANT INFORMATION SCIENCES AND METHODS.....	127,866	127,866
13	HIGH ENERGY LASER RESEARCH.....	54,059	54,059
	TOTAL, APPLIED RESEARCH.....	1,181,874	1,219,874
14	ADVANCED TECHNOLOGY DEVELOPMENT ADVANCED MATERIALS FOR WEAPON SYSTEMS.....	39,738	60,738
15	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T).....	5,780	5,780
16	ADVANCED AEROSPACE SENSORS.....	53,075	63,075
17	AEROSPACE TECHNOLOGY DEV/DEMO.....	67,474	67,474
18	AEROSPACE PROPULSION AND POWER TECHNOLOGY.....	120,953	120,953
19	ELECTRONIC COMBAT TECHNOLOGY.....	22,268	22,268
20	ADVANCED SPACECRAFT TECHNOLOGY.....	74,636	74,636
21	MAUI SPACE SURVEILLANCE SYSTEM (MSSS).....	13,555	13,555
22	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT...	25,319	25,319
23	CONVENTIONAL WEAPONS TECHNOLOGY.....	54,042	45,542
24	ADVANCED WEAPONS TECHNOLOGY.....	28,683	48,683
25	MANUFACTURING TECHNOLOGY PROGRAM.....	40,103	40,103
26	BATTLESPACE KNOWLEDGE DEVELOPMENT & DEMONSTRATION.....	38,656	38,656

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
27 HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM.....	1,122	1,122
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT.....	585,404	627,904
28 ADVANCED COMPONENT DEVELOPMENT INTELLIGENCE ADVANCED DEVELOPMENT.....	4,013	4,013
29 PHYSICAL SECURITY EQUIPMENT.....	3,586	3,586
31 ADVANCED EHF MILSATCOM (SPACE).....	421,687	401,687
32 POLAR MILSATCOM (SPACE).....	122,991	102,991
33 SPACE CONTROL TECHNOLOGY.....	45,755	45,755
34 COMBAT IDENTIFICATION TECHNOLOGY.....	38,496	38,496
35 NATO RESEARCH AND DEVELOPMENT.....	4,424	4,424
36 INTERNATIONAL SPACE COOPERATIVE R&D.....	642	642
37 SPACE PROTECTION PROGRAM (SPP).....	9,819	7,319
38 INTEGRATED BROADCAST SERVICE.....	20,046	20,046
39 INTERCONTINENTAL BALLISTIC MISSILE.....	67,202	69,702
40 WIDEBAND GAFILLER SYSTEM RDT&E (SPACE).....	12,804	12,804
41 POLLUTION PREVENTION (DEM/VAL).....	2,075	2,075
42 JOINT PRECISION APPROACH AND LANDING SYSTEMS.....	20,112	20,112
43 NEXT GENERATION BOMBER.....	197,023	297,023
44 BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT.....	60,250	31,250
45 TECHNOLOGY TRANSFER.....	2,553	2,553
46 HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM.....	38,248	33,248
47 JOINT DUAL ROLE AIR DOMINANCE MISSILE.....	29,759	29,759
48 REQUIREMENTS ANALYSIS AND MATURATION.....	24,217	24,217
50 GROUND ATTACK WEAPONS FUZE DEVELOPMENT.....	24,467	24,467
53 OPERATIONALLY RESPONSIVE SPACE.....	86,543	111,543
54 TECH TRANSITION PROGRAM.....	2,773	2,773
55 NATIONAL POLAR ORBITING OPERATIONAL ENVIRONMENTAL SAT.	444,900	43,000
55A WEATHER SATELLITE FOLLOW-ON.....	---	125,000
TOTAL, ADVANCED COMPONENT DEVELOPMENT.....	1,684,385	1,458,485

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
56 ENGINEERING & MANUFACTURING DEVELOPMENT		
GLOBAL BROADCAST SERVICE (GBS).....	5,680	5,680
57 NUCLEAR WEAPONS SUPPORT.....	18,538	18,538
58 SPECIALIZED UNDERGRADUATE FLIGHT TRAINING.....	21,780	21,780
59 ELECTRONIC WARFARE DEVELOPMENT.....	26,880	16,880
61 TACTICAL DATA NETWORKS ENTERPRISE.....	52,355	48,105
62 PHYSICAL SECURITY EQUIPMENT.....	51	51
63 SMALL DIAMETER BOMB (SDB).....	132,891	132,891
64 COUNTERSPACE SYSTEMS.....	31,913	31,913
65 SPACE SITUATION AWARENESS SYSTEMS.....	273,689	241,089
66 AIRBORNE ELECTRONIC ATTACK.....	47,100	41,000
67 SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD.....	621,629	621,629
69 ARMAMENT/ORDNANCE DEVELOPMENT.....	10,055	7,755
70 SUBMUNITIONS.....	2,427	2,427
71 AGILE COMBAT SUPPORT.....	11,878	7,978
73 LIFE SUPPORT SYSTEMS.....	11,280	9,280
74 COMBAT TRAINING RANGES.....	28,106	8,106
75 INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A).....	10	10
76 INTELLIGENCE EQUIPMENT.....	995	995
77 JOINT STRIKE FIGHTER (JSF).....	1,387,926	1,387,926
78 INTERCONTINENTAL BALLISTIC MISSILE.....	158,477	148,477
79 EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE).....	20,028	15,028
80 NEXT GENERATION AERIAL REFUELING AIRCRAFT.....	877,084	877,084
81 CSAR HH-60 RECAPITALIZATION.....	94,113	11,113
83 HC/MC-130 RECAP RDT&E.....	27,071	22,071
85 NUCLEAR WEAPONS MODERNIZATION.....	93,867	93,867
86 LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS.....	23,721	13,721
88 FULL COMBAT MISSION TRAINING.....	39,826	29,826
89 JOINT CARGO AIRCRAFT (JCA).....	27,089	27,089
90 CV-22.....	20,723	13,223
91 AIRBORNE SENIOR LEADER C3 (SLC3S).....	12,535	---
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT.....	4,079,717	3,855,532

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
92	RDT&E MANAGEMENT SUPPORT THREAT SIMULATOR DEVELOPMENT.....	22,420	22,420
93	MAJOR T&E INVESTMENT.....	62,206	62,206
94	RAND PROJECT AIR FORCE.....	27,579	27,579
96	INITIAL OPERATIONAL TEST & EVALUATION.....	17,767	17,767
97	TEST AND EVALUATION SUPPORT.....	654,475	704,475
98	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE).....	158,096	158,096
99	SPACE TEST PROGRAM (STP).....	47,926	47,926
100	FACILITIES RESTORATION & MODERNIZATION - TEST & EVAL..	44,547	44,547
101	FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT..	27,953	27,953
102	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE.....	13,953	13,953
103	ACQUISITION AND MANAGEMENT SUPPORT.....	31,966	31,966
104	GENERAL SKILL TRAINING.....	1,510	1,510
106	INTERNATIONAL ACTIVITIES.....	3,798	3,798
	TOTAL, RDT&E MANAGEMENT SUPPORT.....	1,114,196	1,164,196
107	OPERATIONAL SYSTEMS DEVELOPMENT GPS III - OPERATIONAL CONTROL SEGMENT.....	390,889	366,889
108	COMMON VERTICAL LIFT SUPPORT PLATFORM.....	5,365	5,365
109	AIR FORCE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM..	91,866	91,866
110	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY.....	35,467	35,467
112	B-52 SQUADRONS.....	133,261	93,996
113	AIR-LAUNCHED CRUISE MISSILE (ALCM).....	803	803
114	B-1B SQUADRONS.....	33,011	33,011
115	B-2 SQUADRONS.....	340,819	280,319
116	STRAT WAR PLANNING SYSTEM - USSTRATCOM.....	23,072	23,072
117	NIGHT FIST - USSTRATCOM.....	5,421	2,000
119	ATMOSPHERIC EARLY WARNING SYSTEM.....	4,485	---
120	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION..	12,672	6,672
121	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES....	14	14
122	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRAN	19,934	19,934
123	MQ-9 UAV.....	146,824	126,824
125	A-10 SQUADRONS.....	11,051	11,051
126	F-16 SQUADRONS.....	143,869	131,069

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
127	F-15E SQUADRONS.....	207,531	194,831
128	MANNED DESTRUCTIVE SUPPRESSION.....	13,253	13,253
129	F-22 SQUADRONS.....	718,432	571,432
130	F-35 SQUADRONS.....	47,841	9,967
131	TACTICAL AIM MISSILES.....	8,023	8,023
132	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).....	77,830	77,830
133	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS).....	1,436	1,436
134	COMBAT RESCUE AND RECOVERY.....	2,292	2,292
135	COMBAT RESCUE - PARARESCUE.....	927	927
136	AF TENCAP.....	20,727	20,727
137	PRECISION ATTACK SYSTEMS PROCUREMENT.....	3,128	3,128
138	COMPASS CALL.....	18,509	18,509
139	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.....	182,967	172,967
141	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM).....	5,796	5,796
142	AIR AND SPACE OPERATIONS CENTER (AOC).....	121,880	121,880
143	CONTROL AND REPORTING CENTER (CRC).....	3,954	3,954
144	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).....	135,961	118,661
145	TACTICAL AIRBORNE CONTROL SYSTEMS.....	8,309	8,309
146	ADVANCED COMMUNICATIONS SYSTEMS.....	90,083	44,883
148	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES.....	5,428	5,428
149	THEATER BATTLE MANAGEMENT (TBM) C4I.....	15,528	15,528
150	TACTICAL AIR CONTROL PARTY--MOD.....	15,978	9,678
152	C2ISR TACTICAL DATA LINK.....	1,536	1,536
153	COMMAND AND CONTROL (C2) CONSTELLATION.....	18,102	18,102
154	JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM.....	121,610	74,610
155	SEEK EAGLE.....	18,599	18,599
156	USAF MODELING AND SIMULATION.....	23,091	23,091
157	WARGAMING AND SIMULATION CENTERS.....	5,779	5,779
158	DISTRIBUTED TRAINING AND EXERCISES.....	5,264	3,264
159	MISSION PLANNING SYSTEMS.....	69,918	63,418
160	INFORMATION WARFARE SUPPORT.....	2,322	2,322
161	CYBER COMMAND ACTIVITIES.....	702	702
168	SPACE SUPERIORITY INTELLIGENCE.....	11,866	8,866

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
169	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC).....	5,845	4,845
170	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK....	43,811	43,811
171	INFORMATION SYSTEMS SECURITY PROGRAM.....	101,788	92,788
172	GLOBAL COMBAT SUPPORT SYSTEM.....	449	449
173	GLOBAL COMMAND AND CONTROL SYSTEM.....	3,854	3,854
175	MILSATCOM TERMINALS.....	238,729	196,729
175A	FAB-T ALTERNATIVE.....	---	42,000
177	AIRBORNE SIGINT ENTERPRISE.....	121,748	108,248
180	GLOBAL AIR TRAFFIC MANAGEMENT (GATH).....	4,604	4,604
181	CYBER SECURITY INITIATIVE.....	2,026	2,026
182	DOD CYBER CRIME CENTER.....	282	282
183	SATELLITE CONTROL NETWORK (SPACE).....	18,337	18,337
184	WEATHER SERVICE.....	31,084	31,084
185	AIR TRAFFIC CONTROL, APPROACH, & LANDING SYSTEM (ATC)...	63,367	21,367
186	AERIAL TARGETS.....	50,620	45,620
189	SECURITY AND INVESTIGATIVE ACTIVITIES.....	366	366
190	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.....	39	39
192	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)....	133,601	133,601
193	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL)...	17,893	17,893
195	SPACE AND MISSILE TEST AND EVALUATION CENTER.....	196,254	188,754
196	SPACE WARFARE CENTER.....	2,961	2,961
197	SPACELIFT RANGE SYSTEM (SPACE).....	9,940	9,940
198	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS.....	1,271	1,271
200	ENDURANCE UNMANNED AERIAL VEHICLES.....	52,425	45,925
201	AIRBORNE RECONNAISSANCE SYSTEMS.....	106,877	103,877
202	MANNED RECONNAISSANCE SYSTEMS.....	13,049	13,049
203	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.....	90,724	85,724
204	PREDATOR UAV (JMIP).....	14,112	11,642
205	RQ-4 UAV.....	423,462	423,462
206	NETWORK-CENTRIC COLLABORATIVE TARGET (TIARA).....	7,348	7,348
207	GPS III SPACE SEGMENT.....	463,081	458,081
208	JSPOC MISSION SYSTEM.....	118,850	81,450

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
209 INTELLIGENCE SUPPORT TO INFORMATION WARFARE.....	14,736	14,736
210 NUDET DETECTION SYSTEM (SPACE).....	81,989	81,989
212 SPACE SITUATION AWARENESS OPERATIONS.....	31,956	31,956
213 INFORMATION OPS TECHNOLOGY INTEGRATION & TOOL DEVELOP.....	23,931	23,931
214 SHARED EARLY WARNING (SEW).....	1,663	1,663
215 C-130 AIRLIFT SQUADRON.....	24,509	6,509
216 C-5 AIRLIFT SQUADRONS.....	24,941	12,941
217 C-17 AIRCRAFT.....	128,169	94,269
218 C-130J PROGRAM.....	39,537	39,537
219 LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM).....	7,438	7,438
220 LIGHT MOBILITY AIRCRAFT (LiMA).....	1,308	---
221 KC-135S.....	6,161	6,161
222 KC-10S.....	30,868	30,868
223 OPERATIONAL SUPPORT AIRLIFT.....	82,591	42,591
225 SPECIAL TACTICS / COMBAT CONTROL.....	7,118	5,218
226 DEPOT MAINTENANCE (NON-IF).....	1,531	1,531
228 LOGISTICS SUPPORT ACTIVITIES.....	944	944
229 LOGISTICS INFORMATION TECHNOLOGY (LOGIT).....	140,284	140,284
230 SUPPORT SYSTEMS DEVELOPMENT.....	10,990	50,990
232 OTHER FLIGHT TRAINING.....	322	322
233 JOINT NATIONAL TRAINING CENTER.....	11	11
235 OTHER PERSONNEL ACTIVITIES.....	113	113
236 JOINT PERSONNEL RECOVERY AGENCY.....	2,483	2,483
237 CIVILIAN COMPENSATION PROGRAM.....	1,508	1,508
238 PERSONNEL ADMINISTRATION.....	8,041	1,041
239 AIR FORCE STUDIES AND ANALYSIS AGENCY.....	928	928
240 FACILITIES OPERATION--ADMINISTRATION.....	12,118	12,118
241 FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT..	101,317	76,317
242 MANAGEMENT HQ--ADP SUPPORT (AF).....	299	299
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT.....	6,510,126	5,768,203
CLASSIFIED PROGRAMS.....	12,063,140	11,910,943
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE	27,737,701	26,535,996

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[in thousands of dollars]

R-1	Budget	
	Request	Conference
<b>2 UNIVERSITY RESEARCH INITIATIVES</b>	<b>140,273</b>	<b>152,273</b>
Cyber Security research		12,000
<b>4 MATERIALS</b>	<b>136,230</b>	<b>144,230</b>
Nanotechnology research		8,000
<b>11 DIRECTED ENERGY TECHNOLOGY</b>	<b>111,156</b>	<b>141,156</b>
Space Situational Awareness		30,000
<b>14 ADVANCED MATERIALS FOR WEAPONS SYSTEMS</b>	<b>39,738</b>	<b>60,738</b>
Silicon Carbide research		12,500
Advanced Materials research		8,500
<b>16 ADVANCED AEROSPACE SENSORS</b>	<b>53,075</b>	<b>63,075</b>
Program increase		10,000
<b>23 CONVENTIONAL WEAPONS TECHNOLOGY</b>	<b>54,042</b>	<b>45,542</b>
High Velocity Penetrating Weapon - ahead of need		-8,500
<b>24 ADVANCED WEAPONS TECHNOLOGY</b>	<b>28,683</b>	<b>48,683</b>
Space Situational Awareness		20,000
<b>31 ADVANCED EHF MILSATCOM (SPACE)</b>	<b>421,687</b>	<b>401,687</b>
Excess to need - poor justification		-20,000
<b>32 POLAR MILSATCOM (SPACE)</b>	<b>122,991</b>	<b>102,991</b>
Development schedule delay		-20,000
<b>37 SPACE PROTECTION PROGRAM (SPP)</b>	<b>9,819</b>	<b>7,319</b>
Excess to need		-2,500
<b>39 ICBM - DEM/VAL</b>	<b>67,202</b>	<b>69,702</b>
Program increase		2,500
<b>43 NEXT GENERATION BOMBER</b>	<b>197,023</b>	<b>297,023</b>
Program increase		100,000
<b>44 BMC2 SENSOR DEVELOPMENT</b>	<b>60,250</b>	<b>31,250</b>
3DELRR contract delays		-29,000
<b>46 HARD &amp; DEEPLY BURIED TARGET DEFEAT SYSTEM</b>	<b>38,248</b>	<b>33,248</b>
Program reduction		-5,000
<b>53 OPERATIONALLY RESPONSIVE SPACE</b>	<b>86,543</b>	<b>111,543</b>
Responsive Launch		25,000
<b>55 NATIONAL POLAR-ORBITING OP ENV SATELLITE</b>	<b>444,900</b>	<b>43,000</b>
DWSS program termination		-444,900
Termination liability		43,000
<b>55A WEATHER SATELLITE FOLLOW-ON</b>	<b>0</b>	<b>125,000</b>
Weather Satellite Follow-on Activities		125,000



R-1	Budget	
	Request	Conference
<b>59 ELECTRONIC WARFARE DEVELOPMENT</b>	<b>26,880</b>	<b>16,880</b>
MALD-J Increment 2 - Technology Development contract delay		-10,000
<b>61 TACTICAL DATA NETWORKS ENTERPRISE</b>	<b>52,355</b>	<b>48,105</b>
STRATCOM DNC2 contract delays		-3,000
CLIP - contract delays		-1,250
<b>65 SPACE SITUATION AWARENESS SYSTEMS</b>	<b>273,689</b>	<b>241,089</b>
Space Fence - poor justification		-20,000
Space Based Space Surveillance excess to need		-12,600
<b>66 AIRBORNE ELECTRONIC ATTACK</b>	<b>47,100</b>	<b>41,000</b>
Electronic Attack Pod delayed start		-3,500
AEA SoS contract delays		-2,600
<b>69 ARMAMENT/ORDNANCE DEVELOPMENT</b>	<b>10,055</b>	<b>7,755</b>
Universal Armament Interface contract delay		-2,300
<b>71 AGILE COMBAT SUPPORT</b>	<b>11,878</b>	<b>7,978</b>
BEAR - ahead of need		-3,900
<b>73 LIFE SUPPORT SYSTEMS</b>	<b>11,280</b>	<b>9,280</b>
Integrated Aircrew Ensemble contract award delays		-2,000
<b>74 COMBAT TRAINING RANGES</b>	<b>28,106</b>	<b>8,106</b>
Joint Threat Emitter Increment 2 - rephased program		-12,000
Air Combat Training Systems (P5) Upgrades - contract delay		-8,000
<b>78 ICBM - EMD</b>	<b>158,477</b>	<b>148,477</b>
Support Equipment - contract savings		-10,000
<b>79 EVOLVED EXPENDABLE LAUNCH VEHICLE EMD</b>	<b>20,028</b>	<b>15,028</b>
Program underexecution due to schedule delay		-5,000
<b>81 CSAR HH-60 RECAPITALIZATION</b>	<b>94,113</b>	<b>11,113</b>
Excess to need - Air Force requested transfer to AP, AF lines 63 and 73		-83,000
<b>83 HC/MC-130 RECAP</b>	<b>27,071</b>	<b>22,071</b>
Contract savings		-5,000
<b>86 LAAR SQUADRONS</b>	<b>23,721</b>	<b>13,721</b>
Program reduction		-10,000
<b>88 FULL COMBAT MISSION TRAINING</b>	<b>39,826</b>	<b>29,826</b>
Block 40/50 Mission Training Center excess to need		-10,000
<b>90 CV-22</b>	<b>20,723</b>	<b>13,223</b>
Slow execution/ contract delay		-7,500
<b>91 AIRBORNE SENIOR LEADER C3 (SLC3S)</b>	<b>12,535</b>	<b>0</b>
Program termination		-12,535
<b>97 TEST AND EVALUATION (T&amp;E) SUPPORT</b>	<b>654,475</b>	<b>704,475</b>
Program increase		50,000

R-1	Budget	
	Request	Conference
<b>107 GPS III - OPERATIONAL CONTROL SEGMENT</b>	<b>390,889</b>	<b>366,889</b>
Directorate support - reduction to growth		-24,000
<b>112 B-52 SQUADRONS</b>	<b>133,261</b>	<b>93,996</b>
SR2 excess to requirement		-11,265
EHF contract delays		-13,000
1760 IWBW contract delays		-10,000
IFF Mode S/5 Development contract delays		-5,000
<b>115 B-2 SQUADRONS</b>	<b>340,819</b>	<b>280,319</b>
Mixed loads capability		22,000
EHF Increment 2 contract delay		-82,500
<b>117 NIGHT FIST - USSTRATCOM</b>	<b>5,421</b>	<b>2,000</b>
Program reduction		-3,421
<b>119 ATMOSPHERIC EARLY WARNING SYSTEM</b>	<b>4,485</b>	<b>0</b>
Unjustified request		-4,485
<b>REGION/SECTOR OP CONTROL CENTER</b>		
<b>120 MODERNIZATION</b>	<b>12,672</b>	<b>6,672</b>
BCS-F excess to requirement		-6,000
<b>123 MQ-9 DEVELOPMENT AND FIELDING</b>	<b>146,824</b>	<b>126,824</b>
Ka Migration contract delays		-14,000
SAR contract delays		-1,000
EO/IR Sensor Development contract delays		-5,000
<b>126 F-16 SQUADRONS</b>	<b>143,869</b>	<b>131,069</b>
SLEP contract delay		-12,800
<b>127 F-15E SQUADRONS</b>	<b>207,531</b>	<b>194,831</b>
ADCP excess to requirement		-12,700
<b>129 F-22 SQUADRONS</b>	<b>718,432</b>	<b>571,432</b>
Reduce program growth		-147,000
<b>130 F-35 SQUADRONS</b>	<b>47,841</b>	<b>9,967</b>
Block 4 development early to need		-37,874
<b>AIRCRAFT ENGINE COMPONENT IMPROVEMENT</b>		
<b>139 PROGRAM (CIP)</b>	<b>182,967</b>	<b>172,967</b>
Excess to requirement		-10,000
<b>144 AWACS</b>	<b>135,961</b>	<b>118,661</b>
Poor program execution		-17,300
<b>146 ADVANCED COMMUNICATIONS SYSTEMS</b>	<b>90,083</b>	<b>44,883</b>
JTRS Integration and Engineering Support schedule delays		-5,200
Common Processing Environment schedule delays		-40,000
<b>150 TACTICAL AIR CONTROL PARTY-MOD</b>	<b>15,978</b>	<b>9,678</b>
VCS - Program termination and restructure		-4,300
JETS contract delays		-2,000

R-1	Budget	
	Request	Conference
<b>154 JOINT STARS</b>	<b>121,610</b>	<b>74,610</b>
PME-DMS contract delays		-14,000
Unjustified request based on program restructure		-33,000
<b>158 DISTRIBUTED TRAINING AND EXERCISES</b>	<b>5,264</b>	<b>3,264</b>
Unjustified growth		-2,000
<b>159 MISSION PLANNING SYSTEMS</b>	<b>69,918</b>	<b>63,418</b>
CAF Increment IV critical change delay		-6,500
<b>168 SPACE SUPERIORITY INTELLIGENCE</b>	<b>11,866</b>	<b>8,866</b>
Program underexecution due to schedule delays		-3,000
<b>169 E-4B NATIONAL AIRBORNE OPERATIONS CENTER</b>	<b>5,845</b>	<b>4,845</b>
Secure, Survivable Communications delayed program start		-1,000
<b>171 INFORMATION SYSTEMS SECURITY PROGRAM</b>	<b>101,788</b>	<b>92,788</b>
Crypto Mod program delays		-9,000
<b>175 MILSATCOM TERMINALS</b>	<b>238,729</b>	<b>196,729</b>
Transfer to line 175a		-42,000
<b>175a FAB-T ALTERNATIVE</b>	<b>0</b>	<b>42,000</b>
FAB-T alternative		42,000
<b>177 AIRBORNE SIGINT ENTERPRISE (JMIP)</b>	<b>121,748</b>	<b>108,248</b>
ASIP 2C contract delays		-12,000
RQ-4 program delays		-1,500
<b>AIR TRAFFIC CONTROL/APPROACH/LANDING SYSTEM</b>		
<b>185 (ATCALs)</b>	<b>63,367</b>	<b>21,367</b>
D-RAPCON test articles early to need		-42,000
<b>186 AERIAL TARGETS</b>	<b>50,620</b>	<b>45,620</b>
QF-16 excess to need		-5,000
<b>195 SPACE AND MISSILE T&amp;E CENTER</b>	<b>196,254</b>	<b>188,754</b>
Excess to need		-7,500
<b>200 ENDURANCE UAVS</b>	<b>52,425</b>	<b>45,925</b>
Funded in PA 11-14 prior approval reprogramming		-6,500
<b>201 AIRBORNE RECONNAISSANCE SYSTEMS</b>	<b>106,877</b>	<b>103,877</b>
Broad Area Surveillance Sensors - terminate program and transfer content to Imagery and Targeting Support for WAMI		-18,200
Imagery and Targeting Support		15,200
<b>203 DISTRIBUTED COMMON GROUND SYSTEM</b>	<b>90,724</b>	<b>85,724</b>
Contract delays due to program reprioritization		-5,000
<b>204 MQ-1 PREDATOR DEVELOPMENT/FIELDING</b>	<b>14,112</b>	<b>11,642</b>
Common Sensor Payload ahead of need		-2,470
<b>207 GPS III SPACE SEGMENT</b>	<b>463,081</b>	<b>458,081</b>
GPS III CIP - poor justification		-5,000

R-1	Budget	
	Request	Conference
<b>208 JSPOC MISSION SYSTEM</b>	<b>118,950</b>	<b>81,450</b>
Excess to need		-37,500
<b>215 C-130 AIRLIFT SQUADRONS</b>	<b>24,509</b>	<b>6,509</b>
Contract delays		-18,000
<b>216 C-5 AIRLIFT SQUADRONS</b>	<b>24,941</b>	<b>12,941</b>
RERP Program rephased		-12,000
<b>217 C-17 AIRCRAFT</b>	<b>128,169</b>	<b>94,269</b>
Contract delays		-33,900
<b>220 LIGHT MOBILITY AIRCRAFT (LIMA)</b>	<b>1,308</b>	<b>0</b>
Funded in fiscal year 2011		-1,308
<b>223 OPERATIONAL SUPPORT AIRLIFT</b>	<b>82,591</b>	<b>42,591</b>
VC-25A funding ahead of need		-40,000
<b>225 SPECIAL TACTICS/COMBAT CONTROL</b>	<b>7,118</b>	<b>5,218</b>
Line of Sight contract delay		-1,900
<b>230 SUPPORT SYSTEMS DEVELOPMENT</b>	<b>10,990</b>	<b>50,990</b>
Alternative Energy research		40,000
<b>238 PERSONNEL ADMINISTRATION</b>	<b>8,041</b>	<b>1,041</b>
Contract delays		-7,000
<b>241 FINANCIAL MANAGEMENT INFORMATION SYSTEMS</b>	<b>101,317</b>	<b>76,317</b>
DEAMS excess to requirement		-25,000
<b>999 CLASSIFIED PROGRAMS</b>	<b>12,063,140</b>	<b>11,910,943</b>
Classified adjustment		-152,197

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
	RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE		
1	BASIC RESEARCH DEFENSE RESEARCH SCIENCES.....	364,328	364,328
2	UNIVERSITY RESEARCH INITIATIVES.....	140,273	152,273
3	HIGH ENERGY LASER RESEARCH INITIATIVES.....	14,258	14,258
	TOTAL, BASIC RESEARCH.....	518,859	530,859
4	APPLIED RESEARCH MATERIALS.....	136,230	144,230
5	AEROSPACE VEHICLE TECHNOLOGIES.....	147,628	147,628
6	HUMAN EFFECTIVENESS APPLIED RESEARCH.....	86,663	86,663
7	AEROSPACE PROPULSION.....	207,508	207,508
8	AEROSPACE SENSORS.....	134,787	134,787
9	SPACE TECHNOLOGY.....	115,285	115,285
10	CONVENTIONAL MUNITIONS.....	60,692	60,692
11	DIRECTED ENERGY TECHNOLOGY.....	111,156	141,156
12	DOMINANT INFORMATION SCIENCES AND METHODS.....	127,866	127,866
13	HIGH ENERGY LASER RESEARCH.....	54,059	54,059
	TOTAL, APPLIED RESEARCH.....	1,181,874	1,219,874
14	ADVANCED TECHNOLOGY DEVELOPMENT ADVANCED MATERIALS FOR WEAPON SYSTEMS.....	39,738	60,738
15	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T).....	5,780	5,780
16	ADVANCED AEROSPACE SENSORS.....	53,075	63,075
17	AEROSPACE TECHNOLOGY DEV/DEMO.....	67,474	67,474
18	AEROSPACE PROPULSION AND POWER TECHNOLOGY.....	120,953	120,953
19	ELECTRONIC COMBAT TECHNOLOGY.....	22,268	22,268
20	ADVANCED SPACECRAFT TECHNOLOGY.....	74,636	74,636
21	MAUI SPACE SURVEILLANCE SYSTEM (MSSS).....	13,555	13,555
22	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT...	25,319	25,319
23	CONVENTIONAL WEAPONS TECHNOLOGY.....	54,042	45,542
24	ADVANCED WEAPONS TECHNOLOGY.....	28,683	48,683
25	MANUFACTURING TECHNOLOGY PROGRAM.....	40,103	40,103
26	BATTLESPACE KNOWLEDGE DEVELOPMENT & DEMONSTRATION.....	38,656	38,656

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
27 HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM.....	1,122	1,122
TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT.....	585,404	627,904
28 ADVANCED COMPONENT DEVELOPMENT INTELLIGENCE ADVANCED DEVELOPMENT.....	4,013	4,013
29 PHYSICAL SECURITY EQUIPMENT.....	3,586	3,586
31 ADVANCED EHF MILSATCOM (SPACE).....	421,687	401,687
32 POLAR MILSATCOM (SPACE).....	122,991	102,991
33 SPACE CONTROL TECHNOLOGY.....	45,755	45,755
34 COMBAT IDENTIFICATION TECHNOLOGY.....	38,496	38,496
35 NATO RESEARCH AND DEVELOPMENT.....	4,424	4,424
36 INTERNATIONAL SPACE COOPERATIVE R&D.....	642	642
37 SPACE PROTECTION PROGRAM (SPP).....	9,819	7,319
38 INTEGRATED BROADCAST SERVICE.....	20,046	20,046
39 INTERCONTINENTAL BALLISTIC MISSILE.....	67,202	69,702
40 WIDEBAND GAFILLER SYSTEM RDT&E (SPACE).....	12,804	12,804
41 POLLUTION PREVENTION (DEM/VAL).....	2,075	2,075
42 JOINT PRECISION APPROACH AND LANDING SYSTEMS.....	20,112	20,112
43 NEXT GENERATION BOMBER.....	197,023	297,023
44 BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT.....	60,250	31,250
45 TECHNOLOGY TRANSFER.....	2,553	2,553
46 HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM.....	38,248	33,248
47 JOINT DUAL ROLE AIR DOMINANCE MISSILE.....	29,759	29,759
48 REQUIREMENTS ANALYSIS AND MATURATION.....	24,217	24,217
50 GROUND ATTACK WEAPONS FUZE DEVELOPMENT.....	24,467	24,467
53 OPERATIONALLY RESPONSIVE SPACE.....	86,543	111,543
54 TECH TRANSITION PROGRAM.....	2,773	2,773
55 NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SAT.	444,900	43,000
55A WEATHER SATELLITE FOLLOW-ON.....	---	125,000
TOTAL, ADVANCED COMPONENT DEVELOPMENT.....	1,684,385	1,458,485

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
56 ENGINEERING & MANUFACTURING DEVELOPMENT		
GLOBAL BROADCAST SERVICE (GBS).....	5,680	5,680
57 NUCLEAR WEAPONS SUPPORT.....	18,538	18,538
58 SPECIALIZED UNDERGRADUATE FLIGHT TRAINING.....	21,780	21,780
59 ELECTRONIC WARFARE DEVELOPMENT.....	26,880	16,880
61 TACTICAL DATA NETWORKS ENTERPRISE.....	52,355	48,105
62 PHYSICAL SECURITY EQUIPMENT.....	51	51
63 SMALL DIAMETER BOMB (SDB).....	132,891	132,891
64 COUNTERSPACE SYSTEMS.....	31,913	31,913
65 SPACE SITUATION AWARENESS SYSTEMS.....	273,689	241,089
66 AIRBORNE ELECTRONIC ATTACK.....	47,100	41,000
67 SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD.....	621,629	621,629
69 ARMAMENT/ORDNANCE DEVELOPMENT.....	10,055	7,755
70 SUBMUNITIONS.....	2,427	2,427
71 AGILE COMBAT SUPPORT.....	11,878	7,978
73 LIFE SUPPORT SYSTEMS.....	11,280	9,280
74 COMBAT TRAINING RANGES.....	28,106	8,106
75 INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A).....	10	10
76 INTELLIGENCE EQUIPMENT.....	995	995
77 JOINT STRIKE FIGHTER (JSF).....	1,387,926	1,387,926
78 INTERCONTINENTAL BALLISTIC MISSILE.....	158,477	148,477
79 EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE).....	20,028	15,028
80 NEXT GENERATION AERIAL REFUELING AIRCRAFT.....	877,084	877,084
81 CSAR HH-60 RECAPITALIZATION.....	94,113	11,113
83 HC/MC-130 RECAP RDT&E.....	27,071	22,071
85 NUCLEAR WEAPONS MODERNIZATION.....	93,867	93,867
86 LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS.....	23,721	13,721
88 FULL COMBAT MISSION TRAINING.....	39,826	29,826
89 JOINT CARGO AIRCRAFT (JCA).....	27,089	27,089
90 CV-22.....	20,723	13,223
91 AIRBORNE SENIOR LEADER C3 (SLC3S).....	12,535	---
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT.....	4,079,717	3,855,532

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
92	RDT&E MANAGEMENT SUPPORT THREAT SIMULATOR DEVELOPMENT.....	22,420	22,420
93	MAJOR T&E INVESTMENT.....	62,206	62,206
94	RAND PROJECT AIR FORCE.....	27,579	27,579
96	INITIAL OPERATIONAL TEST & EVALUATION.....	17,767	17,767
97	TEST AND EVALUATION SUPPORT.....	654,475	704,475
98	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE).....	158,096	158,096
99	SPACE TEST PROGRAM (STP).....	47,926	47,926
100	FACILITIES RESTORATION & MODERNIZATION - TEST & EVAL..	44,547	44,547
101	FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT..	27,953	27,953
102	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE.....	13,953	13,953
103	ACQUISITION AND MANAGEMENT SUPPORT.....	31,966	31,966
104	GENERAL SKILL TRAINING.....	1,510	1,510
106	INTERNATIONAL ACTIVITIES.....	3,798	3,798
	TOTAL, RDT&E MANAGEMENT SUPPORT.....	1,114,196	1,164,196
107	OPERATIONAL SYSTEMS DEVELOPMENT GPS III - OPERATIONAL CONTROL SEGMENT.....	390,889	366,889
108	COMMON VERTICAL LIFT SUPPORT PLATFORM.....	5,365	5,365
109	AIR FORCE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM..	91,866	91,866
110	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY.....	35,467	35,467
112	B-52 SQUADRONS.....	133,261	93,996
113	AIR-LAUNCHED CRUISE MISSILE (ALCM).....	803	803
114	B-1B SQUADRONS.....	33,011	33,011
115	B-2 SQUADRONS.....	340,819	280,319
116	STRAT WAR PLANNING SYSTEM - USSTRATCOM.....	23,072	23,072
117	NIGHT FIST - USSTRATCOM.....	5,421	2,000
119	ATMOSPHERIC EARLY WARNING SYSTEM.....	4,485	---
120	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION..	12,672	6,672
121	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES....	14	14
122	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRAN	19,934	19,934
123	MQ-9 UAV.....	146,824	126,824
125	A-10 SQUADRONS.....	11,051	11,051
126	F-16 SQUADRONS.....	143,869	131,069



(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
127	F-15E SQUADRONS.....	207,531	194,831
128	MANNED DESTRUCTIVE SUPPRESSION.....	13,253	13,253
129	F-22 SQUADRONS.....	718,432	571,432
130	F-35 SQUADRONS.....	47,841	9,967
131	TACTICAL AIM MISSILES.....	8,023	8,023
132	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).....	77,830	77,830
133	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS).....	1,436	1,436
134	COMBAT RESCUE AND RECOVERY.....	2,292	2,292
135	COMBAT RESCUE - PARARESCUE.....	927	927
136	AF TENCAP.....	20,727	20,727
137	PRECISION ATTACK SYSTEMS PROCUREMENT.....	3,128	3,128
138	COMPASS CALL.....	18,509	18,509
139	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.....	182,967	172,967
141	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM).....	5,796	5,796
142	AIR AND SPACE OPERATIONS CENTER (AOC).....	121,880	121,880
143	CONTROL AND REPORTING CENTER (CRC).....	3,954	3,954
144	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).....	135,961	118,661
145	TACTICAL AIRBORNE CONTROL SYSTEMS.....	8,309	8,309
146	ADVANCED COMMUNICATIONS SYSTEMS.....	90,083	44,883
148	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES.....	5,428	5,428
149	THEATER BATTLE MANAGEMENT (TBM) C4I.....	15,528	15,528
150	TACTICAL AIR CONTROL PARTY--MOD.....	15,978	9,678
152	C2ISR TACTICAL DATA LINK.....	1,536	1,536
153	COMMAND AND CONTROL (C2) CONSTELLATION.....	18,102	18,102
154	JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM.....	121,610	74,610
155	SEEK EAGLE.....	18,599	18,599
156	USAF MODELING AND SIMULATION.....	23,091	23,091
157	WARGAMING AND SIMULATION CENTERS.....	5,779	5,779
158	DISTRIBUTED TRAINING AND EXERCISES.....	5,264	3,264
159	MISSION PLANNING SYSTEMS.....	69,918	63,418
160	INFORMATION WARFARE SUPPORT.....	2,322	2,322
161	CYBER COMMAND ACTIVITIES.....	702	702
168	SPACE SUPERIORITY INTELLIGENCE.....	11,866	8,866

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
169	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC).....	5,845	4,845
170	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK....	43,811	43,811
171	INFORMATION SYSTEMS SECURITY PROGRAM.....	101,788	92,788
172	GLOBAL COMBAT SUPPORT SYSTEM.....	449	449
173	GLOBAL COMMAND AND CONTROL SYSTEM.....	3,854	3,854
175	MILSATCOM TERMINALS.....	238,729	196,729
175A	FAB-T ALTERNATIVE.....	---	42,000
177	AIRBORNE SIGINT ENTERPRISE.....	121,748	108,248
180	GLOBAL AIR TRAFFIC MANAGEMENT (GATH).....	4,604	4,604
181	CYBER SECURITY INITIATIVE.....	2,026	2,026
182	DOD CYBER CRIME CENTER.....	282	282
183	SATELLITE CONTROL NETWORK (SPACE).....	18,337	18,337
184	WEATHER SERVICE.....	31,084	31,084
185	AIR TRAFFIC CONTROL, APPROACH, & LANDING SYSTEM (ATC)...	63,367	21,367
186	AERIAL TARGETS.....	50,620	45,620
189	SECURITY AND INVESTIGATIVE ACTIVITIES.....	366	366
190	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.....	39	39
192	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)....	133,601	133,601
193	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL)...	17,893	17,893
195	SPACE AND MISSILE TEST AND EVALUATION CENTER.....	196,254	188,754
196	SPACE WARFARE CENTER.....	2,961	2,961
197	SPACELIFT RANGE SYSTEM (SPACE).....	9,940	9,940
198	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS.....	1,271	1,271
200	ENDURANCE UNMANNED AERIAL VEHICLES.....	52,425	45,925
201	AIRBORNE RECONNAISSANCE SYSTEMS.....	106,877	103,877
202	MANNED RECONNAISSANCE SYSTEMS.....	13,049	13,049
203	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.....	90,724	85,724
204	PREDATOR UAV (JMIP).....	14,112	11,642
205	RQ-4 UAV.....	423,462	423,462
206	NETWORK-CENTRIC COLLABORATIVE TARGET (TIARA).....	7,348	7,348
207	GPS III SPACE SEGMENT.....	463,081	458,081
208	JSPOC MISSION SYSTEM.....	118,850	81,450

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
209 INTELLIGENCE SUPPORT TO INFORMATION WARFARE.....	14,736	14,736
210 NUDET DETECTION SYSTEM (SPACE).....	81,989	81,989
212 SPACE SITUATION AWARENESS OPERATIONS.....	31,956	31,956
213 INFORMATION OPS TECHNOLOGY INTEGRATION & TOOL DEVELOP.....	23,931	23,931
214 SHARED EARLY WARNING (SEW).....	1,663	1,663
215 C-130 AIRLIFT SQUADRON.....	24,509	6,509
216 C-5 AIRLIFT SQUADRONS.....	24,941	12,941
217 C-17 AIRCRAFT.....	128,169	94,269
218 C-130J PROGRAM.....	39,537	39,537
219 LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM).....	7,438	7,438
220 LIGHT MOBILITY AIRCRAFT (LiMA).....	1,308	---
221 KC-135S.....	6,161	6,161
222 KC-10S.....	30,868	30,868
223 OPERATIONAL SUPPORT AIRLIFT.....	82,591	42,591
225 SPECIAL TACTICS / COMBAT CONTROL.....	7,118	5,218
226 DEPOT MAINTENANCE (NON-IF).....	1,531	1,531
228 LOGISTICS SUPPORT ACTIVITIES.....	944	944
229 LOGISTICS INFORMATION TECHNOLOGY (LOGIT).....	140,284	140,284
230 SUPPORT SYSTEMS DEVELOPMENT.....	10,990	50,990
232 OTHER FLIGHT TRAINING.....	322	322
233 JOINT NATIONAL TRAINING CENTER.....	11	11
235 OTHER PERSONNEL ACTIVITIES.....	113	113
236 JOINT PERSONNEL RECOVERY AGENCY.....	2,483	2,483
237 CIVILIAN COMPENSATION PROGRAM.....	1,508	1,508
238 PERSONNEL ADMINISTRATION.....	8,041	1,041
239 AIR FORCE STUDIES AND ANALYSIS AGENCY.....	928	928
240 FACILITIES OPERATION--ADMINISTRATION.....	12,118	12,118
241 FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT..	101,317	76,317
242 MANAGEMENT HQ--ADP SUPPORT (AF).....	299	299
TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT.....	6,510,126	5,768,203
CLASSIFIED PROGRAMS.....	12,063,140	11,910,943
TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AIR FORCE	27,737,701	26,535,996

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[in thousands of dollars]

R-1	Budget	
	Request	Conference
<b>2 UNIVERSITY RESEARCH INITIATIVES</b>	<b>140,273</b>	<b>152,273</b>
Cyber Security research		12,000
<b>4 MATERIALS</b>	<b>136,230</b>	<b>144,230</b>
Nanotechnology research		8,000
<b>11 DIRECTED ENERGY TECHNOLOGY</b>	<b>111,156</b>	<b>141,156</b>
Space Situational Awareness		30,000
<b>14 ADVANCED MATERIALS FOR WEAPONS SYSTEMS</b>	<b>39,738</b>	<b>60,738</b>
Silicon Carbide research		12,500
Advanced Materials research		8,500
<b>16 ADVANCED AEROSPACE SENSORS</b>	<b>53,075</b>	<b>63,075</b>
Program increase		10,000
<b>23 CONVENTIONAL WEAPONS TECHNOLOGY</b>	<b>54,042</b>	<b>45,542</b>
High Velocity Penetrating Weapon - ahead of need		-8,500
<b>24 ADVANCED WEAPONS TECHNOLOGY</b>	<b>28,683</b>	<b>48,683</b>
Space Situational Awareness		20,000
<b>31 ADVANCED EHF MILSATCOM (SPACE)</b>	<b>421,687</b>	<b>401,687</b>
Excess to need - poor justification		-20,000
<b>32 POLAR MILSATCOM (SPACE)</b>	<b>122,991</b>	<b>102,991</b>
Development schedule delay		-20,000
<b>37 SPACE PROTECTION PROGRAM (SPP)</b>	<b>9,819</b>	<b>7,319</b>
Excess to need		-2,500
<b>39 ICBM - DEM/VAL</b>	<b>67,202</b>	<b>69,702</b>
Program increase		2,500
<b>43 NEXT GENERATION BOMBER</b>	<b>197,023</b>	<b>297,023</b>
Program increase		100,000
<b>44 BMC2 SENSOR DEVELOPMENT</b>	<b>60,250</b>	<b>31,250</b>
3DELRR contract delays		-29,000
<b>46 HARD &amp; DEEPLY BURIED TARGET DEFEAT SYSTEM</b>	<b>38,248</b>	<b>33,248</b>
Program reduction		-5,000
<b>53 OPERATIONALLY RESPONSIVE SPACE</b>	<b>86,543</b>	<b>111,543</b>
Responsive Launch		25,000
<b>55 NATIONAL POLAR-ORBITING OP ENV SATELLITE</b>	<b>444,900</b>	<b>43,000</b>
DWSS program termination		-444,900
Termination liability		43,000
<b>55A WEATHER SATELLITE FOLLOW-ON</b>	<b>0</b>	<b>125,000</b>
Weather Satellite Follow-on Activities		125,000

R-1	Budget	
	Request	Conference
<b>59 ELECTRONIC WARFARE DEVELOPMENT</b>	<b>26,880</b>	<b>16,880</b>
MALD-J Increment 2 - Technology Development contract delay		-10,000
<b>61 TACTICAL DATA NETWORKS ENTERPRISE</b>	<b>52,355</b>	<b>48,105</b>
STRATCOM DNC2 contract delays		-3,000
CLIP - contract delays		-1,250
<b>65 SPACE SITUATION AWARENESS SYSTEMS</b>	<b>273,689</b>	<b>241,089</b>
Space Fence - poor justification		-20,000
Space Based Space Surveillance excess to need		-12,600
<b>66 AIRBORNE ELECTRONIC ATTACK</b>	<b>47,100</b>	<b>41,000</b>
Electronic Attack Pod delayed start		-3,500
AEA SoS contract delays		-2,600
<b>69 ARMAMENT/ORDNANCE DEVELOPMENT</b>	<b>10,055</b>	<b>7,755</b>
Universal Armament Interface contract delay		-2,300
<b>71 AGILE COMBAT SUPPORT</b>	<b>11,878</b>	<b>7,978</b>
BEAR - ahead of need		-3,900
<b>73 LIFE SUPPORT SYSTEMS</b>	<b>11,280</b>	<b>9,280</b>
Integrated Aircrew Ensemble contract award delays		-2,000
<b>74 COMBAT TRAINING RANGES</b>	<b>28,106</b>	<b>8,106</b>
Joint Threat Emitter Increment 2 - rephased program		-12,000
Air Combat Training Systems (P5) Upgrades - contract delay		-8,000
<b>78 ICBM - EMD</b>	<b>158,477</b>	<b>148,477</b>
Support Equipment - contract savings		-10,000
<b>79 EVOLVED EXPENDABLE LAUNCH VEHICLE EMD</b>	<b>20,028</b>	<b>15,028</b>
Program underexecution due to schedule delay		-5,000
<b>81 CSAR HH-60 RECAPITALIZATION</b>	<b>94,113</b>	<b>11,113</b>
Excess to need - Air Force requested transfer to AP, AF lines 63 and 73		-83,000
<b>83 HC/MC-130 RECAP</b>	<b>27,071</b>	<b>22,071</b>
Contract savings		-5,000
<b>86 LAAR SQUADRONS</b>	<b>23,721</b>	<b>13,721</b>
Program reduction		-10,000
<b>88 FULL COMBAT MISSION TRAINING</b>	<b>39,826</b>	<b>29,826</b>
Block 40/50 Mission Training Center excess to need		-10,000
<b>90 CV-22</b>	<b>20,723</b>	<b>13,223</b>
Slow execution/ contract delay		-7,500
<b>91 AIRBORNE SENIOR LEADER C3 (SLC3S)</b>	<b>12,535</b>	<b>0</b>
Program termination		-12,535
<b>97 TEST AND EVALUATION (T&amp;E) SUPPORT</b>	<b>654,475</b>	<b>704,475</b>
Program increase		50,000

R-1	Budget	
	Request	Conference
<b>107 GPS III - OPERATIONAL CONTROL SEGMENT</b>	<b>390,889</b>	<b>366,889</b>
Directorate support - reduction to growth		-24,000
<b>112 B-52 SQUADRONS</b>	<b>133,261</b>	<b>93,996</b>
SR2 excess to requirement		-11,265
EHF contract delays		-13,000
1760 IWBW contract delays		-10,000
IFF Mode S/5 Development contract delays		-5,000
<b>115 B-2 SQUADRONS</b>	<b>340,819</b>	<b>280,319</b>
Mixed loads capability		22,000
EHF Increment 2 contract delay		-82,500
<b>117 NIGHT FIST - USSTRATCOM</b>	<b>5,421</b>	<b>2,000</b>
Program reduction		-3,421
<b>119 ATMOSPHERIC EARLY WARNING SYSTEM</b>	<b>4,485</b>	<b>0</b>
Unjustified request		-4,485
<b>REGION/SECTOR OP CONTROL CENTER</b>		
<b>120 MODERNIZATION</b>	<b>12,672</b>	<b>6,672</b>
BCS-F excess to requirement		-6,000
<b>123 MQ-9 DEVELOPMENT AND FIELDING</b>	<b>146,824</b>	<b>126,824</b>
Ka Migration contract delays		-14,000
SAR contract delays		-1,000
EO/IR Sensor Development contract delays		-5,000
<b>126 F-16 SQUADRONS</b>	<b>143,869</b>	<b>131,069</b>
SLEP contract delay		-12,800
<b>127 F-15E SQUADRONS</b>	<b>207,531</b>	<b>194,831</b>
ADCP excess to requirement		-12,700
<b>129 F-22 SQUADRONS</b>	<b>718,432</b>	<b>571,432</b>
Reduce program growth		-147,000
<b>130 F-35 SQUADRONS</b>	<b>47,841</b>	<b>9,967</b>
Block 4 development early to need		-37,874
<b>AIRCRAFT ENGINE COMPONENT IMPROVEMENT</b>		
<b>139 PROGRAM (CIP)</b>	<b>182,967</b>	<b>172,967</b>
Excess to requirement		-10,000
<b>144 AWACS</b>	<b>135,961</b>	<b>118,661</b>
Poor program execution		-17,300
<b>146 ADVANCED COMMUNICATIONS SYSTEMS</b>	<b>90,083</b>	<b>44,883</b>
JTRS Integration and Engineering Support schedule delays		-5,200
Common Processing Environment schedule delays		-40,000
<b>150 TACTICAL AIR CONTROL PARTY-MOD</b>	<b>15,978</b>	<b>9,678</b>
VCS - Program termination and restructure		-4,300
JETS contract delays		-2,000

R-1	Budget	
	Request	Conference
<b>154 JOINT STARS</b>	<b>121,610</b>	<b>74,610</b>
PME-DMS contract delays		-14,000
Unjustified request based on program restructure		-33,000
<b>158 DISTRIBUTED TRAINING AND EXERCISES</b>	<b>5,264</b>	<b>3,264</b>
Unjustified growth		-2,000
<b>159 MISSION PLANNING SYSTEMS</b>	<b>69,918</b>	<b>63,418</b>
CAF Increment IV critical change delay		-6,500
<b>168 SPACE SUPERIORITY INTELLIGENCE</b>	<b>11,866</b>	<b>8,866</b>
Program underexecution due to schedule delays		-3,000
<b>169 E-4B NATIONAL AIRBORNE OPERATIONS CENTER</b>	<b>5,845</b>	<b>4,845</b>
Secure, Survivable Communications delayed program start		-1,000
<b>171 INFORMATION SYSTEMS SECURITY PROGRAM</b>	<b>101,788</b>	<b>92,788</b>
Crypto Mod program delays		-9,000
<b>175 MILSATCOM TERMINALS</b>	<b>238,729</b>	<b>196,729</b>
Transfer to line 175a		-42,000
<b>175a FAB-T ALTERNATIVE</b>	<b>0</b>	<b>42,000</b>
FAB-T alternative		42,000
<b>177 AIRBORNE SIGINT ENTERPRISE (JMIP)</b>	<b>121,748</b>	<b>108,248</b>
ASIP 2C contract delays		-12,000
RQ-4 program delays		-1,500
<b>AIR TRAFFIC CONTROL/APPROACH/LANDING SYSTEM</b>		
<b>185 (ATCALs)</b>	<b>63,367</b>	<b>21,367</b>
D-RAPCON test articles early to need		-42,000
<b>186 AERIAL TARGETS</b>	<b>50,620</b>	<b>45,620</b>
QF-16 excess to need		-5,000
<b>195 SPACE AND MISSILE T&amp;E CENTER</b>	<b>196,254</b>	<b>188,754</b>
Excess to need		-7,500
<b>200 ENDURANCE UAVS</b>	<b>52,425</b>	<b>45,925</b>
Funded in PA 11-14 prior approval reprogramming		-6,500
<b>201 AIRBORNE RECONNAISSANCE SYSTEMS</b>	<b>106,877</b>	<b>103,877</b>
Broad Area Surveillance Sensors - terminate program and transfer content to Imagery and Targeting Support for WAMI		-18,200
Imagery and Targeting Support		15,200
<b>203 DISTRIBUTED COMMON GROUND SYSTEM</b>	<b>90,724</b>	<b>85,724</b>
Contract delays due to program reprioritization		-5,000
<b>204 MQ-1 PREDATOR DEVELOPMENT/FIELDING</b>	<b>14,112</b>	<b>11,642</b>
Common Sensor Payload ahead of need		-2,470
<b>207 GPS III SPACE SEGMENT</b>	<b>463,081</b>	<b>458,081</b>
GPS III CIP - poor justification		-5,000

R-1	Budget	
	Request	Conference
<b>208 JSPOC MISSION SYSTEM</b>	<b>118,950</b>	<b>81,450</b>
Excess to need		-37,500
<b>215 C-130 AIRLIFT SQUADRONS</b>	<b>24,509</b>	<b>6,509</b>
Contract delays		-18,000
<b>216 C-5 AIRLIFT SQUADRONS</b>	<b>24,941</b>	<b>12,941</b>
RERP Program rephased		-12,000
<b>217 C-17 AIRCRAFT</b>	<b>128,169</b>	<b>94,269</b>
Contract delays		-33,900
<b>220 LIGHT MOBILITY AIRCRAFT (LIMA)</b>	<b>1,308</b>	<b>0</b>
Funded in fiscal year 2011		-1,308
<b>223 OPERATIONAL SUPPORT AIRLIFT</b>	<b>82,591</b>	<b>42,591</b>
VC-25A funding ahead of need		-40,000
<b>225 SPECIAL TACTICS/COMBAT CONTROL</b>	<b>7,118</b>	<b>5,218</b>
Line of Sight contract delay		-1,900
<b>230 SUPPORT SYSTEMS DEVELOPMENT</b>	<b>10,990</b>	<b>50,990</b>
Alternative Energy research		40,000
<b>238 PERSONNEL ADMINISTRATION</b>	<b>8,041</b>	<b>1,041</b>
Contract delays		-7,000
<b>241 FINANCIAL MANAGEMENT INFORMATION SYSTEMS</b>	<b>101,317</b>	<b>76,317</b>
DEAMS excess to requirement		-25,000
<b>999 CLASSIFIED PROGRAMS</b>	<b>12,063,140</b>	<b>11,910,943</b>
Classified adjustment		-152,197



## INTEGRATED AIRCREW ENSEMBLE

The conference agreement provides \$3,980,000 for the Integrated Aircrew Ensemble (IAE), a decrease of \$2,000,000 below the request. The conferees understand that the IAE will provide more fully integrated upgrades to various flight safety gear and special protections in unique threat environments and is not a redesign of the current

flight suit. Given existing and prospective budget constraints, the conferees urge the Air Force to proceed with the program in a requirements-focused and fiscally sustainable manner.

## KC-46A

The conferees direct the Secretary of the Air Force to submit the reports regarding

the KC-46A required in House Report 112-110 on a quarterly basis, with the first report to be submitted not later than March 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, DEFENSE-WIDE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
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	RESEARCH, DEVELOPMENT, TEST & EVAL., DEFENSE-WIDE		
	BASIC RESEARCH		
1	DTRA UNIVERSITY STRATEGIC PARTNERSHIP BASIC RESEARCH..	47,737	47,737
2	DEFENSE RESEARCH SCIENCES.....	290,773	290,773
3	BASIC RESEARCH INITIATIVES.....	14,731	7,731
5	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE.....	37,870	37,870
6	NATIONAL DEFENSE EDUCATION PROGRAM.....	101,591	86,591
7	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.....	52,617	52,617
	TOTAL, BASIC RESEARCH.....	545,319	523,319
-----			
	APPLIED RESEARCH		
8	JOINT MUNITIONS TECHNOLOGY.....	21,592	20,592
9	BIOMEDICAL TECHNOLOGY.....	110,000	95,000
11	LINCOLN LABORATORY RESEARCH PROGRAM.....	37,916	37,916
12	SYSTEMS 2020 APPLIED RESEARCH.....	4,381	---
13	INFORMATION AND COMMUNICATIONS TECHNOLOGY.....	400,499	354,125
14	COGNITIVE COMPUTING SYSTEMS.....	49,365	49,365
15	MACHINE INTELLIGENCE.....	61,351	52,276
16	BIOLOGICAL WARFARE DEFENSE.....	30,421	30,421
17	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.....	219,873	219,873
18	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT.....	9,235	4,235
19	CYBER SECURITY RESEARCH.....	9,735	4,735
20	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APP	14,923	8,923
21	TACTICAL TECHNOLOGY.....	206,422	202,422
22	MATERIALS AND BIOLOGICAL TECHNOLOGY.....	237,837	222,837
23	ELECTRONICS TECHNOLOGY.....	215,178	215,178
24	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES.....	196,954	196,954
25	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT.....	26,591	41,591
	TOTAL, APPLIED RESEARCH.....	1,852,273	1,756,443
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(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
27	ADVANCED TECHNOLOGY DEVELOPMENT JOINT MUNITIONS ADVANCED TECH INSENSITIVE MUNITIONS AD	24,771	15,771
28	SO/LIC ADVANCED DEVELOPMENT.....	45,028	45,028
29	COMBATING TERRORISM TECHNOLOGY SUPPORT.....	77,019	77,019
30	COUNTERPROLIFERATION INITIATIVES--PROLIF PREV & DEFEAT	283,073	283,073
31	BALLISTIC MISSILE DEFENSE TECHNOLOGY.....	75,003	75,003
32	JOINT ADVANCED CONCEPTS.....	7,903	6,803
33	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.....	20,372	20,372
34	SYSTEMS 202 ADVANCED TECHNOLOGY DEVELOPMENT.....	4,381	---
35	AGILE TRANSPO FOR THE 21ST CENTURY (AT21) - THEATER CA	998	998
36	SPECIAL PROGRAM--MDA TECHNOLOGY.....	61,458	61,458
37	ADVANCED AEROSPACE SYSTEMS.....	98,878	98,878
38	SPACE PROGRAMS AND TECHNOLOGY.....	97,541	97,541
39	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEV	229,235	229,235
40	JOINT ELECTRONIC ADVANCED TECHNOLOGY.....	7,287	7,287
41	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS.....	187,707	176,707
42	NETWORKED COMMUNICATIONS CAPABILITIES.....	23,890	23,890
43	JOINT DATA MANAGEMENT RESEARCH.....	9,235	4,235
44	BIOMETRICS SCIENCE AND TECHNOLOGY.....	10,762	10,762
45	CYBER SECURITY ADVANCED RESEARCH.....	10,709	5,709
46	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADV	18,179	13,179
47	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROG	17,888	47,888
48	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT.....	26,972	26,972
49	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS.....	9,756	9,756
50	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.....	23,887	23,887
51	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.....	41,976	29,976
52	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM.....	66,409	66,409
53	MICROELECTRONIC TECHNOLOGY DEVELOPMENT AND SUPPORT....	91,132	61,132
54	JOINT WARFIGHTING PROGRAM.....	10,547	10,547
55	ADVANCED ELECTRONICS TECHNOLOGIES.....	160,286	150,286
58	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.....	296,537	261,606
59	CLASSIFIED DARPA PROGRAMS.....	107,226	107,226
60	NETWORK-CENTRIC WARFARE TECHNOLOGY.....	235,245	208,503

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
61	SENSOR TECHNOLOGY.....	271,802	271,802
	DEFENSE RAPID INNOVATION PROGRAM.....	---	200,000
63	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT..	13,579	13,579
64	SOFTWARE ENGINEERING INSTITUTE.....	30,424	30,424
65	QUICK REACTION SPECIAL PROJECTS.....	89,925	60,765
66	JOINT EXPERIMENTATION.....	58,130	39,130
67	MODELING AND SIMULATION MANAGEMENT OFFICE.....	37,029	31,029
68	DIRECTED ENERGY RESEARCH.....	96,329	50,000
69	NEXT GENERATION AEGIS MISSILE.....	123,456	13,456
70	TEST & EVALUATION SCIENCE & TECHNOLOGY.....	99,593	99,593
72	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT.....	20,444	20,444
73	CWMD SYSTEMS.....	7,788	4,288
74	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT....	35,242	30,242
75	AVIATION ENGINEERING ANALYSIS.....	837	837
76	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECH...	4,924	4,924
	TOTAL, ADVANCED TECHNOLOGY DEVELOPMENT.....	3,270,792	3,127,649
	DEMONSTRATION & VALIDATION		
77	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT..	36,798	30,798
78	RETRACT LARCH.....	21,040	21,040
79	WALKOFF.....	112,142	112,142
80	JOINT ROBOTICS PROGRAM.....	11,129	11,129
81	ADVANCE SENSOR APPLICATIONS PROGRAM.....	18,408	18,408
82	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	63,606	63,606
83	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT....	290,452	290,452
84	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT...	1,161,001	1,161,001
86	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.....	261,143	213,155
87	BALLISTIC MISSILE DEFENSE SENSORS.....	222,374	222,374
88	BALLISTIC MISSILE DEFENSE TEST & TARGETS.....	1,071,039	85,690
88A	BMD TESTS.....	---	488,382
88B	BMD TARGETS.....	---	454,999
89	BALLISTIC MISSILE DEFENSE ENABLING PROGRAMS.....	373,563	415,531
90	SPECIAL PROGRAMS - MDA.....	296,554	296,554
91	AEGIS BMD.....	960,267	990,267

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
92	SPACE SURVEILLANCE & TRACKING SYSTEM.....	96,353	96,353
93	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.....	7,951	7,951
94	BALLISTIC MISSILE DEFENSE C2BMC.....	364,103	364,103
96	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT....	41,225	41,225
91	BALLISTIC MISSILE DEFENSE INTERGRATION AND OPERATIONS		
97	CENTER (MDIOC).....	69,325	69,325
98	REGARDING TRENCH.....	15,797	15,797
99	SEA BASED X-BAND RADAR (SBX).....	177,058	177,058
101	ISRAELI COOPERATIVE PROGRAMS .....	106,100	235,700
102	HUMANITARIAN DEMINING.....	14,996	14,996
103	COALITION WARFARE.....	12,743	12,743
104	DEPARTMENT OF DEFENSE CORROSION PROGRAM.....	3,221	35,321
105	DOD UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	25,120	25,120
107	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RES	10,309	7,509
108	JOINT SYSTEMS INTEGRATION COMMAND (JSIC).....	13,024	13,024
109	JOINT FIRES INTEGRATION & INTEROPERABILITY TEAM.....	9,290	9,290
110	LAND-BASED SM-3 (LBSM3).....	306,595	306,595
111	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT.....	424,454	474,454
112	PRECISION TRACKING SPACE SYSTEM RDT&E.....	160,818	80,818
113	AIRBORNE INFRARED (ABIR).....	46,877	---
115	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.....	3,358	3,358
116	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP).....	---	25,000
117	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT ..	7,220	7,220
118	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.....	204,824	179,824
	TOTAL, DEMONSTRATION & VALIDATION.....	7,020,277	7,078,312
119	ENGINEERING & MANUFACTURING DEVELOPMENT CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.....	400,608	316,608
120	JOINT ROBOTICS PROGRAM.....	2,782	2,782
121	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)..	49,198	38,824
122	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	17,395	17,395
123	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES.....	5,888	5,888
124	INFORMATION TECHNOLOGY DEVELOPMENT.....	12,228	12,228
127	HOMELAND PERSONNEL SECURITY INITIATIVE.....	389	389

{IN THOUSANDS OF DOLLARS}

	BUDGET REQUEST	CONFERENCE
128 DEFENSE EXPORTABILITY PROGRAM.....	1,929	1,929
129 OUSD(C) IT DEVELOPMENT INITIATIVES.....	4,993	4,993
130 DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION..	134,285	94,285
131 DCMO POLICY AND INTEGRATION.....	41,808	41,808
133 DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITY.....	14,950	14,950
135 GLOBAL COMBAT SUPPORT SYSTEM.....	19,837	19,837
TOTAL, ENGINEERING & MANUFACTURING DEVELOPMENT.....	706,290	571,916
137 RDT&E MANAGEMENT SUPPORT DEFENSE READINESS REPORTING SYSTEM (DRRS).....	6,658	6,658
138 JOINT SYSTEMS ARCHITECTURE DEVELOPMENT.....	4,731	4,731
139 CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT....	140,231	160,231
140 ASSESSMENTS AND EVALUATIONS.....	2,757	2,757
141 THERMAL VICAR.....	7,827	7,827
142 JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC).....	10,479	10,479
143 TECHNICAL STUDIES, SUPPORT AND ANALYSIS.....	34,213	34,213
144 USD(A&T)--CRITICAL TECHNOLOGY SUPPORT.....	1,486	1,486
145 FOREIGN MATERIAL ACQUISITION AND EXPLOITATION.....	64,524	64,524
146 JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION....	79,859	79,859
147 CLASSIFIED PROGRAM USD(P).....	---	100,000
148 FOREIGN COMPARATIVE TESTING.....	19,080	19,080
149 SYSTEMS ENGINEERING.....	41,884	41,884
150 NUCLEAR MATTERS - PHYSICAL SECURITY.....	4,261	4,261
151 SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.....	9,437	9,437
152 GENERAL SUPPORT TO USD (INTELLIGENCE).....	6,549	6,549
153 CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.....	92,806	92,806
160 SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTR	1,924	1,924
161 DEFENSE TECHNOLOGY ANALYSIS.....	16,135	16,135
163 DEFENSE TECHNICAL INFORMATION CENTER (DTIC).....	56,269	56,269
164 R&D IN SUPPORT OF DOD ENLISTMENT, TESTING & EVALUATION	49,810	49,810
165 DEVELOPMENT TEST AND EVALUATION.....	15,805	19,305
166 DARPA AGENCY RELOCATION.....	1,000	1,000
167 MANAGEMENT HEADQUARTERS (RESEARCH & DEVELOPMENT).....	66,689	66,689

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
168 BUDGET AND PROGRAM ASSESSMENTS.....	4,528	4,528
169 AVIATION SAFETY TECHNOLOGIES.....	6,925	6,925
170 OPERATIONS SECURITY (OPSEC).....	1,777	1,777
171 JOINT STAFF ANALYTICAL SUPPORT.....	18	18
174 SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES...	12,209	12,209
175 INFORMATION TECHNOLOGY RAPID ACQUISITION.....	4,288	4,288
176 CYBER SECURITY INITIATIVE.....	10,000	5,000
177 INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)...	15,002	15,002
179 WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT.....	861	861
180 COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION.	59,958	38,090
182 MANAGEMENT HEADQUARTERS - MDA.....	28,908	28,908
183 IT SOFTWARE DEV INITIATIVES.....	167	167
999 CLASSIFIED PROGRAMS.....	82,627	82,627
TOTAL, RDT&E MANAGEMENT SUPPORT.....	961,682	1,058,314
OPERATIONAL SYSTEMS DEVELOPMENT		
185 DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS).....	8,706	6,206
186 REGIONAL INTERNATIONAL OUTREACH & PARTNERSHIP FOR PEAC	2,165	2,165
187 OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SY	288	288
188 CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS D	15,956	15,956
189 JOINT INTEGRATION AND INTEROPERABILITY.....	29,880	29,880
190 CLASSIFIED PROGRAMS.....	2,402	2,402
191 C4I INTEROPERABILITY.....	72,403	72,403
193 JOINT/ALLIED COALITION INFORMATION SHARING.....	7,093	7,093
200 NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT.....	481	481
201 DEFENSE INFO INFRASTRUCTURE ENGINEERING & INTEGRATION.	8,366	15,866
202 LONG HAUL COMMUNICATIONS (DCS).....	11,324	11,324
203 MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK....	12,514	12,514
204 PUBLIC KEY INFRASTRUCTURE (PKI).....	6,548	6,548
205 KEY MANAGEMENT INFRASTRUCTURE (KMI).....	33,751	33,751
206 INFORMATION SYSTEMS SECURITY PROGRAM.....	11,753	11,753
207 INFORMATION SYSTEMS SECURITY PROGRAM.....	348,593	348,593
208 INFORMATION SYSTEMS SECURITY PROGRAM.....	5,500	5,500
211 GLOBAL COMMAND AND CONTROL SYSTEM.....	54,739	54,739

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
212 JOINT SPECTRUM CENTER.....	29,154	29,154
213 NET-CENTRIC ENTERPRISE SERVICES (NCES).....	1,830	1,830
214 JOINT MILITARY DECEPTION INITIATIVE.....	1,241	1,241
215 TELEPORT PROGRAM.....	6,418	6,418
217 SPECIAL APPLICATIONS FOR CONTINGENCIES.....	5,045	5,045
220 CYBER SECURITY INITIATIVE.....	411	411
222 CYBER SECURITY INITIATIVE.....	4,341	4,341
223 CRITICAL INFRASTRUCTURE PROTECTION (CIP).....	13,008	13,008
227 POLICY R&D PROGRAMS.....	6,603	6,603
229 NET CENTRICITY.....	14,926	14,926
232 DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.....	4,303	1,303
235 DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.....	3,154	3,154
237 MQ-1 PREDATOR A UAV.....	2,499	2,499
239 HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM.....	2,660	2,660
240 INT'L INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT.....	1,444	1,444
248 INDUSTRIAL PREPAREDNESS.....	23,103	23,103
249 LOGISTICS SUPPORT ACTIVITIES.....	2,466	2,466
250 MANAGEMENT HEADQUARTERS (JCS).....	2,730	2,730
252 MQ-9 UAV.....	2,499	2,499
253 RQ-11 UAV.....	3,000	1,500
254 RQ-7 UAV.....	450	450
256 SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEV.....	89,382	74,382
257 SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT.....	799	799
258 SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT...	27,916	27,916
259 SOF OPERATIONAL ENHANCEMENTS.....	60,915	65,415
260 SPECIAL OPERATIONS CV-22 DEVELOPMENT.....	10,775	10,775
263 MISSION TRAINING AND PREPARATION SYSTEMS (MTPS).....	4,617	4,617
265 MC130J SOF TANKER RECAPITALIZATION.....	18,571	18,571
266 SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS..	1,392	1,392
268 SOF WEAPONS SYSTEMS.....	2,610	2,610
269 SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS.....	2,971	2,971
270 SOF VISUAL AUGMENTATION, LASERS & SENSOR SYSTEMS.....	3,000	3,000



(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
271	SOF TACTICAL VEHICLES.....	3,522	3,522
272	SOF MUNITIONS.....	1,500	1,500
273	SOF ROTARY WING AVIATION.....	51,123	51,123
274	SOF UNDERWATER SYSTEMS.....	92,424	68,424
275	SOF SURFACE CRAFT.....	14,475	14,475
276	SOF PSYOP.....	2,990	2,990
277	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES.....	8,923	8,923
278	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE.....	9,473	9,473
	TOTAL, OPERATIONAL SYSTEMS DEVELOPMENT.....	1,171,125	1,137,125
999	CLASSIFIED PROGRAMS.....	4,227,920	3,940,877
	TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DEF-WIDE.	19,755,678	19,193,955
		=====	=====

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[In thousands of dollars]

<b>R-1</b>		<b>Budget Request</b>	<b>Conference</b>
<b>3</b>	<b>BASIC RESEARCH INITIATIVES</b>	<b>14,731</b>	<b>7,731</b>
	Reduction to new starts		-7,000
<b>6</b>	<b>NATIONAL DEFENSE EDUCATION PROGRAM</b>	<b>101,591</b>	<b>86,591</b>
	Excessive growth		-15,000
<b>8</b>	<b>JOINT MUNITIONS TECHNOLOGY</b>	<b>21,592</b>	<b>20,592</b>
	Excessive growth		-1,000
<b>9</b>	<b>BIOMEDICAL TECHNOLOGY</b>	<b>110,000</b>	<b>95,000</b>
	Unsustained funding		-15,000
<b>12</b>	<b>SYSTEMS 2020 APPLIED RESEARCH</b>	<b>4,381</b>	<b>0</b>
	Duplication of effort		-4,381
<b>13</b>	<b>INFORMATION AND COMMUNICATIONS TECHNOLOGY</b>	<b>400,499</b>	<b>354,125</b>
	IT-03 unsustained funding		-12,900
	IT-04 unsustained funding		-13,474
	Reduction to new starts		-20,000
<b>15</b>	<b>MACHINE INTELLIGENCE</b>	<b>61,351</b>	<b>52,276</b>
	Unsustained growth		-9,075
	<b>JOINT DATA MANAGEMENT ADVANCED</b>		
<b>18</b>	<b>DEVELOPMENT</b>	<b>9,235</b>	<b>4,235</b>
	Excessive growth		-5,000
<b>19</b>	<b>CYBER SECURITY RESEARCH</b>	<b>9,735</b>	<b>4,735</b>
	Program increase		-5,000
	<b>HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING</b>		
<b>20</b>	<b>(HSCB) APPLIED RESEARCH</b>	<b>14,923</b>	<b>8,923</b>
	Excessive growth		-6,000
<b>21</b>	<b>TACTICAL TECHNOLOGY</b>	<b>206,422</b>	<b>202,422</b>
	Reduction to new starts		-4,000
<b>22</b>	<b>MATERIALS AND BIOLOGICAL TECHNOLOGY</b>	<b>237,837</b>	<b>222,837</b>
	Excessive growth		-15,000
<b>25</b>	<b>SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT</b>	<b>26,591</b>	<b>41,591</b>
	Program increase - unfunded requirement		15,000
	<b>JOINT MUNITIONS ADVANCED TECHNOLOGY</b>		
<b>27</b>	<b>INSENSITIVE MUNITIONS ADVANCED TECHNOLOGY</b>	<b>24,771</b>	<b>15,771</b>
	Excessive growth		-9,000
<b>32</b>	<b>JOINT ADVANCED CONCEPTS</b>	<b>7,903</b>	<b>6,803</b>
	Unsustained growth		-1,100
	<b>SYSTEMS 202 ADVANCED TECHNOLOGY</b>		
<b>34</b>	<b>DEVELOPMENT</b>	<b>4,381</b>	<b>0</b>
	Lack of transition plan		-4,381

R-1		Budget	
		Request	Conference
41	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS Excessive growth	187,707	176,707 -11,000
43	JOINT DATA MANAGEMENT RESEARCH Delay of fiscal year 2011 new start	9,235	4,235 -5,000
45	CYBER SECURITY ADVANCED RESEARCH Program adjustment	10,709	5,709 -5,000
46	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED TECHNOLOGY Excessive growth	18,179	13,179 -5,000
47	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM Industrial Base Innovation Fund program - Program adjustment	17,888	47,888 30,000
51	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY Excessive growth	41,976	29,976 -12,000
53	MICROELECTRONIC TECHNOLOGY DEVELOPMENT AND SUPPORT 90nm Next Generation Foundry	91,132	61,132 -30,000
55	ADVANCED ELECTRONICS TECHNOLOGIES Reduction to new starts	160,286	150,286 -10,000
58	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS CCC-01 unsustained growth CCC-02 unsustained growth CCC-CLS unsustained growth Reduction to new starts	296,537	261,606 -7,490 -3,850 -10,591 -13,000
60	NETWORK-CENTRIC WARFARE TECHNOLOGY NET-01 unsustained growth Reduction to new starts	235,245	208,503 -11,742 -15,000
61A	DEFENSE RAPID INNOVATION PROGRAM Defense Rapid Innovation Program - Program adjustment		200,000 200,000
65	QUICK REACTION SPECIAL PROJECTS P832 P826/P828 excessive growth	89,925	60,765 -4,160 -25,000
66	JOINT EXPERIMENTATION Program adjustment	58,130	39,130 -19,000
67	MODELING AND SIMULATION MANAGEMENT OFFICE Excessive growth	37,029	31,029 -6,000
68	DIRECTED ENERGY RESEARCH Program adjustment	96,329	50,000 -46,329

R-1	Budget	
	Request	Conference
<b>69 NEXT GENERATION AEGIS MISSILE</b>	<b>123,456</b>	<b>13,456</b>
Transfer to lines 91 for SM-3 IB and line 111 for SM-3 IIA for program adjustments		-110,000
<b>COMBATING WEAPONS OF MASS DESTRUCTION</b>		
<b>73 SYSTEMS</b>	<b>7,788</b>	<b>4,288</b>
Program reduction		-3,500
<b>SPECIAL OPERATIONS ADVANCED TECHNOLOGY</b>		
<b>74 DEVELOPMENT</b>	<b>35,242</b>	<b>30,242</b>
Excess to need		-5,000
<b>NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY</b>		
<b>77 EQUIPMENT</b>	<b>36,798</b>	<b>30,798</b>
Unexecutable growth		-6,000
<b>86 CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM</b>	<b>261,143</b>	<b>213,155</b>
JPID program restructure		-13,988
INATS schedule delays		-13,000
VAC FILO execution delays		-9,000
IBP schedule delay		-12,000
<b>88 BALLISTIC MISSILE DEFENSE TEST &amp; TARGETS</b>	<b>1,071,039</b>	<b>85,690</b>
Transfer to lines 88a, 88b, and 89		-985,349
<b>88a BMD Tests</b>		<b>488,382</b>
Transfer from line 88		488,382
<b>88b BMD Targets</b>		<b>454,999</b>
Transfer from line 88		454,999
<b>89 BALLISTIC MISSILE DEFENSE ENABLING PROGRAMS</b>	<b>373,563</b>	<b>415,531</b>
Transfer from line 88		41,968
<b>91 AEGIS BMD</b>	<b>960,267</b>	<b>990,267</b>
Transfer from line 69 Next Generation Aegis Missile for SM-3 Block IB production improvements program adjustment		30,000
<b>101 ISRAELI COOPERATIVE PROGRAMS</b>	<b>106,100</b>	<b>235,700</b>
Arrow 3		13,000
Arrow System Improvement Program (ASIP)		47,200
David's Sling Weapon System		69,400
<b>104 DEPARTMENT OF DEFENSE CORROSION PROGRAM</b>	<b>3,221</b>	<b>35,321</b>
Program adjustment		32,100
<b>HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING</b>		
<b>107 (HSCB) RESEARCH &amp; ENGINEERING</b>	<b>10,309</b>	<b>7,509</b>
Excessive growth		-2,800
<b>111 AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT</b>	<b>424,454</b>	<b>474,454</b>
Transfer from line 69 Next Generation Aegis Missile for Risk Reduction program adjustment		50,000

R-1	Budget	
	Request	Conference
<b>112 PRECISION TRACKING SPACE SYSTEM RDT&amp;E</b>	<b>160,818</b>	<b>80,818</b>
Unjustified program		-80,000
<b>113 AIRBORNE INFRARED (ABIR)</b>	<b>46,877</b>	<b>0</b>
Program adjustment		-46,877
<b>DEFENSE ACQUISITION CHALLENGE PROGRAM</b>		
<b>116 (DACP)</b>	<b>0</b>	<b>25,000</b>
Restore unjustified reduction		25,000
<b>118 PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT</b>	<b>204,824</b>	<b>179,824</b>
Program adjustment		-25,000
<b>119 CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM</b>	<b>400,608</b>	<b>316,608</b>
Decontamination Family of Systems schedule delays		-10,000
Bioscavenger program delays		-24,000
MCMI, Duplication with other government programs		-50,000
<b>ADVANCED IT SERVICES JOINT PROGRAM OFFICE</b>		
<b>121 (AITS-JPO)</b>	<b>49,198</b>	<b>38,824</b>
Technology Innovation Fund		-25,374
Cyber threat discovery - program adjustment		15,000
<b>DOD ENTERPRISE SYSTEMS DEVELOPMENT AND</b>		
<b>130 DEMONSTRATION</b>	<b>134,285</b>	<b>94,285</b>
Program growth		-40,000
<b>CENTRAL TEST AND EVALUATION INVESTMENT</b>		
<b>139 DEVELOPMENT</b>	<b>140,231</b>	<b>160,231</b>
Restore unjustified reduction		20,000
<b>147 CLASSIFIED PROGRAM USD(P)</b>	<b>0</b>	<b>100,000</b>
Classified program USD(P)		100,000
<b>165 DEVELOPMENT TEST AND EVALUATION</b>	<b>15,805</b>	<b>19,305</b>
Fiscal year 2012 WSARA shortfall - program adjustment		3,500
<b>176 CYBER SECURITY INITIATIVE</b>	<b>10,000</b>	<b>5,000</b>
Execution delays		-5,000
<b>COCOM EXERCISE ENGAGEMENT AND TRAINING</b>		
<b>180 TRANSFORMATION</b>	<b>59,958</b>	<b>38,090</b>
P754 - Duplication with Service initiatives		-21,868
<b>DEFENSE INFORMATION SYSTEM FOR SECURITY</b>		
<b>185 (DISS)</b>	<b>8,706</b>	<b>6,206</b>
Excessive growth		-2,500
<b>DEFENSE INFO INFRASTRUCTURE ENGINEERING AND</b>		
<b>201 INTEGRATION</b>	<b>8,366</b>	<b>15,866</b>
Cybersecurity pilots program adjustment		7,500
<b>232 DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS</b>	<b>4,303</b>	<b>1,303</b>
Unjustified increase		-3,000

R-1	Budget	
	Request	Conference
253 RQ-11 UAV	3,000	1,500
Lack of full funding		-1,500
SPECIAL OPERATIONS AVIATION SYSTEMS		
256 ADVANCED DEVELOPMENT	89,382	74,382
MC-130 TF/TA radar contract award delay		-15,000
259 SOF OPERATIONAL ENHANCEMENTS	60,915	65,415
Program Increase - Electronic Warfare unfunded requirement		4,500
274 SOF UNDERWATER SYSTEMS	92,424	68,424
Excessive growth		-24,000
CLASSIFIED PROGRAMS	4,227,920	3,940,877
Classified adjustment		-289,043
File sanitization tool (FIST) - program adjustment		2,000

DEFENSE ADVANCED RESEARCH PROJECTS  
AGENCY

The conferees recommend a total of \$166,122,000 in undistributed reductions throughout the Defense Advanced Research Projects Agency (DARPA). The conferees direct the Director of DARPA to provide a report to the congressional defense committees, not later than 60 days after enactment of this Act, detailing by program element and project the application of each undistributed reduction.

## PROMPT GLOBAL STRIKE

The fiscal year 2012 budget request includes \$204,824,000 to continue the Prompt Global Strike program. The conferees recommend \$179,824,000, a reduction of \$25,000,000, based on program delays caused by two consecutive flight test failures of the Hypersonic Technology Vehicle 2. The conferees remain supportive of the Prompt Global Strike program and direct that the reduction not be applied to the Advanced Hypersonic Weapon program, which just completed a successful flight demonstration.

SPECIAL OPERATIONS COMMAND UNDERSEA  
MOBILITY CONCEPTS

The fiscal year 2012 budget request includes \$92,242,000 for several programs that are designed to collectively fill the capability gap that remains following termi-

nation of the Advanced SEAL Delivery System and its successor, the Joint Multi-Mission Submersible. The conferees note that unobligated prior year appropriations, combined with funds provided in the Department of Defense Appropriations Act, 2012, would allow the Special Operations Command (SOCOM) to award several commercial contracts to develop a Family of Systems to meet its requirement. The conferees direct the Commander, SOCOM to provide separate cost estimates for the Technology Development and Engineering and Manufacturing Development phases for each of the projects in support of Undersea Mobility, as well as the estimated procurement costs, with the fiscal year 2013 budget submission.

## ISRAELI COOPERATIVE PROGRAMS

The fiscal year 2012 budget request includes \$106,100,000 to continue Israeli Cooperative Programs, a decrease of over \$100,000,000 from amounts appropriated in fiscal year 2011. The conferees find the request insufficient and provide an additional \$129,600,000 to address Israel's security requirements. Within this amount, \$15,000,000 shall be used only for the Low Rate Initial Production activities as included in the David's Sling Weapon System project agreement between the two governments.

## MEDICAL COUNTERMEASURES INITIATIVE

The conferees recommend \$101,670,000, instead of \$151,670,000 as proposed by the House and no funding as proposed by the Senate, for the Medical Countermeasures Initiative (MCMI) System Development and Demonstration. The conferees support the purpose of the MCMI program but are concerned that synergies with other government programs have not been sufficiently explored and that the government is creating slightly distinct, yet largely redundant capabilities. Therefore, the conferees direct the Assistant Secretary of Defense (Nuclear, Chemical, and Biological Defense Programs) to continue efforts to reduce costs and program overlap.

## 90NM NEXT GENERATION FOUNDRY

The recommendation includes no funding for the requested 90nm Next Generation Foundry, due to the lack of justification in support of the budget submission. However, the conferees recognize the criticality of ensuring a safe and stable supply of microchips to the Department of Defense and will revisit this issue in the future.

OPERATIONAL TEST AND EVALUATION,  
DEFENSE

The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

		BUDGET REQUEST	CONFERENCE
-----			
OPERATIONAL TEST AND EVALUATION, DEFENSE			
1	RD&E MANAGEMENT SUPPORT OPERATIONAL TEST AND EVALUATION.....	60,444	60,444
2	LIVE FIRE TESTING.....	12,126	12,126
3	OPERATIONAL TEST ACTIVITIES AND ANALYSES.....	118,722	118,722
TOTAL, RD&E MANAGEMENT SUPPORT.....		191,292	191,292
TOTAL, OPERATIONAL TEST AND EVALUATION, DEFENSE.....		191,292	191,292
		=====	=====



TITLE V—REVOLVING AND MANAGEMENT FUNDS	The conference agreement provides \$2,675,529,000 in Title V, Revolving and Man-	agement Funds as proposed by the House, in-	stead of \$2,262,529,000 as proposed by the Sen-
		ate. The conference agreement on items ad-	dressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
-----		
TITLE V		
REVOLVING AND MANAGEMENT FUNDS		
Defense Working Capital Funds.....	1,575,010	1,575,010
National Defense Sealift Fund.....	1,126,384	1,100,519
-----		
Total, title V, Revolving and Management Funds..	2,701,394	2,675,529
	=====	=====

DEFENSE WORKING CAPITAL FUNDS

The conference agreement provides \$1,575,010,000 for the Defense Working Capital Funds as proposed by the House, instead of \$1,562,010,000 as proposed by the Senate.

NATIONAL DEFENSE SEALIFT FUND

The conference agreement provides \$1,100,519,000 for the National Defense Sealift Fund as proposed by the House, instead of \$700,519,000 as proposed by the Senate.

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS		
[in thousands of dollars]		
	Budget request	Conference
STRATEGIC SHIP ACQUISITION .....	450,026	424,161
Revised Mobile Landing Platform acquisition strategy .....		-25,865
DoD MOBILIZATION ASSETS .....	318,645	318,645
SEALIFT RESEARCH AND DEVELOPMENT .....	48,443	48,443
READY RESERVE FORCE OPERATION AND MAINTENANCE .....	309,270	309,270
Total, National Defense Sealift Fund .....	1,126,384	1,100,519

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

The conference agreement provides \$35,593,020,000 in Title VI, Other Department of Defense Programs, instead of \$35,677,681,000 as proposed by the House and \$35,628,483,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
-----		
TITLE VI		
OTHER DEPARTMENT OF DEFENSE PROGRAMS		
Defense Health Program:		
Operation and maintenance.....	30,902,546	30,582,235
Procurement.....	632,518	632,518
Research, development, test and evaluation.....	663,706	1,267,306
Total, Defense Health Program 1/.....	32,198,770	32,482,059
Chemical Agents and Munitions Destruction, Defense:		
Operation and maintenance.....	1,147,691	1,147,691
Procurement.....	---	---
Research, development, test and evaluation.....	406,731	406,731
Total, Chemical Agents 2/.....	1,554,422	1,554,422
Drug Interdiction and Counter Drug Activities, Defense	1,156,282	1,209,620
Joint Improvised Explosive Device Defeat Fund 2/.....	220,634	---
Joint Urgent Operational Needs Fund.....	100,000	---
Office of the Inspector General 1/.....	289,519	346,919
Total, title VI, Other Department of Defense Programs.....	35,519,627	35,593,020
	=====	=====

## DEFENSE HEALTH PROGRAM

The conference agreement provides the House and \$32,536,070,000 as proposed by Senate is as follows:

\$32,482,059,000 for the Defense Health Pro- gram, instead of \$32,347,559,000 as proposed by items addressed either by the House or the the Senate. The conference agreement on

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
-----		
DEFENSE HEALTH PROGRAM		
OPERATION AND MAINTENANCE		
IN-HOUSE CARE.....	8,148,856	8,158,856
PRIVATE SECTOR CARE.....	16,377,272	16,047,272
CONSOLIDATED HEALTH SUPPORT.....	2,193,821	2,213,821
INFORMATION MANAGEMENT.....	1,422,697	1,422,697
MANAGEMENT ACTIVITIES.....	312,102	307,102
EDUCATION AND TRAINING.....	705,347	693,647
BASE OPERATIONS/COMMUNICATIONS.....	1,742,451	1,738,840
-----		
SUBTOTAL, OPERATION AND MAINTENANCE.....	30,902,546	30,582,235
PROCUREMENT		
DEFENSE HEALTH PROGRAM.....	632,518	632,518
RESEARCH DEVELOPMENT TEST AND EVALUATION		
DEFENSE HEALTH PROGRAM.....	663,706	1,267,306
-----		
TOTAL, DEFENSE HEALTH PROGRAM.....	32,198,770	32,482,059
	=====	=====

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
**[In thousands of dollars]**

	<b>Budget Request</b>	<b>Conference</b>
<b>OPERATION AND MAINTENANCE</b>	<b>30,902,546</b>	<b>30,582,235</b>
<b>IN-HOUSE CARE</b>	<b>8,148,856</b>	<b>8,158,856</b>
Program Increase - Suicide Prevention		10,000
<b>PRIVATE SECTOR CARE</b>	<b>16,377,272</b>	<b>16,047,272</b>
TRICARE Historical Underexecution		-330,000
<b>CONSOLIDATED HEALTH SUPPORT</b>	<b>2,193,821</b>	<b>2,213,821</b>
Wounded Warrior Military Adaptive Sports Program		10,000
Program Increase - Suicide Prevention		10,000
<b>INFORMATION MANAGEMENT</b>	<b>1,422,697</b>	<b>1,422,697</b>
<b>MANAGEMENT ACTIVITIES</b>	<b>312,102</b>	<b>307,102</b>
Strategic Communications		-3,000
Contract savings from website consolidation		-2,000
<b>EDUCATION AND TRAINING</b>	<b>705,347</b>	<b>693,647</b>
Unjustified Growth for Travel		-11,700
<b>BASE OPERATIONS AND COMMUNICATIONS</b>	<b>1,742,451</b>	<b>1,738,840</b>
Adjustment for Civilian Pay Error		-3,611
<b>PROCUREMENT</b>	<b>632,518</b>	<b>632,518</b>
<b>RESEARCH AND DEVELOPMENT</b>	<b>663,706</b>	<b>1,267,306</b>
Peer-Reviewed Alcohol and Substance Abuse Disorders Research		4,500
Peer-Reviewed ALS Research		6,400
Peer-Reviewed Alzheimer Research		12,000
Peer-Reviewed Autism Research		5,100
Peer-Reviewed Bone Marrow Failure Disease Research		3,200
Peer-Reviewed Breast Cancer Research		120,000
Peer-Reviewed Cancer Research		12,800
Peer-Reviewed Duchenne Muscular Dystrophy Research		3,200
Peer-Reviewed Gulf War Illness Research		10,000
Peer-Reviewed Hemorrhage Control Research		10,000
Peer-Reviewed Lung Cancer Research		10,200
Peer-Reviewed Medical Research		50,000
Peer-Reviewed Multiple Sclerosis Research		3,800
Peer-Reviewed Orthopedic Research		30,000
Peer-Reviewed Ovarian Cancer Research		16,000
Peer-Reviewed Prostate Cancer Research		80,000
Peer-Reviewed Restorative Transplantation Research		15,000
Peer-Reviewed Spinal Cord Research		9,600
Peer-Reviewed Traumatic Brain Injury and Psychological Health Research		135,500
Peer-Reviewed Tuberous Sclerosis Complex Research		5,100
Peer-Reviewed Vision Research		3,200
Global HIV/AIDS Prevention		8,000
Joint Warfighter Medical Research		50,000

DEFENSE HEALTH PROGRAM REPROGRAMMING  
PROCEDURES

The conferees remain concerned over the transfer of funds from Direct (or In-house) Care to pay for contractor-provided medical care. To limit such transfers and continue oversight within the Defense Health Program operation and maintenance account, the conferees include bill language which caps the funds available for Private Sector Care under the TRICARE program subject to prior approval reprogramming procedures. The bill language and accompanying statement language included by the conferees should not be interpreted by the Department of Defense as limiting the amount of funds that may be transferred to the Direct Care System from other budget activities within the Defense Health Program. In addition, the conferees continue to designate the funding for the Direct Care System as a special interest item. Any transfer of funds from the Direct (or In-house) Care budget activity into the Private Sector Care budget activity or any other budget activity will require the Department of Defense to follow prior approval reprogramming procedures.

The Department shall also provide written notification to the House and Senate Appropriations Committees of cumulative transfers in excess of \$15,000,000 out of the Private Sector Care budget activity. The conferees further direct the Assistant Secretary of Defense (Health Affairs) to provide quarterly reports to the House and Senate Appropriations Committees on budget execution data for all of the Defense Health Program accounts and to adequately reflect changes to the budget activities requested by the Services in future budget submissions.

## CARRYOVER

For fiscal year 2012, the conferees recommend one percent carryover authority for the operation and maintenance account of the Defense Health Program. The conferees

direct the Assistant Secretary of Defense (Health Affairs) to submit a detailed spending plan for any fiscal year 2011 designated carryover funds to the congressional defense committees not fewer than 15 days prior to executing the carryover funds.

## PEER-REVIEWED CANCER RESEARCH PROGRAM

The conference agreement provides \$12,800,000 for a Peer-Reviewed Cancer Research Program that would research cancers not addressed in the breast, prostate, ovarian, and lung cancer research programs currently executed by the Department of Defense, and specifically by the U.S. Army Medical Research and Materiel Command.

The funds provided are directed to be used to conduct research in the following areas: melanoma and other skin cancers, pediatric brain tumors, genetic cancer research, pancreatic cancer, kidney cancer, blood cancer, colorectal cancer, mesothelioma, and listeria vaccine for infectious disease and cancer.

The funds provided under the Peer-Reviewed Cancer Research Program shall only be used for the purposes listed above. The Assistant Secretary of Defense (Health Affairs) is directed to provide a report not later than 60 days after enactment of this Act to the congressional defense committees on the status of the Peer-Reviewed Cancer Research Program. For each research area, the report should include the funding amount awarded, the progress of the research, and the relevance of the research for servicemembers and their families.

JOINT WARFIGHTER MEDICAL RESEARCH  
PROGRAM

The conference agreement provides \$50,000,000 for the Joint Warfighter Medical Research Program. Funds shall be used to augment and accelerate high priority Department of Defense and Service medical requirements and to continue prior year initiatives that are close to achieving their objectives and yielding a benefit to military medi-

cine. The funds shall not be used for new projects or for basic research. The funding shall be awarded at the Department's discretion following a review of medical research and development gaps, as well as unfinanced medical requirements of the Services. Further, the conferees direct the Assistant Secretary of Defense (Health Affairs) to provide a report not later than 120 days after enactment of this Act to the congressional defense committees, which lists the projects that receive funding. The report should include the amount of funding provided to each project and a thorough description of each project's research.

## PEER-REVIEWED MEDICAL RESEARCH PROGRAM

The conference agreement provides \$50,000,000 for a Peer-Reviewed Medical Research Program. The conferees direct the Secretary of Defense, in conjunction with the Service Surgeons General, to select medical research projects of clear scientific merit and direct relevance to military health. Research areas considered under this funding are restricted to: arthritis, composite tissue transplantation, drug abuse, dystonia, epilepsy, food allergies, Fragile X syndrome, hereditary angioedema, inflammatory bowel disease, interstitial cystitis, lupus, malaria, nanomedicine for drug delivery science, neuroblastoma, osteoporosis and related bone disease, Paget's disease, polycystic kidney disease, post-traumatic osteoarthritis, scleroderma, tinnitus, and tuberculosis. The conferees emphasize that the additional funding provided under the Peer-Reviewed Medical Research Program shall be devoted only to the purposes listed above.

CHEMICAL AGENTS AND MUNITIONS  
DESTRUCTION, DEFENSE

The conference agreement on items addressed either by the House or the Senate is as follows:



(IN THOUSANDS OF DOLLARS)		
	BUDGET REQUEST	CONFERENCE
.....		
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE		
CHEM DEMILITARIZATION - OPERATION AND MAINTENANCE.....	1,147,691	1,147,691
CHEM DEMILITARIZATION - RESEARCH, DEV., TEST & EVAL....	406,731	406,731
.....		
TOTAL, CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.....	1,554,422	1,554,422
	=====	=====

TOOELE CHEMICAL AGENT DISPOSAL FACILITY  
House Report 112-110 directs the Secretary of Defense to submit a report to the congressional defense committees detailing the closure requirements and potential reuse of the Tooele Chemical Agent Disposal Facility. This report is no longer required.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE  
The conference agreement provides \$1,209,620,000 for Drug Interdiction and Counter-Drug Activities, Defense, instead of \$1,208,147,000 as proposed by the House and \$1,205,072,000 as proposed by the Senate. The conference agreement on items addressed either by the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS		
[In thousands of dollars]		
	Budget re- quest	Conference
DRUG INTERDICTION & COUNTER-DRUG AC- TIVITIES .....	1,156,282	1,209,620
PC: 2360 EUCOM Tactical Analysis Team Support—Previously Denied New Start .....		— 952
3217 Navy Counter-Drug Activities— ROTHR—Transfer from OP,N line 89 ..		2,290
7403 National Guard Counter-Drug Program State Plans .....		50,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS— Continued		
[In thousands of dollars]		
	Budget re- quest	Conference
9205 EUCOM Counternarcotics Oper- ations Support .....		— 2,000
9380 Young Marines—Drug Demand Reduction .....		4,000

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND  
The conference agreement on items addressed either by the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS		
[In thousands of dollars]		
Line	Budget re- quest	Conference
4 STAFF AND INFRASTRUCTURE .....	220,634	0
Transfer to title IX .....		— 220,634
TOTAL, JOINT IED DEFEAT FUND .....	220,634	0

The conference agreement does not recommend funding for the Joint Improvised Explosive Device Defeat Fund in the base

budget. The agreement addresses the funding requirements of the Joint Improvised Explosive Device Defeat Organization in title IX.  
OFFICE OF THE INSPECTOR GENERAL  
The conference agreement on items addressed either by the House or the Senate is as follows:

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS		
[In thousands of dollars]		
	Budget re- quest	Conference
OPERATION AND MAINTENANCE .....	286,919	341,419
Program Increase .....		54,500
PROCUREMENT .....	1,000	1,000
RESEARCH, DEVELOPMENT, TEST AND EVALUA- TION .....	1,600	4,500
Program Increase .....		2,900
TOTAL, OFFICE OF THE INSPECTOR GENERAL .....	289,519	346,919

TITLE VII—RELATED AGENCIES  
The conference agreement provides \$1,061,591,000 in Title VII, Related Agencies, instead of \$971,925,000 as proposed by the House and \$1,107,413,000 as proposed by the Senate. The conference agreement on items addressed either by the House or the Senate is as follows:

(IN THOUSANDS OF DOLLARS)

	BUDGET REQUEST	CONFERENCE
-----		
TITLE VII		
RELATED AGENCIES		
Central Intelligence Agency Retirement and Disability System Fund.....	513,700	513,700
Intelligence Community Management Account (ICMA).....	592,213	547,891
	-----	-----
Total, title VII, Related agencies.....	1,105,913	1,061,591
	=====	=====

## CLASSIFIED ANNEX

Adjustments to classified programs are addressed in a separate detailed and comprehensive classified annex. The Intelligence Community, Department of Defense, and other organizations are expected to fully comply with the recommendations and directions in the classified annex accompanying the Department of Defense Appropriations Act, 2012.

## CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

The conference agreement provides \$513,700,000 for the Central Intelligence Agency Retirement and Disability Fund, as proposed by both the House and the Senate.

## INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

The conference agreement provides \$547,891,000 for the Intelligence Community Management Account, instead of \$458,225,000 as proposed by the House and \$593,713,000 as proposed by the Senate.

## TITLE VIII—GENERAL PROVISIONS

The conference agreement incorporates general provisions from the House and Senate versions of the bill which were not amended. Those general provisions that were addressed in conference follow:

The conference agreement modifies a provision proposed by the House and Senate which provides general transfer authority not to exceed \$3,750,000,000.

The conference agreement retains a provision proposed by the Senate which prohibits the use of funds to demilitarize or dispose of certain small firearms. The House bill contained a similar provision but made it permanent.

The conference agreement retains a provision proposed by the House concerning incentive payments authorized by section 504 of the Indian Financing Act (25 U.S.C. 1544). The Senate bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate which provides funding from various appropriations for the Civil Air Patrol Corporation. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate related to funding provided for Federally Funded Research and Development Centers. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the House which provides that the Office of Economic Adjustment may use funds made available under Operation and Maintenance, Defense-Wide to make grants and supplement other federal funds in accordance with guidance provided. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the Senate which prohibits the conversion of any activity or function performed by civilian employees of the Department of Defense to contractor with certain exceptions. The House bill contained no similar provision.

The conference agreement modifies a provision proposed by the House and the Senate recommending rescissions. The rescissions agreed to are:

## (RESCISSIONS)

2002 Appropriations:	
National Defense Sealift Fund:	
Ready Reserve Force ...	\$20,444,000
2003 Appropriations:	
National Defense Sealift Fund:	
Ready Reserve Force ...	8,500,000

## 2004 Appropriations:

National Defense Sealift Fund:	
Ready Reserve Force ...	6,500,000
2010 Appropriations:	
2010 Appropriations:	
Aircraft Procurement, Army:	
Common Ground Equipment .....	5,100,000
Procurement of Weapons and Tracked Combat Vehicles, Army:	
Handgun .....	3,379,000
Lightweight .50 Caliber Machine Gun .....	974,000
Procurement of Ammunition, Army:	
Artillery Fuzes, All Types .....	19,000,000
Scorpion, Intelligent Munitions Systems ...	2,674,000
Other Procurement, Army:	
Armored Security Vehicle .....	13,000,000
Lightweight Counter Mortar Radar .....	15,000,000
Installation Info Infrastructure Mod Program .....	5,800,000
Special Equipment for User Testing .....	17,000,000
Explosive Ordnance Disposal Equipment Items Less than \$5 Million (ENG SPT) .....	5,347,000
2,500,000	
Aircraft Procurement, Navy:	
P-8A .....	90,000,000
Aircraft Procurement, Air Force:	
C-130 .....	17,471,000
T-38 .....	11,326,000
KC-10A (ATCA) .....	4,100,000
Missile Procurement, Air Force:	
NPOESS .....	3,889,000
Other Procurement, Air Force:	
Global Combat Support System (DEAMS) ....	12,200,000
Procurement, Defense-Wide:	
Maritime Equipment Modifications .....	716,000
2011 Appropriations:	
Aircraft Procurement, Army:	
Airborne Avionics .....	21,500,000
Missile Procurement, Army:	
Surface-Launched AMRAAM System ....	99,800,000
Procurement of Weapons and Tracked Combat Vehicles, Army:	
Lightweight .50 Caliber Machine Gun .....	18,834,000
Procurement of Ammunition, Army:	
Artillery Fuzes, All Types .....	15,000,000
Other Procurement, Army:	
Armored Security Vehicle .....	80,000,000
Joint Tactical Radio System .....	70,000,000
Lightweight Counter Mortar Radar .....	80,000,000
BCT Unattended Ground Sensor .....	14,636,000
BCT Network .....	74,000,000

Special Equipment for User Testing .....		26,000,000
Ground Soldier System		93,800,000
Aircraft Procurement, Navy:		
P-8A .....		55,000,000
F-18 Series .....		23,000,000
Weapons Procurement, Navy:		
Standard Missile Mods		21,427,000
Sidewinder .....		2,900,000
Airborne Mine Neutralization Systems .....		9,949,000
Procurement of Ammunition, Navy and Marine Corps:		
General Purpose Bombs Intermediate Caliber Gun Ammunition ....		19,650,000
Other Procurement, Navy:		
Reactor Power Units ...		6,700,000
Navy Multiband Terminal .....		48,600,000
Physical Security Equipment .....		4,298,000
Shipbuilding and Conversion, Navy:		
Littoral Combat Ship AP .....		110,351,000
Aircraft Procurement, Air Force:		
C-130J AP .....		30,000,000
F-15 .....		31,340,000
C-130 .....		25,000,000
B-2A (Multi Display Units) .....		22,579,000
T-38 .....		18,600,000
C-37A .....		11,731,000
C-40 .....		10,475,000
C-32A .....		10,411,000
Other Production Charges (NATO) .....		17,000,000
KC-10A (ATCA) .....		4,100,000
B-52 .....		1,733,000
Other Production Charges (MQ-1) .....		37,244,000
Missile Procurement, Air Force:		
GPS III Space Segment		122,500,000
SBIRS High (Space) AP		25,000,000
JASSM .....		46,400,000
Other Procurement, Air Force:		
Tactical Air Control Party Vehicular Communication System .....		26,949,000
Global Combat Support System .....		7,733,000
Combat Training Ranges .....		3,700,000
Theater Battle Management Command and Control System ..		1,000,000
Modular Aircrew Common Helmet .....		6,217,000
Special Update Program .....		2,972,000
Joint Tactical Radio System Ground Mobile Radio .....		4,297,000
Procurement, Defense-Wide:		
Contamination Avoidance .....		1,626,000
Installation Force Protection .....		1,083,000
Individual Protection ..		892,000
Collective Protection ..		329,000
Decontamination .....		258,000
Joint Bio Defense Program (Medical) .....		124,000
Research, Development, Test and Evaluation, Army:		
FCS UAV .....		16,700,000

FCS UAV .....	6,000,000	DARPA Space Pro-	
FCS Unattended		grams and Tech-	
Ground Sensors .....	5,800,000	nology .....	1,000,000
Manned Ground Vehi-		DARPA Advanced Elec-	
cle—GCV .....	45,000,000	tronics Technologies	1,000,000
Joint Air-to-Ground		DARPA Network-Cen-	
Missile .....	49,700,000	tric Warfare Tech-	
Landmine Warfare Bar-		nology .....	1,000,000
rier—Scorpion .....	24,200,000	MDA BMD Midcourse	
MLRS PIP—GMLRS		Defense Segment .....	23,005,000
AW .....	5,700,000	OSD UAS Common De-	
Aerial Common Sen-		velopment .....	3,007,000
sor—EMARSS .....	24,425,000	BTA R&D Activities ....	6,019,000
Aerial Common Sen-		DTRA Weapons of Mass	
sor—EMARSS Excess		Destruction Defeat	
Carryover .....	79,100,000	Capabilities .....	603,000
Ground Combat Vehi-		BTA DIMHRS .....	392,000
cle—Change to Ac-		JIAMDO .....	18,369,000
quisition Strategy ....	100,000,000	OSD Technical Studies,	
Research, Development,		Support, and Anal-	
Test and Evaluation,		ysis .....	12,321,000
Navy:		OSD Policy R&D Pro-	
Common Mobile Air-		grams .....	3,711,000
crew Restraint Sys-		OSD Net Centricity ....	3,233,000
tem .....	5,100,000	JCS Management	
Multi-Purpose Bomb		Headquarters .....	239,000
Rack .....	10,000,000	ISSP .....	11,000,000
FMU-164 Fuze .....	19,671,000	Defense Health Program:	
Retract Elm .....	5,878,000	Research, Develop-	
Small Diameter Bomb	2,600,000	ment, Test and Eval-	
Joint Air-to-Ground		uation .....	257,000
Missile .....	7,400,000	The conference agreement retains a provi-	
Navy Meteorological		sion proposed by the Senate for the procure-	
and Ocean Sensors—		ment of ball and roller bearings, except for	
Space .....	15,038,000	the purchase of “commercial items” as de-	
Research, Develop-		defined by section 4(12) of the Office of Federal	
ment, Test and Eval-		Procurement Policy Act under certain limi-	
uation, Air Force: ....		tations. The House bill contained a similar	
JSpOC Mission System	3,500,000	provision as defined by section 103 of title 41,	
Space Situational		United States Code.	
Awareness Systems ..	18,000,000	The conference agreement retains a provi-	
Agile Combat Support	2,800,000	sion proposed by the House which prohibits	
Joint Strike Fighter ...	85,000,000	the use of funds to perform repairs or main-	
Joint Cargo Aircraft ....	7,750,000	tenance of military family housing units.	
Evaluation and Anal-		The Senate bill contained no similar provi-	
ysis Program .....	17,997,000	sion.	
Special Evaluation		The conference agreement retains a provi-	
System .....	47,252,000	sion proposed by the Senate concerning re-	
Combined Advanced		porting requirements for any new start ad-	
Applications .....	19,845,000	vanced concept technology demonstration	
Defense Reconnaissance		project or joint capability demonstration	
Support Activities		project. The House bill contained a similar	
(SPACE) .....	11,800,000	provision.	
Tactical Air Control		The conference agreement retains a provi-	
Party—Mod .....	2,450,000	sion proposed by the House concerning a	
B-2 .....	22,000,000	grant to the Fisher House Foundation, Inc.	
AWACS .....	19,700,000	The Senate bill contained no similar provi-	
Research, Development,		sion.	
Test and Evaluation,		The conference agreement retains a provi-	
Defense-Wide:		sion proposed by the Senate which makes	
DARPA Undistributed		available funds to reimburse the Department	
Rescission .....	126,589,000	of Homeland Security for costs associated	
DARPA Defense Re-		with processing and adjudication of applica-	
search Sciences .....	1,827,000	tions for naturalization. The House bill con-	
DTRA Weapons of Mass		tained no similar provision.	
Destruction Defeat		The conference agreement retains a provi-	
Technologies .....	10,435,000	sion proposed by the Senate related to fund-	
DARPA Tactical Tech-		ing for the Israeli Cooperative Defense pro-	
nology .....	10,084,000	grams. The House bill contained a similar	
DARPA Materials and		provision.	
Biological Tech-		The conference agreement retains a provi-	
nology .....	1,000,000	sion proposed by the Senate regarding Fleet	
DARPA Electronics		Forces Command control of Navy forces as-	
Technology .....	500,000	signed to the Pacific and United States	
DTRA Counterproli-		Transportation Command operational and	
feration Initia-		administrative control of C-130 and KC-135	
tives—Proliferation		forces assigned to the Pacific and European	
Prevention and De-		Air Force Commands. The House bill con-	
feat .....	11,950,000	tained a similar provision but did not in-	
DARPA Classified Pro-		clude restrictions related to the Transpor-	
grams .....	4,000,000	tation Command.	
DARPA Command,		The conference agreement modifies a provi-	
Control, and Commu-		sion proposed by the Senate regarding the	
nications Systems ....	3,000,000	transfer of funds provided within Research,	

Development, Test and Evaluation, Army and Research, Development, Test and Evaluation, Air Force. The House bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits the use of funds for nuclear armed interceptors of a missile defense system. The Senate bill contained a similar provision but made it permanent.

The conference agreement retains a provision proposed by the House which provides funding to the United Service Organizations and the Red Cross. The Senate bill contained a similar provision but did not provide funding to the Red Cross.

The conference agreement modifies a provision proposed by the Senate which provides funding of up to \$200,000,000 from Operation and Maintenance, Defense-Wide, to be combined with funds from the Department of State, should a Global Security Contingency Fund be created. The House bill contained no similar provision.

The conference agreement retains a provision proposed by the House which requires submission of P-1 exhibit and R-1 exhibits for National Intelligence programs based on certain dollar thresholds. The Senate bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate which reduces funding appropriated in Operation and Maintenance, Army to reflect excess cash balances in the Working Capital Funds. The House bill contained no similar provision.

The conference agreement retains a provision proposed by the Senate which requires submission of a baseline for reprogramming at the project level. The House bill contained a similar provision which required submission of the baseline at the subproject level.

The conference agreement modifies a provision proposed by the House establishing prior approval reprogramming and transfer procedures for National Intelligence Programs. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the Senate which provides for the transfer of funds by the Director of National Intelligence to other departments and agencies for purposes of government-wide information sharing activities. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate which provides funds for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the House which extends the period of time during which claims for retroactive stop-loss special pay may be submitted. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House which places a limitation on the total number of Senior Executive Service employees in the Office of the Director of National Intelligence and requires submission of certain reports. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House regarding Anti-Deficiency Act violations in the military personnel accounts. The provision requires the Inspector General of the Department of Defense to conduct a review of the violations and make recommendations for corrective actions to be implemented. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House to provide

grants through the Office of Economic Adjustment to assist the civilian population of Guam. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House regarding parking spaces provided by the BRAC 133 project. The Senate contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits the Secretary of the Air Force from transferring Air Force Material Command functions until after the Secretary transmits a report. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House regarding reporting requirements for civilian personnel end strength by appropriation account. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which provides funding from Research, Development, Test and Evaluation, Army to conduct research on alternative energy resources for the deployed forces. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which requires the Department to report on the feasibility of using commercially available telecommunications expense management solutions. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to separate the National Intelligence Program from the Department of Defense budget. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House which provides general transfer authority of \$2,000,000,000 for funds made available for the intelligence community. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which provides funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations. The Senate bill contained no similar provision.

The conference agreement modifies language proposed by the House which prohibits the use of current and prior year funds from being used to transfer detainees from Naval Station Guantanamo Bay, Cuba to the United States. The Senate bill contained a similar provision.

The conference agreement modifies a provision proposed by the House which requires certain certifications prior to the transfer of detainees from Naval Station Guantanamo Bay, Cuba to foreign countries. The Senate bill contained a similar provision.

The conference agreement modifies language proposed by the House which prohibits the use of current and prior year funds from being used to construct, renovate, or modify

U.S. facilities to house any detainees at Naval Station Guantanamo Bay, Cuba. The Senate bill contained a similar provision.

The conference agreement modifies a provision proposed by the House which provides funds to conduct an assessment of the current and prospective situation on the ground in Afghanistan and Pakistan. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which directs the Secretary of Defense to submit a report regarding the efficiency savings identified in the fiscal year 2012–2016 budgets. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House which prohibits funding from being used to enter into agreements with corporations with unpaid tax liabilities. The Senate bill contained no similar provision.

The conference agreement modifies a provision proposed by the House which prohibits funding from being used to enter into agreements with a corporation that was convicted of a federal criminal violation in the past 24 months. The Senate bill contained no similar provision.

The conference agreement includes a new provision which creates a Military Intelligence Program Transfer Fund. The House bill and Senate bill contained no similar provisions.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to violate the Trafficking Victims Protection Act of 2000. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to violate the Child Soldier Prevention Act of 2008. The Senate bill contained no similar provision.

The conference agreement retains a provision proposed by the House which prohibits funds from being used to violate the War Powers Resolution. The Senate bill contained no similar provision.

#### TITLE IX—OVERSEAS CONTINGENCY OPERATIONS

The conference agreement provides \$115,082,635,000 in Title IX, Overseas Contingency Operations, instead of \$118,669,277,000 as proposed by the House and \$117,583,000,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

##### REPORTING REQUIREMENTS

The conferees direct that the Department continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on the monthly basis in the Cost of War Execution report as required by Department of Defense Financial Management Regulation, Chapter 23, Volume 12. The conferees further direct the Department to continue providing Cost of War reports to the congressional defense

committees that include the following information by appropriation account: Funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

The conferees expect that in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified in this report. The conferees direct the Department of Defense to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this title.

##### MILITARY ACTIVITIES IN LIBYA

General provisions 10003 and 10017, included in the House version of the Department of Defense Appropriations bill, restricted the use of Department of Defense funding for certain activities in or against Libya. The conference agreement does not include those provisions. Since the House passage of the Department of Defense Appropriations bill, political conditions in Libya have changed and power has transferred to a new regime.

As part of a greater NATO force, the United States participated in, and took direct forceful action against the country of Libya to topple its former regime. The action was successful and fortunately no American lives were lost during this incursion. However, the conferees insist that when determining that military engagements are necessary, the President is subject to the terms of the War Powers Resolution (50 U.S.C. 1541 et seq.).

##### EXTREMIST ORGANIZATIONS

The conferees are aware that certain governments and organizations such as the Government of Iran, Hamas, and Hizbullah have policies and practices counter to the best interests of the United States. The conferees reiterate that extremist governments and organizations should not be funded by this Act and that the conferees will closely monitor the expenditure of funds by the Department of Defense regarding such matters.

##### HUMAN RIGHTS ABUSES

The House included language directing reports on human rights abuses. The conferees direct the initial report be completed not later than 60 days after enactment of this Act and quarterly throughout the fiscal year.

##### MILITARY PERSONNEL

The conference agreement provides \$11,639,252,000 for Military Personnel, instead of \$10,813,624,000 as proposed by the House and \$11,657,252,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[in thousands of dollars]

M-1	Budget	
	Request	Conference
<b>MILITARY PERSONNEL, ARMY</b>		
<b>BA-1: PAY AND ALLOWANCES OF OFFICERS</b>		
BASIC PAY	783,035	783,035
RETIRED PAY ACCRUAL	205,290	205,290
BASIC ALLOWANCE FOR HOUSING	221,322	221,322
BASIC ALLOWANCE FOR SUBSISTENCE	27,183	27,183
INCENTIVE PAYS	7,381	7,381
SPECIAL PAYS	64,012	64,012
ALLOWANCES	31,498	31,498
SEPARATION PAY	850	850
SOCIAL SECURITY TAX	59,901	59,901
TOTAL, BA-1	1,400,472	1,400,472
<b>BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL</b>		
BASIC PAY	1,820,510	1,820,510
RETIRED PAY ACCRUAL	478,020	478,020
BASIC ALLOWANCE FOR HOUSING	694,535	694,535
INCENTIVE PAYS	15,145	15,145
SPECIAL PAYS	313,753	313,753
ALLOWANCES	182,153	182,153
SEPARATION PAY	6,192	6,192
SOCIAL SECURITY TAX	139,271	139,271
TOTAL, BA-2	3,649,579	3,649,579
<b>BA-4: SUBSISTENCE OF ENLISTED PERSONNEL</b>		
BASIC ALLOWANCE FOR SUBSISTENCE	305,468	305,468
SUBSISTENCE-IN-KIND	1,155,870	1,155,870
TOTAL, BA-4	1,461,338	1,461,338
<b>BA-5: PERMANENT CHANGE OF STATION TRAVEL</b>		
ACCESSION TRAVEL		
OPERATIONAL TRAVEL	56,308	56,308
ROTATIONAL TRAVEL	29,861	29,861
SEPARATION TRAVEL	23,685	23,685
TOTAL, BA-5	109,854	109,854
<b>BA-6: OTHER MILITARY PERSONNEL COSTS</b>		
INTEREST ON UNIFORMED SERVICES SAVINGS	9,674	9,674
DEATH GRATUITIES	29,000	29,000
UNEMPLOYMENT BENEFITS	289,232	289,232
RESERVE INCOME REPLACEMENT PROGRAM	472	472
SGLI EXTRA HAZARD PAYMENTS	125,924	125,924
TRAMATIC INJURY PROTECTION COVERAGE	29,790	29,790
TOTAL, BA-6	484,092	484,092
<b>UNDISTRIBUTED ADJUSTMENTS</b>		90,000
Undistributed transfer from title I		90,000
<b>TOTAL, MILITARY PERSONNEL, ARMY</b>	<b>7,105,335</b>	<b>7,195,335</b>

M-1	Budget	
	Request	Conference
<b>MILITARY PERSONNEL, NAVY</b>		
<b>BA-1: PAY AND ALLOWANCES OF OFFICERS</b>		
BASIC PAY	133,868	133,868
RETIRED PAY ACCRUAL	32,533	32,533
BASIC ALLOWANCE FOR HOUSING	41,612	41,612
BASIC ALLOWANCE FOR SUBSISTENCE	4,334	4,334
INCENTIVE PAYS	2,993	2,993
SPECIAL PAYS	27,504	27,504
ALLOWANCES	13,898	13,898
SOCIAL SECURITY TAX	10,242	10,242
TOTAL, BA-1	266,984	266,984
<b>BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL</b>		
BASIC PAY	171,419	171,419
RETIRED PAY ACCRUAL	41,655	41,655
BASIC ALLOWANCE FOR HOUSING	83,688	83,688
INCENTIVE PAYS	940	940
SPECIAL PAYS	102,127	102,127
ALLOWANCES	29,854	29,854
SEPARATION PAY	61	61
SOCIAL SECURITY TAX	13,113	13,113
TOTAL, BA-2	442,857	442,857
<b>BA-4: SUBSISTENCE OF ENLISTED PERSONNEL</b>		
BASIC ALLOWANCE FOR SUBSISTENCE	19,651	19,651
SUBSISTENCE-IN-KIND	15,845	15,845
TOTAL, BA-4	35,496	35,496
<b>BA-5: PERMANENT CHANGE OF STATION TRAVEL</b>		
ACCESSION TRAVEL	5,123	5,123
OPERATIONAL TRAVEL	23,490	23,490
ROTATIONAL TRAVEL	29,573	29,573
SEPARATION TRAVEL	3,077	3,077
TOTAL, BA-5	61,263	61,263
<b>BA-6: OTHER MILITARY PERSONNEL COSTS</b>		
DEATH GRATUITIES	1,300	1,300
UNEMPLOYMENT BENEFITS	50,111	50,111
SGLI EXTRA HAZARD PAYMENTS	61,023	61,023
TOTAL, BA-6	112,434	112,434
UNDISTRIBUTED ADJUSTMENT		340,200
Undistributed transfer from title I		340,200
<b>TOTAL, MILITARY PERSONNEL, NAVY</b>	<b>919,034</b>	<b>1,259,234</b>
<b>MILITARY PERSONNEL, MARINE CORPS</b>		
<b>BA-1: PAY AND ALLOWANCES OF OFFICERS</b>		
BASIC PAY	80,579	80,579
RETIRED PAY ACCRUAL	19,581	19,581
BASIC ALLOWANCE FOR HOUSING	25,949	25,949
BASIC ALLOWANCE FOR SUBSISTENCE	2,513	2,513
SPECIAL PAYS	10,799	10,799
ALLOWANCES	6,607	6,607
SEPARATION PAY	7,427	7,427
SOCIAL SECURITY TAX	6,164	6,164
TOTAL, BA-1	159,619	159,619



M-1	Budget	
	Request	Conference
<b>BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL</b>		
BASIC PAY	149,515	149,515
RETIRED PAY ACCRUAL	36,331	36,331
BASIC ALLOWANCE FOR HOUSING	83,814	83,814
SPECIAL PAYS	82,196	82,196
ALLOWANCES	36,520	36,520
SEPARATION PAY	7,085	7,085
SOCIAL SECURITY TAX	11,438	11,438
TOTAL, BA-2	406,899	406,899
<b>BA-4: SUBSISTENCE OF ENLISTED PERSONNEL</b>		
BASIC ALLOWANCE FOR SUBSISTENCE	20,286	20,286
TOTAL, BA-4	20,286	20,286
<b>BA-5: PERMANENT CHANGE OF STATION TRAVEL</b>		
ROTATIONAL TRAVEL	16,142	16,142
TOTAL, BA-5	16,142	16,142
<b>BA-6: OTHER MILITARY PERSONNEL COSTS</b>		
DEATH GRATUITIES	14,100	14,100
UNEMPLOYMENT BENEFITS	19,942	33,942
Marine Corps Identified Shortfall		14,000
SGLI EXTRA HAZARD PAYMENTS	38,372	38,372
TOTAL, BA-6	72,414	86,414
UNDISTRIBUTED ADJUSTMENT		25,000
Undistributed Transfer from title I		25,000
<b>TOTAL, MILITARY PERSONNEL, MARINE CORPS</b>	<b>675,360</b>	<b>714,360</b>
<b>MILITARY PERSONNEL, AIR FORCE</b>		
<b>BA-1: PAY AND ALLOWANCES OF OFFICERS</b>		
BASIC PAY	209,858	209,858
RETIRED PAY ACCRUAL	51,095	51,095
BASIC ALLOWANCE FOR HOUSING	62,658	62,658
BASIC ALLOWANCE FOR SUBSISTENCE	7,105	7,105
SPECIAL PAYS	19,631	19,631
ALLOWANCES	9,952	9,952
SOCIAL SECURITY TAX	16,049	16,049
TOTAL, BA-1	376,348	376,348
<b>BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL</b>		
BASIC PAY	425,491	425,491
RETIRED PAY ACCRUAL	103,567	103,567
BASIC ALLOWANCE FOR HOUSING	178,846	178,846
SPECIAL PAYS	82,061	82,061
ALLOWANCES	29,422	29,422
SOCIAL SECURITY TAX	32,550	32,550
TOTAL, BA-2	851,937	851,937
<b>BA-4: SUBSISTENCE OF ENLISTED PERSONNEL</b>		
BASIC ALLOWANCE FOR SUBSISTENCE	43,965	43,965
SUBSISTENCE-IN-KIND	71,506	71,506
TOTAL, BA-4	115,471	115,471
<b>BA-5: PERMANENT CHANGE OF STATION TRAVEL</b>		
OPERATIONAL TRAVEL	6,096	6,096
TOTAL, BA-5	6,096	6,096

M-1	Budget	
	Request	Conference
<b>BA-6: OTHER MILITARY PERSONNEL COSTS</b>		
DEATH GRATUITIES	2,000	2,000
UNEMPLOYMENT BENEFITS	19,924	19,924
SGLI EXTRA HAZARD PAYMENTS	64,577	64,577
TOTAL, BA-6	86,501	86,501
UNDISTRIBUTED ADJUSTMENT		56,028
Undistributed Transfer from title I		56,028
TOTAL, MILITARY PERSONNEL, AIR FORCE	1,436,353	1,492,381
<b>RESERVE PERSONNEL, ARMY</b>		
<b>BA-1: UNIT AND INDIVIDUAL TRAINING</b>		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	77,212	77,212
SCHOOL TRAINING	7,591	7,591
SPECIAL TRAINING	122,359	122,359
TOTAL, BA-1	207,162	207,162
TOTAL, RESERVE PERSONNEL, ARMY	207,162	207,162
<b>RESERVE PERSONNEL, NAVY</b>		
<b>BA-1: UNIT AND INDIVIDUAL TRAINING</b>		
SCHOOL TRAINING	4,144	4,144
SPECIAL TRAINING	37,508	37,508
ADMINISTRATION AND SUPPORT	2,878	2,878
TOTAL, BA-1	44,530	44,530
TOTAL, RESERVE PERSONNEL, NAVY	44,530	44,530
<b>RESERVE PERSONNEL, MARINE CORPS</b>		
<b>BA-1: UNIT AND INDIVIDUAL TRAINING</b>		
SCHOOL TRAINING	5,582	5,582
SPECIAL TRAINING	19,466	19,466
ADMINISTRATION AND SUPPORT	373	373
TOTAL, BA-1	25,421	25,421
TOTAL, RESERVE PERSONNEL, MARINE CORPS	25,421	25,421
<b>RESERVE PERSONNEL, AIR FORCE</b>		
<b>BA-1: UNIT AND INDIVIDUAL TRAINING</b>		
SPECIAL TRAINING	26,815	26,815
TOTAL, BA-1	26,815	26,815
TOTAL, RESERVE PERSONNEL, AIR FORCE	26,815	26,815
<b>NATIONAL GUARD PERSONNEL, ARMY</b>		
<b>BA-1: UNIT AND INDIVIDUAL TRAINING</b>		
PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48)	139,341	139,341
SCHOOL TRAINING	20,557	20,557
SPECIAL TRAINING	422,107	422,107
ADMINISTRATION AND SUPPORT	79,874	64,874
Unjustified growth		-15,000
TOTAL, BA-1	661,879	646,879
UNDISTRIBUTED ADJUSTMENT		17,700

M-1	Budget	
	Request	Conference
Undistributed Transfer from title I		17,700
<b>TOTAL, NATIONAL GUARD PERSONNEL, ARMY</b>	<b>661,879</b>	<b>664,579</b>
<b>NATIONAL GUARD PERSONNEL, AIR FORCE</b>		
BA-1: UNIT AND INDIVIDUAL TRAINING		
SPECIAL TRAINING	9,435	9,435
TOTAL, BA-1	9,435	9,435
<b>TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE</b>	<b>9,435</b>	<b>9,435</b>
<b>TOTAL, MILITARY PERSONNEL</b>	<b>11,111,324</b>	<b>11,639,252</b>

OPERATION AND MAINTENANCE

The conference agreement provides \$89,016,326,000 for Operation and Maintenance, instead of \$89,780,293,000 as proposed by the House and \$90,546,851,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[In thousands of dollars]

O-1		Budget Request	Conference
<b>OPERATION AND MAINTENANCE, ARMY</b>			
<b>114</b>	<b>THEATER LEVEL ASSETS</b>	<b>3,424,314</b>	<b>3,485,083</b>
	Transfer from title II - Chemical Defense Equipment Sustainment		8,579
	Transfer from title II - Combined Arms Training Strategy		23,198
	Transfer from title II - Theater Demand Reduction		18,692
	Transfer from title II - UAS--Gray Eagle Satellite Service		10,300
<b>115</b>	<b>LAND FORCES OPERATIONS SUPPORT</b>	<b>1,534,886</b>	<b>1,707,704</b>
	Transfer from title II - MRAP Vehicle Sustainment at Combat Training Centers		6,420
	Transfer from title II - Combat Training Center Role Players		30,091
	Transfer from title II - Fox Nuclear Biological and Chemical Reconnaissance Vehicle Contract Logistics Support		12,062
	Transfer from title II - Joint Maneuver Readiness Center Opposing Force Augmentation		4,545
	Transfer from title II - Joint Readiness Training Center Opposing Force Augmentation		26,940
	Transfer from title II - National Training Center Tier Two Level Maintenance Contract		24,000
	Transfer from title II - National Training Center War Fighter Focus		26,650
	Transfer from title II - Sustainment Brigade and Functional Brigade Warfighter Exercise		20,285
	Transfer from title II - Theater Demand Reduction		14,984
	Transfer from title II - Tube-Launched, Optically-Tracked, Wire-Guided Missile Improved Target Acquisition System Contract Logistics Support		6,841
<b>116</b>	<b>AVIATION ASSETS</b>	<b>87,166</b>	<b>155,278</b>
	Transfer from title II - Combined Arms Training Strategy		6,607
	Transfer from title II - Theater Demand Reduction		61,505
<b>121</b>	<b>FORCE READINESS OPERATIONS SUPPORT</b>	<b>2,675,821</b>	<b>2,816,477</b>
	Transfer from title II - Body Armor Sustainment		71,660
	Transfer from title II - Rapid Equipping Force Readiness		9,294
	Transfer from title II - Battle Simulation Centers		59,702
<b>122</b>	<b>LAND FORCES FORCES SYSTEMS READINESS</b>	<b>579,000</b>	<b>605,332</b>
	Transfer from title II - Fixed Wing Life Cycle Contract Support		21,171
	Transfer from title II - Capability Development and Integration		5,161
<b>123</b>	<b>LAND FORCES DEPOT MAINTENANCE</b>	<b>1,000,000</b>	<b>1,000,000</b>
<b>131</b>	<b>BASE OPERATIONS SUPPORT</b>	<b>951,371</b>	<b>1,191,707</b>
	Transfer from title II - Overseas Security Guards		200,000
	Transfer from title II - Senior Leader Initiative: Comprehensive Soldier Fitness Program		30,000
	Transfer from title II - Training Range Maintenance		10,336
<b>132</b>	<b>FACILITIES SUSTAINMENT, RESTORATION, &amp; MODERNIZATION</b>	<b>250,000</b>	<b>250,000</b>
<b>135</b>	<b>ADDITIONAL ACTIVITIES</b>	<b>22,998,441</b>	<b>24,872,494</b>
	Transfer from title II and Program Reduction - Military Information Support Operations		-40,625
	Synchronization Pre-Deployment and Operational Tracker Fully Funded in O&M DW Base Request in fiscal year 2012		-12,000
	Transfer from title II SAG 111 - Combined Arms Training Strategy		217,376
	Transfer from title II SAG 111 - MRAP Vehicle Sustainment		2,539
	Transfer from title II SAG 111 - Theater Demand Reduction		148,194
	Transfer from title II SAG 112 - Combined Arms Training Strategy		11,752

O-1	Budget	
	Request	Conference
		2,282
		74,852
		15,183
		1,454,500
136	<b>COMMANDERS EMERGENCY RESPONSE PROGRAM</b>	<b>425,000 400,000</b>
	CERP Iraq	25,000 0
	Unjustified Request for CERP Iraq	-25,000
	CERP Afghanistan	400,000 400,000
137	<b>RESET</b>	<b>3,955,429 3,955,429</b>
411	<b>SECURITY PROGRAMS</b>	<b>2,476,766 2,436,766</b>
	ARGUS A-160 deployment delays	-40,000
421	<b>SERVICEWIDE TRANSPORTATION</b>	<b>3,507,186 3,507,186</b>
422	<b>CENTRAL SUPPLY ACTIVITIES</b>	<b>50,740 50,740</b>
424	<b>AMMUNITION MANAGEMENT</b>	<b>84,427 84,427</b>
432	<b>SERVICEWIDE COMMUNICATIONS</b>	<b>66,275 40,075</b>
	Transfer to title II - Automated Biometric Identification System	-26,200
434	<b>OTHER PERSONNEL SUPPORT</b>	<b>143,391 143,391</b>
435	<b>OTHER SERVICE SUPPORT</b>	<b>92,067 92,067</b>
	Department of Defense-Identified Excess to Requirement	-2,000,000
<b>TOTAL, OPERATION AND MAINTENANCE, ARMY</b>		<b>44,302,280 44,794,156</b>
<b>OPERATION AND MAINTENANCE, NAVY</b>		
1A1A	<b>MISSION AND OTHER FLIGHT OPERATIONS</b>	<b>1,058,114 1,301,614</b>
	Unjustified Growth for Temporary Duty	-20,000
	Transfer from title II - Flying Hours	180,945
	Transfer from title II - MV 22B Pricing Variance	82,555
1A2A	<b>FLEET AIR TRAINING</b>	<b>7,700 7,700</b>
1A3A	<b>AVIATION TECHNICAL DATA &amp; ENGINEERING SVCS</b>	<b>9,200 9,200</b>
1A4A	<b>AIR OPERATIONS AND SAFETY SUPPORT</b>	<b>12,934 12,934</b>
1A4N	<b>AIR SYSTEMS SUPPORT</b>	<b>39,566 39,566</b>
1A5A	<b>AIRCRAFT DEPOT MAINTENANCE</b>	<b>174,052 174,052</b>
1A6A	<b>AIRCRAFT DEPOT OPERATIONS SUPPORT</b>	<b>1,586 1,586</b>
1A9A	<b>AVIATION LOGISTICS</b>	<b>50,852 50,852</b>
1B1B	<b>MISSION AND OTHER SHIP OPERATIONS</b>	<b>1,132,948 1,107,948</b>
	Realignment of Funding to SAG 2C1H not Accounted for in Budget Documentation	-25,000
1B2B	<b>SHIP OPERATIONS SUPPORT &amp; TRAINING</b>	<b>26,822 26,822</b>
1B4B	<b>SHIP DEPOT MAINTENANCE</b>	<b>998,172 998,172</b>
1C1C	<b>COMBAT COMMUNICATIONS</b>	<b>26,533 26,533</b>
1C4C	<b>WARFARE TACTICS</b>	<b>22,657 22,657</b>
1C5C	<b>OPERATIONAL METEOROLOGY AND OCEANOGRAPHY</b>	<b>28,141 28,141</b>
1C6C	<b>COMBAT SUPPORT FORCES</b>	<b>1,932,640 2,125,441</b>
	Transfer from title II - Naval Expeditionary Combat Command Increases	192,801
1C7C	<b>EQUIPMENT MAINTENANCE</b>	<b>19,891 19,891</b>
1CCH	<b>COMBATANT COMMANDERS CORE OPERATIONS</b>	<b>5,465 5,465</b>
1CCM	<b>COMBATANT COMMANDERS DIRECT MISSION SUPPORT</b>	<b>2,093 14,393</b>
	Transfer from title II and Program Reduction - Military Information Support Operations	4,000
	Transfer from title II - JSOTF-Philippines	8,300
1D3D	<b>IN-SERVICE WEAPONS SYSTEMS SUPPORT</b>	<b>125,460 134,460</b>
	Transfer from title II - Naval Expeditionary Combat Command	9,000

O-1		Budget Request	Conference
1D4D	WEAPONS MAINTENANCE	201,083	166,083
	Unjustified Growth for Weapons Sustainment		-35,000
1D7D	OTHER WEAPON SYSTEMS SUPPORT	1,457	1,457
BSIT	ENTERPRISE INFORMATION	5,095	0
	Navy-Identified Excess for Network Management Systems		-5,095
BSM1	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	26,793	26,793
BSS1	BASE OPERATING SUPPORT	352,210	394,880
	Civilian Pay Overstatement due to no Requirement for FTE in this SAG		-7,330
	Transfer from title II - Regional/Emergency Operations Center		50,000
	Transfer from title II - Readiness and Depot Maintenance (BA-1 Undistributed)		495,000
2A1F	SHIP PREPOSITIONING AND SURGE	29,010	29,010
2C1H	FLEET HOSPITAL PROGRAM	34,300	39,304
	Transfer from title II - Medical/Equipment costs for USNS MERCY		5,004
2C3H	COAST GUARD SUPPORT	258,278	0
	Direct Appropriation to Department of Homeland Security		-258,278
3B1K	SPECIALIZED SKILL TRAINING	69,961	72,961
	Transfer from title II - Naval Sea Systems Command Visit, Board, Search and Seizure/Explosive Ordnance Device Training		3,000
3B4K	TRAINING SUPPORT	5,400	5,400
4A1M	ADMINISTRATION	2,348	2,348
4A4M	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,142	18,699
	Transfer from title II - Family Readiness Programs		3,557
	Transfer from title II - Navy Manpower and Personnel System/NSIPS		9,000
4A5M	OTHER PERSONNEL SUPPORT	5,849	5,849
4A6M	SERVICEWIDE COMMUNICATIONS	28,511	28,511
4B1N	SERVICEWIDE TRANSPORTATION	263,593	238,593
	Unjustified Growth for Transportation Estimates		-25,000
4B3N	ACQUISITION AND PROGRAM MANAGEMENT	17,414	17,414
4B7N	SPACE AND ELECTRONIC WARFARE SYSTEMS	1,075	1,075
4C1P	NAVAL INVESTIGATIVE SERVICE	6,564	6,564
999	OTHER PROGRAMS	16,658	16,658
TOTAL, OPERATION AND MAINTENANCE, NAVY		7,006,567	7,674,026
OPERATION AND MAINTENANCE, MARINE CORPS			
1A1A	OPERATIONAL FORCES	2,069,485	2,086,485
	Marine Corps Requested Transfer for Family of Shelters from P, MC line 38		17,000
1A2A	FIELD LOGISTICS	575,843	575,843
1A3A	DEPOT MAINTENANCE	251,100	363,100
	Transfer from title II - Depot Maintenance		112,000
BSS1	BASE OPERATING SUPPORT	82,514	82,514
	Transfer from title II - Readiness and Depot Maintenance (BA-1 Undistributed)		235,000
3B4D	TRAINING SUPPORT	209,784	209,784
4A3G	SERVICEWIDE TRANSPORTATION	376,495	376,495
4A4G	ADMINISTRATION	5,989	5,989
TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS		3,571,210	3,935,210

O-1	Budget	
	Request	Conference
<b>OPERATION AND MAINTENANCE, AIR FORCE</b>		
<b>011A PRIMARY COMBAT FORCES</b>	<b>2,115,901</b>	<b>2,185,901</b>
Transfer from title II - Theater Security Package		70,000
<b>011C COMBAT ENHANCEMENT FORCES</b>	<b>2,033,929</b>	<b>2,033,929</b>
<b>011D AIR OPERATIONS TRAINING</b>	<b>46,844</b>	<b>46,844</b>
<b>011M DEPOT MAINTENANCE</b>	<b>312,361</b>	<b>312,361</b>
<b>011R FACILITIES SUSTAINMENT, RESTORATION &amp; MODERNIZATION</b>	<b>334,950</b>	<b>334,950</b>
<b>011Z BASE OPERATING SUPPORT</b>	<b>641,404</b>	<b>641,404</b>
<b>012A GLOBAL C3I AND EARLY WARNING</b>	<b>69,330</b>	<b>69,330</b>
<b>012C OTHER COMBAT OPERATIONS SUPPORT PROGRAMS</b>	<b>297,015</b>	<b>297,015</b>
<b>013C SPACE CONTROL SYSTEMS</b>	<b>16,833</b>	<b>16,833</b>
<b>015A COMBATANT COMMANDERS DIRECT MISSION SUPPORT</b>	<b>46,390</b>	<b>91,550</b>
Transfer from title II and Program Reduction - Military Information Support Operations		27,800
Transfer from title II - CENTCOM HQ C4		12,500
Transfer from title II - CENTCOM Public Affairs		4,860
Transfer from title II - Readiness and Depot Maintenance (BA-1 Undistributed)		470,000
<b>021A AIRLIFT OPERATIONS</b>	<b>3,533,338</b>	<b>3,133,338</b>
Reduction for Airlift Operations Transportation Rates		-400,000
<b>021D MOBILIZATION PREPAREDNESS</b>	<b>85,416</b>	<b>85,416</b>
<b>021M DEPOT MAINTENANCE</b>	<b>161,678</b>	<b>161,678</b>
<b>021R FACILITIES SUSTAINMENT, RESTORATION &amp; MODERNIZATION</b>	<b>9,485</b>	<b>9,485</b>
<b>021Z BASE SUPPORT</b>	<b>30,033</b>	<b>30,033</b>
<b>031R FACILITIES SUSTAINMENT, RESTORATION &amp; MODERNIZATION</b>	<b>908</b>	<b>908</b>
<b>031Z BASE SUPPORT</b>	<b>2,280</b>	<b>2,280</b>
<b>032A SPECIALIZED SKILL TRAINING</b>	<b>29,592</b>	<b>29,592</b>
<b>032B FLIGHT TRAINING</b>	<b>154</b>	<b>154</b>
<b>032C PROFESSIONAL DEVELOPMENT EDUCATION</b>	<b>691</b>	<b>691</b>
<b>032D TRAINING SUPPORT</b>	<b>753</b>	<b>753</b>
<b>041A LOGISTICS OPERATIONS</b>	<b>155,121</b>	<b>155,121</b>
<b>041Z BASE SUPPORT</b>	<b>20,677</b>	<b>20,677</b>
<b>042A ADMINISTRATION</b>	<b>3,320</b>	<b>3,320</b>
<b>042B SERVICEWIDE COMMUNICATIONS</b>	<b>111,561</b>	<b>111,561</b>
<b>042G OTHER SERVICEWIDE ACTIVITIES</b>	<b>605,223</b>	<b>605,223</b>
<b>043A SECURITY PROGRAMS</b>	<b>54,000</b>	<b>54,000</b>
Unjustified Growth in Civilian Personnel Costs		-25,000
<b>TOTAL, OPERATION AND MAINTENANCE, AIR FORCE</b>	<b>10,719,187</b>	<b>10,879,347</b>
<b>OPERATION AND MAINTENANCE, DEFENSE-WIDE</b>		
<b>1PLT1 JOINT CHIEFS OF STAFF</b>	<b>2,000</b>	<b>2,000</b>
<b>1PL2 SPECIAL OPERATIONS COMMAND</b>	<b>3,269,939</b>	<b>3,298,739</b>
Transfer from title II and Program Reduction - Military Information Support Operations		53,800
Unjustified Program Growth in Operating Support for Operation New Dawn		-25,000
<b>ES18 DEFENSE MEDIA ACTIVITY</b>	<b>15,457</b>	<b>15,457</b>
<b>4GT6 DEFENSE CONTRACT AUDIT AGENCY</b>	<b>23,478</b>	<b>23,478</b>
<b>4GT9 DEFENSE INFORMATION SYSTEMS AGENCY</b>	<b>164,520</b>	<b>164,520</b>
<b>4GT0 DEFENSE CONTRACT MANAGEMENT AGENCY</b>	<b>87,925</b>	<b>87,925</b>
<b>4GTA DEFENSE LEGAL SERVICES AGENCY</b>	<b>102,322</b>	<b>67,322</b>
Unjustified Program Growth		-35,000
<b>46TJ DEFENSE DEPENDENTS EDUCATION</b>	<b>194,100</b>	<b>267,100</b>
Transfer from title II - Child Care and Counseling		73,000



O-1		Budget Request	Conference
4GTD	DEFENSE SECURITY COOPERATION AGENCY	2,200,000	2,140,000
	Lift and Sustain	450,000	450,000
	Coalition Support Funds	1,750,000	1,690,000
	Coalition Support Funds: Excess to Need for Contract Renewal		-60,000
4GTN	OFFICE OF THE SECRETARY OF DEFENSE	143,870	143,870
9999	OTHER PROGRAMS	3,065,800	3,041,800
	Classified Adjustment		-24,000
TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE		9,269,411	9,252,211
OPERATION AND MAINTENANCE, ARMY RESERVE			
113	ECHELONS ABOVE BRIGADE	84,200	84,200
115	LAND FORCES OPERATIONS SUPPORT	28,100	28,100
121	FORCES READINESS OPERATIONS SUPPORT	20,700	20,700
131	BASE OPERATIONS SUPPORT	84,500	84,500
TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE		217,500	217,500
OPERATION AND MAINTENANCE, NAVY RESERVE			
1A1A	MISSION AND OTHER FLIGHT OPERATIONS	38,402	38,402
1A3A	INTERMEDIATE MAINTENANCE	400	400
1A5A	AIRCRAFT DEPOT MAINTENANCE	11,330	11,330
1B1B	MISSION AND OTHER SHIP OPERATIONS	10,137	10,137
1C6C	COMBAT SUPPORT FORCES	13,827	13,827
BSSR	BASE OPERATING SUPPORT	52	52
TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE		74,148	74,148
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE			
1A1A	OPERATING FORCES	31,284	31,284
BSS1	BASE OPERATING SUPPORT	4,800	4,800
TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE		36,084	36,084
OPERATION AND MAINTENANCE, AIR FORCE RESERVE			
011A	PRIMARY COMBAT FORCES	4,800	4,800
011M	DEPOT MAINTENANCE	131,000	131,000
011Z	BASE OPERATING SUPPORT	6,250	6,250
TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE		142,050	142,050
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD			
111	MANEUVER UNITS	89,930	89,930
116	AVIATION ASSETS	130,848	130,848
121	FORCE READINESS OPERATIONS SUPPORT	110,011	100,011

O-1		Budget Request	Conference
	Duplicate Request for Military Pay Support Contract (Requested in both SAG 121 and SAG 131)		-10,000
131	BASE OPERATIONS SUPPORT	34,788	34,788
133	MANAGEMENT AND OPERATIONAL HEADQUARTERS	21,967	21,967
TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD		387,544	377,544
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD			
011G	MISSION SUPPORT OPERATIONS	34,050	34,050
TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD		34,050	34,050
AFGHANISTAN INFRASTRUCTURE FUND			
	POWER	300,000	300,000
	TRANSPORTATION	100,000	100,000
	WATER	50,000	50,000
	OTHER RELATED ACTIVITIES	25,000	25,000
	Fiscal year 2011 level		-75,000
TOTAL, AFGHANISTAN INFRASTRUCTURE FUND		475,000	400,000
AFGHANISTAN SECURITY FORCES FUND			
AFGHAN NATIONAL ARMY		7,055,102	6,521,897
	Infrastructure	1,304,350	1,304,350
	Equipment and Transportation	1,667,905	1,432,490
	Revised Combined Security Transition Command Afghanistan requirement		-235,415
	Training and Operations	751,073	751,073
	Sustainment	3,331,774	3,033,984
	Revised Combined Security Transition Command Afghanistan requirement		-297,790
AFGHAN NATIONAL POLICE		5,700,149	4,633,354
	Infrastructure	1,128,584	1,128,584
	Equipment and Transportation	1,530,420	601,915
	Revised Combined Security Transition Command Afghanistan requirement		-928,505
	Training and Operations	1,102,430	1,102,430
	Sustainment	1,938,715	1,800,425
	Revised Combined Security Transition Command Afghanistan requirement		-138,290
RELATED ACTIVITIES		44,749	44,749
	Detainee Operations - Sustainment	21,187	21,187
	Detainee Operations - Training and Operations	7,344	7,344
	Detainee Operations - Infrastructure	15,000	15,000
	Detainee Operations - Equipment	1,218	1,218
TOTAL, AFGHANISTAN SECURITY FORCES FUND		12,800,000	11,200,000
TOTAL, OPERATION AND MAINTENANCE		89,035,031	89,016,326

## PAKISTAN COUNTERINSURGENCY FUND

The House version of the Department of Defense Appropriations bill included \$1,100,000,000 for the Pakistan Counterinsurgency Fund. The Senate included an appropriation for this fund in the State, Foreign Operations, and Related Agencies Appropriations bill. The fund is addressed in the State, Foreign Operations, and Related Agencies Division of this Act.

## AFGHANISTAN RESOURCES OVERSIGHT COUNCIL

The conferees have modified Section 9009 of the Senate version of the Department of Defense Appropriations bill to include re-

vised thresholds for contracts requiring approval of the Afghanistan Resources Oversight Council (AROC) and other responsibilities of the AROC. As outlined in this section, the AROC is responsible for approving all financial and activity plans for the Afghanistan Security Forces Fund (ASFF). The conferees direct the AROC to establish policies, regulations, and processes to include consideration of the extent of competition and the relevant qualifications and eligibility of contractors as part of the acquisition plan for major purchases of goods and services. The conferees further direct the AROC to establish business rules and criteria

for reviewing ASFF construction and sustainment plans for infrastructure and to establish a plan for the oversight of contractor performance and services and goods rendered. These are critical steps in ensuring that proper oversight is conducted on one of the largest Department of Defense programs.

## PROCUREMENT

The conference agreement provides \$13,633,461,000 for Procurement, instead of \$13,375,288,000 as proposed by the House and \$15,518,701,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[In thousands of dollars]

P-1	Budget Request	Conference
<b>AIRCRAFT PROCUREMENT, ARMY</b>		
2 C-12 CARGO AIRPLANE (OCO)	10,500	0
No justified requirement		-10,500
4 MQ-1 UAV (OCO)	0	550,798
Transfer from title III		550,798
5 RQ-11 (RAVEN) (OCO)	0	15,300
Army requested acceleration of 84 war replacement air vehicles		15,300
8 AH-64 BLOCK II/WRA (OCO)	35,500	0
Funding ahead of need		-35,500
12 UH-60 BLACKHAWK (OCO)	72,000	180,100
Army requested acceleration of six War Replacement aircraft		108,100
17 KIOWA WARRIOR UPGRADE (OH-58 D)/WRA(OCO)	145,500	100,800
Limit ramp rate on replacement aircraft by reducing four aircraft		-44,700
19 MQ-1 PAYLOAD - UAS (OCO)	10,800	146,983
Transfer from title III		136,183
22 MULTI SENSOR ABN RECON (MIP) (OCO)	54,500	54,500
33 RQ-7 UAV MODS (OCO)	94,600	88,900
Vader - Incompatible with Host Platform		-79,800
Army requested acceleration of 57 War Replacement Aircraft		74,100
<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b>	<b>423,400</b>	<b>1,137,381</b>
<b>MISSILE PROCUREMENT, ARMY</b>		
4 HELLFIRE SYS SUMMARY (OCO)	107,556	107,556
9 GUIDED MLRS ROCKET (GMLRS) (OCO)	19,000	19,000
<b>TOTAL MISSILE PROCUREMENT, ARMY</b>	<b>126,556</b>	<b>126,556</b>
<b>PROCUREMENT OF W&amp;TCV, ARMY</b>		
20 LIGHTWEIGHT .50 CALIBER MACHINE GUN (OCO)	5,427	5,427
COMMON REMOTELY OPERATED WEAPONS		
29 STATION (OCO)	14,890	14,890
33 M4 CARBINE MODS (OCO)	16,800	16,800
<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b>	<b>37,117</b>	<b>37,117</b>
<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
4 CTG, HANDGUN, ALL TYPES (OCO)	1,200	1,200
9 CTG, 30MM, ALL TYPES (OCO)	4,800	4,800
10 CTG, 40MM, ALL TYPES (OCO)	38,000	38,000
13 81MM MORTAR, ALL TYPES (OCO)	8,000	8,000
14 120MM MORTAR, ALL TYPES (OCO)	49,140	49,140
19 ARTILLERY PROJECTILE, 155MM, ALL TYPES (OCO)	10,000	10,000
22 ARTILLERY FUZES, ALL TYPES (OCO)	5,000	5,000
27 SHOULDER LAUNCHED MUNITIONS, ALL TYPES (OCO)	5,000	5,000
28 ROCKET, HYDRA 70, ALL TYPES (OCO)	53,841	53,841
29 DEMOLITION MUNITIONS, ALL TYPES (OCO)	16,000	16,000
31 SIGNALS, ALL TYPES (OCO)	7,000	7,000
32 SIMULATORS, ALL TYPES (OCO)	8,000	8,000

P-1	Budget	
	Request	Conference
36 CAD/PAD ALL TYPES (OCO)	2,000	2,000
37 ITEMS LESS THAN \$5 MILLION (OCO)	400	400
TOTAL PROCUREMENT OF AMMUNITION, ARMY		208,381
OTHER PROCUREMENT, ARMY		
5 FAMILY OF MEDIUM TACTICAL VEH (FMTV) (OCO)	11,094	11,094
7 FAMILY OF HEAVY TACTICAL VEHICLES (OCO)	47,214	47,214
23 NON-TACTICAL VEHICLES, OTHER (OCO)	3,600	3,600
25 WIN-T -GROUND FORCES TACTICAL NETWORK (OCO)	547	547
39 JOINT TACTICAL RADIO SYSTEM (OCO)	450	0
Handheld, Manpack, Small Form-fit radios for LEMV#2 early to need		-450
42 AMC CRITICAL ITEMS - OPA2 (OCO)	8,141	8,141
49 GUNSHOT DETECTION SYSTEM (GDS) (OCO)	44,100	10,100
Concurrent development		-34,000
51 MEDICAL COMM FOR CBT CASUALTY CARE (OCO)	6,443	6,443
56 INFORMATION SYSTEM SECURITY PROGRAM (OCO)	54,730	0
Army requested transfer to line 56a		-54,730
56a FAMILY OF BIOMETRICS (OCO)	0	54,730
Transfer from line 56		54,730
58 BASE SUPPORT COMMUNICATIONS (OCO)	5,000	5,000
62 INSTALLATION INFO INFRASTRUCTURE MOD (OCO)	169,500	169,500
70 DCGS-A (MIP) (OCO)	83,000	83,000
Transfer from title III		0
72 TROJAN (MIP) (OCO)	61,100	61,100
76 LIGHTWEIGHT COUNTER MORTAR RADAR (OCO)	54,100	54,100
FAMILY OF PERSISTENT SURVEILLANCE		
79 CAPABILITIES (OCO)	53,000	53,000
COUNTERINTELLIGENCE/SECURITY		
80 COUNTERMEASURES (OCO)	48,600	24,200
ISR Task Force identified excess		-20,000
Platforms unavailable		-4,400
84 SENSE THROUGH THE WALL (STTW) (OCO)	10,000	10,000
95 PROFILER (OCO)	2,000	2,000
96 MOD OF IN-SVC EQUIP (FIREFINDER RADARS) (OCO)	30,400	30,400
98 JOINT BATTLE COMMAND--PLATFORM (JBC-P) (OCO)	148,335	148,335
102 COUNTERFIRE RADARS (OCO)	110,548	110,548
105 FIRE SUPPORT C2 FAMILY (OCO)	15,081	15,081
BATTLE COMMAND SUSTAINMENT SUPPORT		
106 SYSTEM (OCO)	10,000	10,000
AIR & MSL DEFENSE PLANNING & CONTROL		
108 SYSTEM (OCO)	28,000	28,000
109 KNIGHT FAMILY (OCO)	42,000	42,000
NETWORK MANAGEMENT INITIALIZATION AND		
114 SERVICE (OCO)	32,800	32,800
115 MANEUVER CONTROL SYSTEM (OCO)	44,000	44,000
116 SINGLE ARMY LOGISTICS ENTERPRISE (SALE) (OCO)	18,000	18,000
121 AUTOMATED DATA PROCESSING EQUIP (OCO)	10,000	10,000
128 PROTECTIVE SYSTEMS (OCO)	11,472	11,472
129 FAMILY OF NON-LETHAL EQUIPMENT (OCO)	30,000	10,000
Acoustic Hailing Device contract delay		-20,000
131 CBRN SOLDIER PROTECTION (OCO)	1,200	1,200
133 TACTICAL BRIDGING (OCO)	15,000	15,000
134 TACTICAL BRIDGING, FLOAT RIBBON (OCO)	26,900	26,900
138 EXPLOSIVE ORDNANCE DISPOSAL EQUIP (OCO)	3,205	3,205
149 FORCE PROVIDER (OCO)	68,000	68,000

P-1	Budget	
	Request	Conference
158 COMBAT SUPPORT MEDICAL (OCO)	15,011	15,011
159 MOBILE MAINTENANCE EQUIPMENT SYSTEMS (OCO)	25,129	25,129
177 GENERATORS AND ASSOCIATED EQUIPMENT (OCO)	0	36,000
Army identified unfunded requirement		36,000
180 ALL TERRAIN LIFTING ARMY SYSTEM (OCO)	1,800	1,800
RAPID EQUIPPING SOLDIER SUPPORT		
189 EQUIPMENT (OCO)	43,000	22,000
Unobligated prior year funds		-21,000
190 PHYSICAL SECURITY SYSTEMS (OPA3) (OCO)	4,900	4,900
CLASSIFIED PROGRAMS (OCO)	795	795
<b>TOTAL OTHER PROCUREMENT, ARMY</b>	<b>1,398,195</b>	<b>1,334,345</b>
<b>AIRCRAFT PROCUREMENT, NAVY</b>		
11 UH-1Y/AH-1Z (OCO)	30,000	24,875
Excessive unit cost growth		-5,125
19 E-2D ADV HAWKEYE (OCO)	163,500	0
Combat loss aircraft funded in fiscal year 2011		-163,500
28 OTHER SUPPORT AIRCRAFT (OCO)	21,882	0
Aircraft excess to requirement		-21,882
30 AEA SYSTEMS (OCO)	53,100	45,600
Intrepid Tiger		-7,500
31 AV-8 SERIES (OCO)	53,485	53,485
32 F-18 SERIES (OCO)	46,992	46,992
34 AH-1W SERIES (OCO)	39,418	37,918
ANVIS HUD install kit pricing		-1,500
35 H-53 SERIES (OCO)	70,747	63,747
Excess Hot Day PPC modification hardware support		-2,000
Excess non-recurring engineering for Blue Force Tracker modification		-5,000
37 H-1 SERIES (OCO)	6,420	0
Top-owl modification funding		-6,420
38 EP-3 SERIES (OCO)	20,800	20,800
43 C-130 SERIES (OCO)	59,625	44,225
Targeting Sight Systems excess to requirement		-10,200
LAIRCM installation funding ahead of need		-5,200
45 CARGO/TRANSPORT A/C SERIES (OCO)	25,880	18,280
Excess C-20G installation NRE		-4,000
UC-12W excess to need		-3,600
48 SPECIAL PROJECT AIRCRAFT (OCO)	11,184	11,184
53 COMMON ECM EQUIPMENT (OCO)	27,200	24,200
Other support excess		-3,000
54 COMMON AVIONICS CHANGES (OCO)	13,467	11,467
OSIP 10-11 other support growth		-2,000
55 COMMON DEFENSIVE WEAPON SYSTEM (OCO)	3,300	3,300
60 V-22 (TILT/ROTOR ACFT) OSPREY (OCO)	30,000	25,500
Deficiencies modifications other support growth		-2,500
Reliability modifications other support growth		-2,000
61 SPARES AND REPAIR PARTS (OCO)	39,060	34,462
Other Support Aircraft spares		-967
MQ-8 spares excess to requirement		-3,631
62 COMMON GROUND EQUIPMENT (OCO)	10,800	10,800
65 OTHER PRODUCTION CHARGES (OCO)	4,100	4,100
<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b>	<b>730,960</b>	<b>480,935</b>

P-1	Budget	
	Request	Conference
<b>WEAPONS PROCUREMENT, NAVY</b>		
9 HELLFIRE (OCO)	14,000	14,000
10 STAND OFF PRECISION GUIDED MUNITIONS (OCO)	20,000	20,000
27 SMALL ARMS AND WEAPONS (OCO)	7,070	7,070
<b>TOTAL WEAPONS PROCUREMENT, NAVY</b>	<b>41,070</b>	<b>41,070</b>
<b>PROCUREMENT OF AMMO, NAVY &amp; MARINE CORPS</b>		
3 AIRBORNE ROCKETS, ALL TYPES (OCO)	80,200	80,200
4 MACHINE GUN AMMUNITION (OCO)	22,400	22,400
7 AIR EXPENDABLE COUNTERMEASURES (OCO)	20,000	20,000
11 OTHER SHIP GUN AMMUNITION (OCO)	182	182
12 SMALL ARMS & LANDING PARTY AMMO (OCO)	4,545	4,545
13 PYROTECHNIC AND DEMOLITION (OCO)	1,656	1,656
14 AMMUNITION LESS THAN \$5 MILLION (OCO)	6,000	6,000
SMALL ARMS AMMUNITION (OCO)	19,575	19,575
16 LINEAR CHARGES, ALL TYPES (OCO)	6,691	6,691
17 40 MM, ALL TYPES (OCO)	12,184	12,184
18 60MM, ALL TYPES (OCO)	10,988	10,988
19 81MM, ALL TYPES (OCO)	24,515	24,515
20 120MM, ALL TYPES (OCO)	11,227	11,227
21 CTG 25MM, ALL TYPES (OCO)	802	802
22 GRENADES, ALL TYPES (OCO)	5,911	5,911
23 ROCKETS, ALL TYPES (OCO)	18,871	18,871
24 ARTILLERY, ALL TYPES (OCO)	57,003	57,003
25 DEMOLITION MUNITIONS, ALL TYPES (OCO)	7,831	7,831
26 FUZE, ALL TYPES (OCO)	5,177	5,177
27 NON LETHALS (OCO)	712	712
29 ITEMS LESS THAN \$5 MILLION (OCO)	630	630
<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MARINE</b>	<b>317,100</b>	<b>317,100</b>
<b>OTHER PROCUREMENT, NAVY</b>		
23 STANDARD BOATS (OCO)	13,729	0
Coastal force protection boats contract delay		-13,729
56 MATCALs (OCO)	7,232	0
Radar upgrade - Transfer to title III		-7,232
66 TACTICAL/MOBILE C41 SYSTEMS (OCO)	4,000	0
Unjustified request for tech refresh upgrades		-4,000
92 EXPEDITIONARY AIRFIELDS (OCO)	47,000	47,000
96 METEOROLOGICAL EQUIPMENT (OCO)	10,800	10,800
97 AVIATION LIFE SUPPORT (OCO)	14,000	14,000
101 OTHER AVIATION SUPPORT EQUIPMENT (OCO)	18,226	18,226
112 SSN COMBAT CONTROL SYSTEMS (OCO)	7,500	0
Naval Intelligence Fusion Tool - Transfer to title III		-7,500
116 EXPLOSIVE ORDNANCE DISPOSAL EQUIP (OCO)	15,700	15,700
121 PASSENGER CARRYING VEHICLES (OCO)	2,628	2,628
123 CONSTRUCTION & MAINTENANCE EQUIP (OCO)	13,290	13,290
124 FIRE FIGHTING EQUIPMENT (OCO)	3,672	3,672
128 ITEMS UNDER \$5 MILLION (OCO)	1,002	1,002
130 MATERIALS HANDLING EQUIPMENT (OCO)	3,644	3,644
134 TRAINING SUPPORT EQUIPMENT (OCO)	5,789	0
Funding no longer required		-5,789

P-1		Budget Request	Conference
135	COMMAND SUPPORT EQUIPMENT (OCO)	3,310	3,310
140	OPERATING FORCES SUPPORT EQUIPMENT (OCO)	6,977	6,977
141	C4ISR EQUIPMENT (OCO)	24,762	24,762
143	PHYSICAL SECURITY EQUIPMENT (OCO)	78,241	70,641
	Intelligence kits - funding no longer required due to force structure reductions		-7,600
149	SPARES AND REPAIR PARTS (OCO)	473	473
TOTAL OTHER PROCUREMENT, NAVY		281,975	236,125
PROCUREMENT, MARINE CORPS			
2	LAV PIP (OCO)	23,962	23,962
4	155MM LIGHTWEIGHT TOWED HOWITZER (OCO)	16,000	16,000
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (OCO)	10,488	10,488
6	WEAPONS & COMBAT VEHICLES UNDER \$5 M (OCO)	27,373	27,373
10	JAVELIN (OCO)	2,527	2,527
13	MODIFICATION KITS (OCO)	59,730	59,730
15	REPAIR AND TEST EQUIPMENT (OCO)	19,040	19,040
17	MODIFICATION KITS (OCO)	2,331	2,331
18	ITEMS UNDER \$5 MILLION (COMM & ELEC) (OCO)	3,090	3,090
19	AIR OPERATIONS C2 SYSTEMS (OCO)	5,236	5,236
20	RADAR SYSTEMS (OCO)	26,506	26,506
21	FIRE SUPPORT SYSTEM (OCO)	35	35
24	INTELLIGENCE SUPPORT EQUIPMENT (OCO)	47,132	47,132
28	NIGHT VISION EQUIPMENT (OCO)	9,850	9,850
29	COMMON COMPUTER RESOURCES (OCO)	18,629	18,629
30	COMMAND POST SYSTEMS (OCO)	31,491	31,491
31	RADIO SYSTEMS (OCO)	87,027	87,027
32	COMM SWITCHING & CONTROL SYSTEMS (OCO)	54,177	124,177
	Marine Corps requested transfer from line 38 for Data Distribution System		50,000
	Marine Corps requested transfer from line 38 for Digital Technical Control System		20,000
33	COMM & ELEC INFRASTRUCTURE SUPPORT (OCO)	2,200	2,200
37	MOTOR TRANSPORT MODIFICATIONS (OCO)	95,800	95,800
38	MEDIUM TACTICAL VEHICLE REPLACEMENT (OCO)	392,391	92,391
	Marine Corps requested transfer to line 32 for Data Distribution System		-50,000
	Marine Corps requested transfer to line 32 for Digital Technical Control System		-20,000
	Marine Corps requested transfer to line 39 for LVSR		-148,000
	Marine Corps requested transfer to line 46 for Advanced Medium Mobile Power Sources		-20,000
	Marine Corps requested transfer to line 46 for Mobile Electric Power Distribution System		-35,000
	Marine Corps requested transfer to OM,MC line 1A1A for Family of Shelters		-27,000
39	LOGISTICS VEHICLE SYSTEM REP (OCO)	38,382	186,382
	Marine Corps requested transfer from line 38 for LVSR		148,000
40	FAMILY OF TACTICAL TRAILERS (OCO)	24,826	24,826
43	ENVIRONMENTAL CONTROL EQUIP ASSORT (OCO)	18,775	18,775
44	BULK LIQUID EQUIPMENT (OCO)	7,361	7,361



		Budget	
P-1		Request	Conference
46	POWER EQUIPMENT ASSORTED (OCO)	51,895	106,895
	Marine Corps requested transfer from line 38 for		
	Advanced Medium Mobile Power Sources		20,000
	Marine Corps requested transfer from line 38 for Mobile		
	Electric Power Distribution System		35,000
48	EOD SYSTEMS (OCO)	57,237	57,237
49	PHYSICAL SECURITY EQUIPMENT (OCO)	42,900	42,900
51	MATERIAL HANDLING EQUIP (OCO)	42,553	42,553
53	FIELD MEDICAL EQUIPMENT (OCO)	8,307	8,307
54	TRAINING DEVICES (OCO)	5,200	5,200
55	CONTAINER FAMILY (OCO)	12	12
56	FAMILY OF CONSTRUCTION EQUIPMENT (OCO)	28,533	28,533
TOTAL PROCUREMENT, MARINE CORPS		1,260,996	1,233,996
AIRCRAFT PROCUREMENT, AIR FORCE			
19	V22 OSPREY (OCO)	70,000	0
	Combat loss replaced in fiscal year 2011		-70,000
24	HH-60M OPERATIONAL LOSS REPLACEMENT (OCO)	39,300	39,300
27	STUASLO (OCO)	2,472	2,472
34	MQ-9 (REAPER) (OCO)	0	719,592
	Transfer from title III		719,592
43	C-5 (OCO)	59,299	59,299
59	MC-12W (OCO)	17,300	17,300
63	C-130 (OCO)	164,041	164,041
63	C-130 INTEL (OCO)	4,600	4,600
65	C-130J MODS INTEL (OCO)	27,983	27,983
67	COMPASS CALL MODS (OCO)	12,000	12,000
75	HC/MC-130 MODIFICATIONS (OCO)	34,000	34,000
76	OTHER AIRCRAFT (OCO)	15,000	15,000
77	MQ-1 MODS (OCO)	2,800	2,800
81	INITIAL SPARES/REPAIR PARTS (OCO)	2,800	2,800
90	C-17A (OCO)	10,970	10,970
99	WAR CONSUMABLES (OCO)	0	87,220
	Transfer from title III		87,220
100	OTHER PRODUCTION CHARGES (OCO)	23,000	23,000
104	DARP (OCO)	42,300	13,400
	Excess to need		-28,900
TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE		527,865	1,235,777
MISSILE PROCUREMENT, AIR FORCE			
5	PREDATOR HELLFIRE MISSILE (OCO)	16,120	28,920
	Increase in OEF usage rates		12,800
6	SMALL DIAMETER BOMB (OCO)	12,300	12,300
TOTAL, MISSILE PROCUREMENT, AIR FORCE		28,420	41,220

P-1	Budget	
	Request	Conference
PROCUREMENT OF AMMUNITION, AIR FORCE		
1 ROCKETS (OCO)	329	329
2 CARTRIDGES (OCO)	8,014	8,014
4 GENERAL PURPOSE BOMBS (OCO)	17,385	17,385
5 JOINT DIRECT ATTACK MUNITION (OCO)	34,100	50,600
Increase in OEF usage rates		16,500
7 EXPLOSIVE ORDNANCE DISPOSAL (OCO)	1,200	1,200
11 FLARES (OCO)	11,217	11,217
12 FUZES (OCO)	8,765	8,765
13 SMALL ARMS (OCO)	11,500	11,500
<b>TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE</b>	<b>92,510</b>	<b>109,010</b>
OTHER PROCUREMENT, AIR FORCE		
1 PASSENGER CARRYING VEHICLES (OCO)	2,658	0
Unjustified request		-2,658
4 ITEMS LESS THAN \$5M (CARGO) (OCO)	32,824	0
Unjustified request		-32,824
6 ITEMS LESS THAN \$5M (SPECIAL)(OCO)	110	110
7 FIRE FIGHTING/CRASH RESCUE VEHICLES (OCO)	1,662	1,662
8 ITEMS LESS THAN \$5,000,000 (OCO)	772	772
10 ITEMS LESS THAN \$5,000,000(VEHICLES)(OCO)	13,983	13,983
13 AIR FORCE PHYSICAL SECURITY (OCO)	500	500
22 WEATHER OBSERVATION FORECAST (OCO)	1,800	1,800
25 TAC SIGNIT SPT (OCO)	7,020	7,020
30 AIR FORCE PHYSICAL SECURITY SYSTEM (OCO)	25,920	25,920
49 TACTICAL C-E EQUIPMENT (OCO)	9,445	9,445
55 NIGHT VISION GOGGLES (OCO)	12,900	12,900
59 CONTINGENCY OPERATIONS (OCO)	18,100	18,100
61 MOBILITY EQUIPMENT (OCO)	9,800	9,800
62 ITEMS LESS THAN \$5 MILLION (BASE S) (OCO)	8,400	8,400
65 DCGS-AF (OCO)	3,000	3,000
68 DEFENSE SPACE RECONNAISSANCE PROG (OCO)	64,400	64,400
OTHER PROGRAMS (OCO)	2,991,347	2,910,698
Classified adjustment		-80,649
<b>TOTAL, OTHER PROCUREMENT, AIR FORCE</b>	<b>3,204,641</b>	<b>3,088,510</b>

P-1	Budget	
	Request	Conference
PROCUREMENT, DEFENSE-WIDE		
17 TELEPORT PROGRAM (OCO)	3,307	3,307
INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)		
43 (OCO)	3,000	3,000
46 MAJOR EQUIPMENT, INTELLIGENCE (OCO)	8,300	8,300
50 MH-47 SERVICE LIFE EXTENSION PROGRAM (OCO)	40,500	0
Funded in fiscal year 2011		-40,500
51 MH-60 SOF MODERNIZATION (OCO)	7,800	0
Funded in fiscal year 2011		-7,800
52 NON-STANDARD AVIATION (OCO)	8,500	8,500
57 CV-22 SOF MODIFICATION (OCO)	15,000	0
Funded in fiscal year 2011		-15,000
63 C-130 MODIFICATIONS (OCO)	4,800	4,800
67 SOF ORDNANCE REPLENISHMENT (OCO)	71,659	71,659
68 SOF ORDNANCE ACQUISITION (OCO)	25,400	15,400
Prior year funding carryover		-10,000
COMMUNICATIONS EQUIPMENT & ELECTRONICS		
69 (OCO)	2,325	2,325
70 SOF INTELLIGENCE SYSTEMS (OCO)	43,558	49,058
Village Stability Operations (VSO) unfunded requirement - program increase		5,500
71 SMALL ARMS AND WEAPONS (OCO)	6,488	8,488
VSO unfunded requirement - program increase		2,000
DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS		
72 (OCO)	2,601	2,601
78 TACTICAL VEHICLES (OCO)	15,818	19,818
VSO unfunded requirement - program increase		4,000
85 SOF AUTOMATION SYSTEMS (OCO)	13,387	13,387
SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE		
87 (OCO)	5,800	5,800
SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS		
88 (OCO)	34,900	37,500
VSO unfunded requirement - program increase		2,600
SOF VISUAL AUGMENTATION, LASERS & SENSOR		
89 SYSTEMS (OCO)	3,531	3,531
90 SOF TACTICAL RADIO SYSTEMS (OCO)	2,894	2,894
93 MISCELLANEOUS EQUIPMENT (OCO)	7,220	7,220
94 SOF OPERATIONAL ENHANCEMENTS (OCO)	41,632	41,632
CLASSIFIED PROGRAMS		
Program adjustment	101,548	96,548
		-5,000
TOTAL, PROCUREMENT, DEFENSE-WIDE		
	469,968	405,768

P-1	Budget	
	Request	Conference
<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>		
<b>RESERVE EQUIPMENT</b>		
<b>ARMY RESERVE</b>	0	145,000
Miscellaneous Equipment (OCO)		145,000
<b>NAVY RESERVE</b>	0	75,000
Miscellaneous Equipment (OCO)		75,000
<b>MARINE CORPS RESERVE</b>	0	65,000
Miscellaneous Equipment (OCO)		65,000
<b>AIR FORCE RESERVE</b>	0	75,000
Miscellaneous Equipment (OCO)		75,000
<b>NATIONAL GUARD EQUIPMENT</b>		
<b>ARMY NATIONAL GUARD</b>	0	325,000
Miscellaneous Equipment (OCO)		325,000
<b>AIR NATIONAL GUARD</b>	0	315,000
Miscellaneous Equipment (OCO)		315,000
<b>TOTAL, NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>	<b>0</b>	<b>1,000,000</b>
<b>MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND</b>		
<b>MINE RESISTANT AMBUSH PROTECTED VEHICLE</b>		
<b>1 FUND (OCO)</b>	<b>3,195,170</b>	<b>2,600,170</b>
Funds previously provided by Department of Army		-595,000
<b>TOTAL, MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND</b>		<b>2,600,170</b>
<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
<b>1 JOINT URGENT OPERATIONAL NEEDS FUND (OCO)</b>	<b>100,000</b>	<b>0</b>
Program reduction		-100,000

## NATIONAL GUARD AND RESERVE EQUIPMENT

The conference agreement provides \$1,000,000,000 for National Guard and Reserve Equipment. Of that amount, \$325,000,000 is for the Army National Guard; \$315,000,000 is for the Air National Guard; \$145,000,000 is for the Army Reserve; \$75,000,000 is for the Navy Reserve; \$65,000,000 is for the Marine Corps Reserve; and \$75,000,000 is for the Air Force Reserve to meet urgent equipment needs that may arise this fiscal year.

This funding will allow the Guard and reserve components to procure high priority equipment that may be used by these units for both their combat missions and their missions in support of State governors. The conferees direct that the National Guard and Reserve Equipment account shall be executed by the Chiefs of the National Guard and reserve components with priority consideration given to the following items: AB-FIST Gunnery Trainer Upgrades; Active Noise Cancellation Systems for ANG C-130; ANG Block 42 F-16 Engine Upgrades; ARC 210 Radios for ANG F-16s; Batteries and Battery Support Equipment; Bradley Modifications; C-130 Loadmaster Lookout Windows and Crashworthy Loadmaster Seats; C-130 Secure Line of Sight and Beyond Line of Sight Capability; CH-47 Door Gun Mounts; Chemical/Biological Protective Shelter; Civil Support

Radios; Combined Arms Virtual Trainers; Command Posts—Tactical Operations Centers and Standardized Integrated Command Post Systems; Communications Aerial Platforms; External and Internal Fuel Tanks; F-15 Active Electronically Scanned Array Radars; Field Engineering, Logistics, and Maintenance Equipment; General Engineering Equipment; Generation 4 Advanced Targeting Pods; HC-130 Integrated EW Suites (ALQ-213) with VECTS; Helicopter Firefighting Equipment; Helmet Mounted Cueing Systems; HMMWV Ambulances; Homeland Defense Communications Equipment; Integrated Vehicle Health Management Systems; Joint Threat Emitters; Large Aircraft Infrared Countermeasures; Light Utility Helicopters; Lightweight Airborne Recovery Systems; LITENING Upgrades; MRAP Vehicle Virtual Trainers; Personal Protective Equipment and Weapons; Reduced Size Crashworthy External and Extended Range Fuel Systems (RCEFS) for Apaches and Chinooks; Remotely Operated Video Enhanced Receivers; SATCOM Ground Stations; Security Force Mobility Bag Upgrades; Self-Contained Live Fire Shooting Ranges; Shadow Tactical Unmanned Aircraft Systems; Simulation Training Systems; Tactical Communications Equipment; Tactical Radios; Tactical Trailers; Thermal Imaging Systems; Unit Maintenance

Aerial Recovery Kits; Virtual Convoy Operations Trainers; Virtual Door Gunner Trainers; and Wideband Imagery Dissemination.

## MINE RESISTANT AMBUSH PROTECTED AND MRAP-ALL TERRAIN VEHICLES

The conference agreement provides \$2,600,170,000 to address Mine Resistant Ambush Protected (MRAP) vehicle and MRAP-All Terrain Vehicle (M-ATV) requirements, as identified by the Department of Defense. The request was reduced by an amount previously provided by the Department of the Army to the MRAP Joint Program Office to support operations and maintenance from within funds available to the Army. The Department shall continue to adhere to the execution and reporting requirements contained in section 8122 of Public Law 110-116.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement provides \$526,358,000 for Research, Development, Test and Evaluation, instead of \$436,758,000 as proposed by the House and \$581,958,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**  
[In thousands of dollars]

R-1	Budget Request	Conference
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, ARMY</b>		
62 SOLDIER SUPPORT AND SURVIVABILITY (OCO) Duraplex Antenna - Transfer from JIEDDO, Defeat the Device	0	10,000
140 ARMY TEST RANGES AND FACILITIES (OCO)	8,513	8,513
<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, ARMY</b>	<b>8,513</b>	<b>18,513</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, NAVY</b>		
JOINT SERVICE EXPLOSIVE ORDNANCE		
54 DEVELOPMENT (OCO)	1,500	1,500
97 ELECTRONIC WARFARE DEVELOPMENT (OCO) JOINT SERVICE EXPLOSIVE ORDNANCE	5,600	5,600
119 DEVELOPMENT (OCO)	3,500	3,500
126 MEDICAL DEVELOPMENT (OCO)	1,950	1,950
172 F/A-18 SQUADRONS (OCO)	2,000	2,000
189 MARINE CORPS COMMUNICATIONS SYSTEMS (OCO) USMC INTELLIGENCE/ELECTRONIC WARFARE	1,500	1,500
192 SYSTEMS (OCO)	4,050	4,050
999 OTHER PROGRAMS (OCO)	33,784	33,784
<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, NAVY</b>	<b>53,884</b>	<b>53,884</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, AIR FORCE</b>		
140 ISR INNOVATIONS (OCO) Program continuation	0	50,000
200 ENDURANCE UNMANNED AERIAL VEHICLES (OCO) Excess to need	73,000	140,600
Blue Devil Block 1 - Transfer from JIEDDO, Attack the Network		58,600
Air Force identified shortfall		19,000
999 OTHER PROGRAMS (OCO)	69,000	69,000
<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, AIR FORCE</b>	<b>142,000</b>	<b>259,600</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, DEFENSE WIDE</b>		
152 GENERAL SUPPORT TO USD (OCO)	9,200	9,200
202 LONG-HAUL COMMUNICATIONS DCS (OCO)	10,500	10,500
207 INFORMATION SYSTEMS SECURITY PROGRAM (OCO)	32,850	32,850
211 GLOBAL COMMAND AND CONTROL SYSTEM (OCO)	2,000	2,000
229 SOF OPERATIONAL ENHANCEMENTS (OCO) Tactical SIGINT geolocation capability to address shortfalls identified in the field	0	12,000
254 RQ-7 UAV (OCO)	2,450	2,450
999 OTHER PROGRAMS (OCO) Program adjustment	135,361	125,361
<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, DEFENSE WIDE</b>	<b>192,361</b>	<b>194,361</b>

## REVOLVING AND MANAGEMENT FUNDS

The conference agreement provides \$435,013,000 for the Defense Working Capital Funds as proposed by the House, instead of \$396,513,000 as proposed by the Senate.

OTHER DEPARTMENT OF DEFENSE PROGRAMS  
DEFENSE HEALTH PROGRAM

The conference agreement provides \$1,228,288,000 for the Defense Health Program as proposed by the Senate, instead of \$1,248,288,000 as proposed by the House. The conference agreement on items addressed by either the House or the Senate is as follows:

## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

(In thousands of dollars)

	Budget Request	Conference
OPERATION AND MAINTENANCE .....	1,228,288	1,228,288
IN-HOUSE CARE .....	641,996	641,996
PRIVATE SECTOR CARE .....	464,869	464,869
CONSOLIDATED HEALTH SUPPORT .....	95,994	95,994
INFORMATION MANAGEMENT .....	5,548	5,548
MANAGEMENT ACTIVITIES .....	751	751
EDUCATION AND TRAINING .....	16,859	16,859
BASE OPERATIONS AND COMMUNICA- TIONS .....	2,271	2,271

DRUG INTERDICTION AND COUNTER-DRUG  
ACTIVITIES, DEFENSE

The conference agreement provides \$456,458,000 for Drug Interdiction and Counter-Drug Activities, Defense, instead of \$469,458,000 as proposed by the House and \$463,458,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

(In thousands of dollars)

	Budget Request	Conference
AFGHANISTAN AIR MOBILITY .....	149,000	141,000
Mi-17s—Change in acquisition strategy .....		—8,000
COUNTER NARCOTICS POLICE AFGHANISTAN TRAINING .....	46,250	46,250
COUNTER NARCOTICS POLICE AFGHANISTAN FACILITIES .....	7,000	7,000
AFGHANISTAN BORDER POLICE FACILITIES .....	40,000	40,000
AFGHANISTAN BORDER POLICE TRAINING .....	32,000	32,000
AFGHANISTAN BORDER POLICE EQUIPMENT .....	2,500	2,500
OTHER PROGRAM SUPPORT—AFGHANISTAN ....	7,000	7,000
INTELLIGENCE AND TECHNOLOGY .....	49,509	44,509
CTF-Kabul HQ Facility funding no longer required .....		—5,000
PAKISTAN .....	40,650	30,650
Reduce program growth .....		—10,000

## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

(in thousands of dollars)

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS—  
Continued

(In thousands of dollars)

	Budget Request	Conference
TAJIKISTAN .....	27,425	27,425
TURKMENISTAN .....	23,800	23,800
KYRGYZSTAN .....	33,598	33,598
KAZAKHSTAN .....	9,976	9,976
UZBEKISTAN .....	14,750	14,750
OTHER REGIONAL PROGRAMS .....	3,000	3,000
PROGRAM ADJUSTMENT .....		—7,000
TOTAL DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES (OCO) .....	486,458	456,458

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT  
FUND

The conference agreement on items addressed by either the House or the Senate is as follows:

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		
1 ATTACK THE NETWORK (OCO) .....	1,368,800	936,400
Blue Devil Block 1—Transfer to RDTE,AF line 200 .....		—58,600
Broad Agency Announcement S&T Response unjustified request .....		—76,000
Information Fusion unjustified program growth .....		—17,000
Transfer to Staff and Infrastructure .....		—280,800
2 DEFEAT THE DEVICE (OCO) .....	961,200	733,400
Duraplex Antenna—Transfer to RDTE,A line 62 .....		—10,000
IDD 2.0 Detection Dog—Transfer from Train the Force .....		4,200
Transfer to Staff and Infrastructure .....		—72,000
Program Adjustment .....		—150,000
3 TRAIN THE FORCE (OCO) .....	247,500	129,350
Train the Force Response—Duplication of Service Title 10 Responsibilities .....		—18,050
IDD 2.0 Detection Dog—Transfer to Defeat the Device .....		—4,200
Transfer to Staff and Infrastructure .....		—90,900
Program Adjustment .....		—5,000
4 STAFF AND INFRASTRUCTURE (OCO) .....	0	642,834
Civilian Pay Freeze .....		—1,500
Transfer from title VI .....		220,634
Transfer from Attack the Network .....		280,800
Transfer from Defeat the Device .....		72,000
Transfer from Train the Force .....		90,900
Program Adjustment .....		—20,000
TOTAL, JOINT IED DEFEAT FUND .....	2,577,500	2,441,984

The conference agreement provides funding for the Joint Improvised Explosive Device Defeat Organization (JIEDDO) in title IX. The conferees believe that the requirements are war related and should be funded through Overseas Contingency Operations funding.

The conferees direct JIEDDO to submit to the congressional defense committees monthly commitment, obligation, and expenditure data by line of operation and by year of appropriation. Further, the conferees direct JIEDDO to submit to the congressional defense committees monthly reports of obligation data on a project by project basis by line of operation. The conferees also continue the direction that JIEDDO follow standard reprogramming procedures when transferring a cumulative amount of \$20,000,000 or more between lines of operation.

## OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides \$11,055,000 for the Office of the Inspector General, as proposed by both the House and the Senate.

## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

(In thousands of dollars)

	Budget Request	Conference
OPERATION AND MAINTENANCE .....	11,055	11,055
TOTAL, OFFICE OF THE INSPECTOR GEN- ERAL .....	11,055	11,055

## GENERAL PROVISIONS—THIS TITLE

The conference agreement for title IX incorporates general provisions from the House and Senate versions of the bill which were not amended. Those general provisions that were addressed in conference follow:

The conference agreement retains a provision proposed by the Senate which provides for general transfer authority within title IX. The House bill contained a similar provision.

The conference agreement modifies a provision proposed by the Senate concerning the Afghanistan Resources Executive Council approval of funding for projects under the Afghanistan Security Forces Fund, Afghanistan Infrastructure Fund, and the Commanders Emergency Response Program. The House bill contained a similar provision.

The conference agreement modifies a provision proposed by the Senate concerning funding and guidelines for the Task Force for Business and Stability Operations in Afghanistan. The House bill contained a similar provision.

The conference agreement retains a provision proposed by the Senate concerning transition activities of the Office of Security Cooperation in Iraq and security assistance teams. The House bill contained a similar provision.

The conference agreement modifies a provision proposed by the Senate which reduces funding from title IX military personnel and operation and maintenance accounts to reflect reduced troop strength in theater. The House bill contained no similar provision.

The conference agreement modifies a provision proposed by the House and the Senate recommending rescissions. The rescissions agreed to are:

(RESCISSIONS)

2010 Appropriations:

Overseas Contingency  
Operations Transfer  
Fund:

Unobligated Balances .. \$356,810,000

Procurement of Ammunition, Army:	
Non-Lethal Capabilities .....	20,000,000
Artillery Fuzes, All Types .....	1,000,000
Other Procurement, Air Force:	
Intelligence Comm Equipment .....	2,250,000



DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

Conference  
vs. Enacted

Conference

FY 2012  
Request

FY 2011  
Enacted

TITLE I

MILITARY PERSONNEL

Military Personnel, Army.....	41,403,653	43,596,949	43,298,409	+1,894,756
Military Personnel, Navy.....	25,912,449	27,154,384	26,803,334	+890,885
Military Personnel, Marine Corps.....	13,210,161	13,573,546	13,635,136	+424,975
Military Personnel, Air Force.....	27,105,755	28,304,432	28,096,708	+990,953
Reserve Personnel, Army.....	4,333,165	4,386,077	4,289,407	-43,758
Reserve Personnel, Navy.....	1,940,191	1,960,634	1,935,544	-4,647
Reserve Personnel, Marine Corps.....	612,191	653,212	644,722	+32,531
Reserve Personnel, Air Force.....	1,650,797	1,729,823	1,712,705	+61,908
National Guard Personnel, Army.....	7,511,296	7,623,335	7,585,645	+74,349
National Guard Personnel, Air Force.....	3,060,098	3,114,149	3,088,929	+28,831

Total, title I, Military Personnel.....	126,739,756	132,096,541	131,090,539	+4,350,783
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TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army.....	33,306,117	34,735,216	31,072,902	-2,233,215
Operation and Maintenance, Navy.....	37,809,239	39,364,688	38,120,821	+311,582
Operation and Maintenance, Marine Corps.....	5,539,740	5,960,437	5,542,937	+3,197
Operation and Maintenance, Air Force.....	36,062,989	36,195,133	34,985,486	-1,077,503

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Operation and Maintenance, Defense-Wide .....	30,210,810	30,940,409	30,152,008
Operation and Maintenance, Army Reserve .....	2,840,427	3,109,176	3,071,733
Operation and Maintenance, Navy Reserve .....	1,344,264	1,323,134	1,305,134
Operation and Maintenance, Marine Corps Reserve .....	275,484	271,443	271,443
Operation and Maintenance, Air Force Reserve .....	3,291,027	3,274,359	3,274,359
Operation and Maintenance, Army National Guard .....	6,454,624	7,041,432	6,924,932
Operation and Maintenance, Air National Guard .....	5,963,839	6,136,280	6,098,780
Overseas Contingency Operations Transfer Account .....	---	5,000	---
United States Court of Appeals for the Armed Forces .....	14,068	13,861	13,861
Environmental Restoration, Army .....	464,581	346,031	346,031
Environmental Restoration, Navy .....	304,867	308,668	308,668
Environmental Restoration, Air Force .....	502,653	525,453	525,453
Environmental Restoration, Defense-Wide .....	10,744	10,716	10,716
Overseas Humanitarian, Disaster, and Civic Aid .....	316,546	276,495	326,495
Cooperative Threat Reduction Account .....	108,032	107,662	107,662
Department of Defense Acquisition Workforce Development Fund .....	522,512	508,219	508,219
	217,561	305,501	105,501
Total, title II, Operation and maintenance .....	165,560,124	170,759,313	163,073,141
	=====	=====	=====
			-2,486,983
			=====

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE III				
PROCUREMENT				
Aircraft Procurement, Army.....	5,254,791	7,061,381	5,360,334	+105,543
Missile Procurement, Army.....	1,570,108	1,478,718	1,461,223	-108,885
Procurement of Weapons and Tracked Combat Vehicles, Army.....	1,461,086	1,933,512	2,070,405	+609,319
Procurement of Ammunition, Army.....	1,847,066	1,992,625	1,884,424	+37,358
Other Procurement, Army.....	8,145,665	9,682,592	7,924,214	-221,451
Aircraft Procurement, Navy.....	16,170,868	18,587,033	17,675,734	+1,504,866
Weapons Procurement, Navy.....	3,221,957	3,408,478	3,224,432	+2,475
Procurement of Ammunition, Navy and Marine Corps.....	790,527	719,952	626,848	-163,679
Shipbuilding and Conversion, Navy.....	15,366,658	14,928,921	14,919,114	-447,544
Other Procurement, Navy.....	5,804,963	6,285,451	6,013,385	+208,422
Procurement, Marine Corps.....	1,236,436	1,391,602	1,422,570	+186,134
Aircraft Procurement, Air Force.....	13,483,739	14,082,527	12,950,000	-533,739
Missile Procurement, Air Force.....	5,424,764	6,074,017	6,080,877	+656,113
Advanced Extremely High Frequency Communications Satellites, Advanced appropriation FY 2013.....	---	803,417	---	---
Advanced appropriation FY 2014.....	---	699,611	---	---
Advanced appropriation FY 2015 through FY 2017.....	---	1,709,467	---	---
Total, Advanced appropriations	---	3,212,495	---	---
Procurement of Ammunition, Air Force.....	731,487	539,065	499,185	-232,302
Other Procurement, Air Force.....	17,568,091	17,602,036	17,403,564	-164,527

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Procurement, Defense-Wide .....	4,009,321	5,365,248	4,893,428	+884,107
Defense Production Act Purchases .....	34,346	19,964	169,964	+135,618
Total, title III, Procurement .....	102,121,873	114,365,617	104,579,701	+2,457,828
FY 2012 .....	(102,121,873)	(111,153,122)	(104,579,701)	(+2,457,828)

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army .....	9,710,998	9,683,980	8,745,492	-965,506
Research, Development, Test and Evaluation, Navy .....	17,736,303	17,956,431	17,753,940	+17,637
Research, Development, Test and Evaluation, Air Force .....	26,517,405	27,737,701	26,535,996	+18,591
Research, Development, Test and Evaluation, Defense-Wide .....	20,797,412	19,755,678	19,193,955	-1,603,457
Operational Test and Evaluation, Defense .....	194,910	191,292	191,292	-3,618
Total, title IV, Research, Development, Test and Evaluation .....	74,957,028	75,325,082	72,420,675	-2,536,353

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>TITLE V</b>				
<b>REVOLVING AND MANAGEMENT FUNDS</b>				
Defense Working Capital Funds.....	1,434,536	1,575,010	1,575,010	+140,474
National Defense Sealift Fund.....	1,474,866	1,126,384	1,100,519	-374,347
<b>Total, title V, Revolving and Management Funds..</b>	<b>2,909,402</b>	<b>2,701,394</b>	<b>2,675,529</b>	<b>-233,873</b>

**TITLE VI**

**OTHER DEPARTMENT OF DEFENSE PROGRAMS**

<b>Defense Health Program:</b>				
Operation and maintenance.....	29,671,764	30,902,546	30,582,235	+910,471
Procurement.....	534,921	632,518	632,518	+97,597
Research, development, test and evaluation.....	1,175,513	663,706	1,267,306	+91,793
<b>Total, Defense Health Program 1/.....</b>	<b>31,382,198</b>	<b>32,198,770</b>	<b>32,482,059</b>	<b>+1,099,861</b>
<b>Chemical Agents and Munitions Destruction, Defense:</b>				
Operation and maintenance.....	1,067,364	1,147,691	1,147,691	+80,327
Procurement.....	7,132	---	---	-7,132
Research, development, test and evaluation.....	392,811	406,731	406,731	+13,920
<b>Total, Chemical Agents 2/.....</b>	<b>1,467,307</b>	<b>1,554,422</b>	<b>1,554,422</b>	<b>+87,115</b>

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Drug Interdiction and Counter-Drug Activities, Defense	1,156,957	1,156,282	1,209,620	+52,663
Joint Improvised Explosive Device Defeat Fund 2/.....	---	220,634	---	---
Joint Urgent Operational Needs Fund.....	---	100,000	---	---
Office of the Inspector General 1/.....	306,794	289,519	346,919	+40,125
Total, title VI, Other Department of Defense Programs.....	34,313,256	35,519,627	35,593,020	+1,279,764

TITLE VII

RELATED AGENCIES

Central Intelligence Agency Retirement and Disability System Fund.....	292,000	513,700	513,700	+221,700
Intelligence Community Management Account (ICMA).....	649,732	592,213	547,891	-101,841
Total, title VII, Related agencies.....	941,732	1,105,913	1,061,591	+119,859

TITLE VIII

GENERAL PROVISIONS

Additional transfer authority (Sec. 8005).....	(4,000,000)	(5,000,000)	(3,750,000)	(-250,000)
Indian Financing Act incentives (Sec. 8019).....	15,000	---	15,000	---
FFRDC (Sec. 8023).....	-125,000	---	-150,245	-25,245
Overseas Military Facility Invest Recovery (Sec. 8028).....	1,000	1,000	1,000	---

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rescissions (Sec. 8040).....	-2,013,536	---	-2,575,217	-561,681
O&M, Defense-wide transfer authority (Sec. 8051).....	(30,000)	(30,000)	(30,000)	---
O&M, Def-wide to HUD (transfer authority).....	---	(22,930)	---	---
O&M, Defense-wide to Interior (transfer authority).....	---	(10,070)	---	---
Fisher House Foundation (Sec. 8069).....	4,000	---	4,000	---
National grants (Sec. 8079).....	65,200	---	44,000	-21,200
Shipbuilding reappropriation (Sec. 8083).....	---	20,000	---	---
Shipbuilding & conversion funds, Navy (Sec. 8084).....	10,000	8,000	8,000	-2,000
Global Security Contingency Fund (O&M, Defense-wide transfer) (Sec. 8089).....	---	---	(200,000)	(+200,000)
Working Capital Fund excess cash balances (Sec. 8091).....	-1,983,000	---	-515,000	+1,468,000
Fisher House transfer authority (Sec. 8097).....	(11,000)	(11,000)	(11,000)	---
ICMA transfer authority (Sec. 8098).....	(24,000)	(20,000)	(20,000)	(-4,000)
Business Transformation (transfer authority).....	(50,000)	---	---	(-50,000)
Tanker Replacement Transfer Fund.....	538,875	---	---	-538,875
Alternative Energy Resources for Deployed Forces (Sec. 8114).....	---	---	10,000	+10,000
Operation and Maintenance, Defense-Wide.....	300,000	---	---	-300,000
Energy Security Pilot Projects.....	20,000	---	---	-20,000
Revised economic assumptions.....	-1,477,000	---	---	+1,477,000
Operation and Maintenance, Defense-Wide (Sec. 8118).....	250,000	---	250,000	---
Civilian pay freeze reduction.....	-723,000	---	---	+723,000
MIP Transfer Fund (Sec. 8126).....	---	---	310,758	+310,758
Total, Title VIII, General Provisions.....	-5,117,461	29,000	-2,597,704	+2,519,757

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
-----				
TITLE IX				
OVERSEAS CONTINGENCY OPERATIONS (OCO) 3/				
Military Personnel				
Military Personnel, Army (OCO)	11,107,033	7,105,335	7,195,335	-3,911,698
Military Personnel, Navy (OCO)	1,308,719	919,034	1,259,234	-49,485
Military Personnel, Marine Corps (OCO)	732,920	675,360	714,360	-18,560
Military Personnel, Air Force (OCO)	1,843,442	1,436,353	1,492,381	-351,061
Reserve Personnel, Army (OCO)	268,031	207,162	207,162	-60,869
Reserve Personnel, Navy (OCO)	48,912	44,530	44,530	-4,382
Reserve Personnel, Marine Corps (OCO)	45,437	25,421	25,421	-20,016
Reserve Personnel, Air Force (OCO)	27,002	26,815	26,815	-187
National Guard Personnel, Army (OCO)	853,022	661,879	664,579	-188,443
National Guard Personnel, Air Force (OCO)	16,860	9,435	9,435	-7,425
-----				
Total, Military Personnel	16,251,378	11,111,324	11,639,252	-4,612,126
Operation and Maintenance				
Operation & Maintenance, Army (OCO)	59,162,782	44,302,280	44,794,156	-14,368,626
Operation & Maintenance, Navy (OCO)	8,970,724	7,006,567	7,674,026	-1,296,698
Coast Guard (by transfer) (OCO)	---	(258,278)	---	---
Operation & Maintenance, Marine Corps (OCO)	4,008,022	3,571,210	3,935,210	-72,812
Operation & Maintenance, Air Force (OCO)	12,969,643	10,719,187	10,879,347	-2,090,296



DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Operation & Maintenance, Defense-Wide (OCO).....	9,276,990	9,269,411	9,252,211	-24,779
Coalition support funds (OCO).....	(1,600,000)	---	(1,690,000)	(+90,000)
Operation & Maintenance, Army Reserve (OCO).....	206,784	217,500	217,500	+10,716
Operation & Maintenance, Navy Reserve (OCO).....	93,559	74,148	74,148	-19,411
Operation & Maintenance, Marine Corps Reserve (OCO).....	29,685	36,084	36,084	+6,399
Operation & Maintenance, Air Force Reserve (OCO).....	188,807	142,050	142,050	-46,757
Operation & Maintenance, Army National Guard (OCO).....	497,849	387,544	377,544	-120,305
Operation & Maintenance, Air National Guard (OCO).....	402,983	34,050	34,050	-368,933
Overseas Contingency Operations Transfer Fund (OCO).....	---	---	---	---
Subtotal, Operation and Maintenance.....	95,807,828	75,760,031	77,416,326	-18,391,502
Afghanistan Infrastructure Fund (OCO).....	400,000	475,000	400,000	---
Afghanistan Security Forces Fund (OCO).....	11,619,283	12,800,000	11,200,000	-419,283
Iraq Security Forces Fund (OCO).....	1,500,000	---	---	-1,500,000
Pakistan Counterinsurgency Capability Fund (OCO).....	800,000	---	---	-800,000
Total, Operation and Maintenance.....	110,127,111	89,035,031	89,016,326	-21,110,785

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Procurement</b>				
Aircraft Procurement, Army (OCO)	2,720,138	423,400	1,137,381	-1,582,757
Missile Procurement, Army (OCO)	343,828	126,556	126,556	-217,272
Procurement of Weapons and Tracked Combat Vehicles, Army (OCO)	896,996	37,117	37,117	-859,879
Procurement of Ammunition, Army (OCO)	369,885	208,381	208,381	-161,504
Other Procurement, Army (OCO)	6,401,832	1,398,195	1,334,345	-5,067,487
Aircraft Procurement, Navy (OCO)	1,169,549	730,960	480,935	-688,614
Weapons Procurement, Navy (OCO)	90,502	41,070	41,070	-49,432
Procurement of Ammunition, Navy and Marine Corps (OCO)	558,024	317,100	317,100	-240,924
Other Procurement, Navy (OCO)	316,835	281,975	236,125	-80,710
Procurement, Marine Corps (OCO)	1,589,119	1,260,996	1,233,996	-355,123
Aircraft Procurement, Air Force (OCO)	1,991,955	527,865	1,235,777	-756,178
Missile Procurement, Air Force (OCO)	56,621	28,420	41,220	-15,401
Procurement of Ammunition, Air Force (OCO)	292,959	92,510	109,010	-183,949
Other Procurement, Air Force (OCO)	2,868,593	3,204,641	3,088,510	+219,917
Procurement, Defense-Wide (OCO)	1,262,499	469,968	405,768	-856,731
National Guard and Reserve Equipment (OCO)	850,000	---	1,000,000	+150,000
Mine Resistant Ambush Protected Vehicle Fund (OCO)	3,415,000	3,195,170	2,600,170	-814,830
<b>Total, Procurement</b>	<b>25,194,335</b>	<b>12,344,324</b>	<b>13,633,461</b>	<b>-11,560,874</b>

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
-----			
Research, Development, Test and Evaluation			
Research, Development, Test & Evaluation, Army (OCO)	143,234	8,513	18,513
Research, Development, Test & Evaluation, Navy (OCO)	104,781	53,884	53,884
Research, Development, Test & Evaluation, Air Force (OCO)	484,382	142,000	259,600
Research, Development, Test and Evaluation, Defense-Wide (OCO)	222,616	192,361	194,361
			-----
Total, Research, Development, Test and Evaluation	955,013	396,758	526,358
-----			
Revolving and Management Funds			
Defense Working Capital Funds (OCO)	485,384	435,013	435,013
-----			
Other Department of Defense Programs			
Defense Health Program:			
Operation and maintenance (OCO)	1,398,092	1,228,288	1,228,288
Research, development, test & evaluation (OCO)	24,000	---	---
			-----
Total, Defense Health Program 1/	1,422,092	1,228,288	1,228,288
			-----
			-193,804

-169,804  
-24,000

-193,804

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Drug Interdiction and Counter-Drug Activities, Defense (OCO) .....	440,510	486,458	456,458	+15,948
Joint IED Defeat Fund (OCO) .....	2,793,768	2,577,500	2,441,984	-351,784
Joint Urgent Operational Needs Fund (OCO) .....	---	100,000	---	---
Office of the Inspector General (OCO) .....	10,529	11,055	11,055	+526
Total, Other Department of Defense Programs .....	4,666,899	4,403,301	4,137,785	-529,114
TITLE IX General Provisions				
Additional transfer authority (OCO) (Sec. 9002) .....	(4,000,000)	(4,000,000)	(4,000,000)	---
National Intelligence for Overseas Contingency Operations (transfer authority) (OCO) .....	(3,375)	---	---	(-3,375)
Troop reduction (OCO) (Sec. 9014) .....	---	---	-4,042,500	-4,042,500
Rescissions (OCO) (Sec. 9015) .....	---	---	-380,060	-380,060
Total, General Provisions .....	---	---	-4,422,560	-4,422,560
Total, Title IX .....	157,680,120	117,725,751	114,965,635	-42,714,485
Total for the bill (net) .....				
Less appropriations for subsequent years .....	660,105,830	649,628,238	622,862,127	-37,243,703
Net grand total .....	660,105,830	646,415,743	622,862,127	-37,243,703

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP				
Scorekeeping adjustments:				
Lease of defense real property (permanent).....	8,884	22,000	22,000	+13,116
Disposal of defense real property (permanent).....	10,317	9,000	9,000	-1,317
O&M, Defense-wide transfer to Department of State:				
Defense function.....	---	---	-200,000	-200,000
Non-defense function.....	---	---	200,000	+200,000
O&M, Defense-wide transfer to HUD:				
Defense function.....	---	-22,930	---	---
Non-defense function.....	---	22,930	---	---
O&M, Defense-wide transfer to Interior Department:				
Defense function.....	---	-10,070	---	---
Non-defense function.....	---	10,070	---	---
Tricare accrual (permanent, indefinite auth.) 4/...	10,872,070	10,733,000	10,733,000	-139,070
(OCO) 3/.....	143,000	117,000	117,000	-26,000
Total, scorekeeping adjustments.....	11,034,271	10,881,000	10,881,000	-153,271
Adjusted total (includ. scorekeeping adjustments)	671,140,101	657,296,743	633,743,127	-37,396,974
Appropriations.....	(673,153,637)	(657,296,743)	(636,318,344)	(-36,835,293)
Rescissions.....	(-2,013,536)	---	(-2,575,217)	(-561,681)
Total mandatory and discretionary.....	671,140,101	657,296,743	633,743,127	-37,396,974
Mandatory.....	(292,000)	(513,700)	(513,700)	(+221,700)
Discretionary.....	(670,848,101)	(656,783,043)	(633,229,427)	(-37,618,674)

DIVISION A: DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
RECAPITULATION				
Title I - Military Personnel.....	126,739,756	132,096,541	131,090,539	+4,350,783
Title II - Operation and Maintenance.....	165,560,124	170,759,313	163,073,141	-2,486,983
Title III - Procurement.....	102,121,873	114,365,617	104,579,701	+2,457,828
Title IV - Research, Development, Test and Evaluation.....	74,957,028	75,325,082	72,420,675	-2,536,353
Title V - Revolving and Management Funds.....	2,909,402	2,701,394	2,675,529	-233,873
Title VI - Other Department of Defense Programs.....	34,313,256	35,519,627	35,593,020	+1,279,764
Title VII - Related Agencies.....	941,732	1,105,913	1,061,591	+119,859
Title VIII - General Provisions (net).....	-5,117,461	29,000	-2,597,704	+2,519,757
Title IX - Overseas Contingency Operations (OCO) 3/.....	157,680,120	117,725,751	114,965,635	-42,714,485
Total, Department of Defense.....	660,105,830	649,628,238	622,862,127	-37,243,703
Scorekeeping adjustments.....	11,034,271	10,881,000	10,881,000	-153,271
Less appropriations for subsequent years.....	---	-3,212,495	---	---
Total mandatory and discretionary.....	671,140,101	657,296,743	633,743,127	-37,396,974

## FOOTNOTES:

- 1/ Included in Budget under Operation and Maintenance
- 2/ Included in Budget under Procurement
- 3/ Global War on Terrorism and other activities (GWOT) pursuant to FY 2012 budget resolution (H.Con.Res. 34).
- 4/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375)(CB0 est)

## DIVISION B—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2012 JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The language and allocations set forth in House Report 112–118 and Senate Report 112–75 should be complied with unless specifically addressed to the contrary in the conference report and statement of managers. Report language included by the House which is not contradicted by the report of the Senate or the conference, and Senate report language which is not contradicted by the report of the House or the conference is approved by the committee of conference. The statement of managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report

or joint statement of managers, the conferees have determined that the House report and Senate report are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.

Funds for the individual programs and activities within the accounts in this Act are displayed in the detailed table at the end of the explanatory statement for this Act. Funding levels that are not displayed in the detailed table are identified in this explanatory statement.

TITLE I  
CORPS OF ENGINEERS—CIVIL  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS—CIVIL

The summary tables included in this title set forth the dispositions with respect to the

individual appropriations, projects, and activities of the Corps of Engineers. The conference agreement includes no new starts as proposed by the House and Senate. Additional items of the Act are discussed below.

INVESTIGATIONS

The conference agreement provides \$125,000,000 for Investigations as proposed by the Senate, instead of \$104,000,000 as proposed by the House. The Act does not include language regarding expenditure of funds as proposed by the House.

The allocation for projects and activities within the Investigations account is shown in the following table:

CORPS OF ENGINEERS - INVESTIGATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		
	RECON	FEASIBILITY	PED	RECON	FEASIBILITY	PED
ALASKA						
MATANUSKA RIVER WATERSHED, AK	---	100	---	---	96	---
YAKUTAT HARBOR, AK	---	100	---	---	96	---
CALIFORNIA						
CALIFORNIA COASTAL SEDIMENT MASTER PLAN, CA	---	900	---	---	861	---
COYOTE & BERRYESSA CREEKS, CA	---	---	500	---	---	276
LOS ANGELES COUNTY, CA	---	80	---	---	77	---
MALIBU CREEK WATERSHED, CA	---	210	---	---	201	---
CENTRAL VALLEY INTEGRATED FLOOD MANAGEMENT STUDY, CA	---	300	---	---	287	---
SAC-SAN JOAQUIN DELTA ISLANDS AND LEVEES, CA	---	1,015	---	---	971	---
SAN PABLO BAY WATERSHED, CA	---	500	---	---	478	---
SOLANA BEACH, CA	---	133	---	---	127	---
SUTTER COUNTY, CA	---	339	---	---	324	---
UPPER PENITENCIA CREEK, CA	---	177	---	---	169	---
YUBA RIVER FISH PASSAGE, CA	100	---	---	---	---	---
FLORIDA						
LAKE WORTH INLET, PALM BEACH COUNTY, FL	---	293	---	---	280	---
MILE POINT, FL	---	50	---	---	48	---
GEORGIA						
SAVANNAH HARBOR EXPANSION, GA	---	---	600	---	---	---
TYBEE ISLAND, GA	---	200	---	---	---	---
HAWAII						
ALA WAI CANAL, OAHU, HI	---	400	---	---	383	---
ILLINOIS						
DES PLAINES RIVER, IL (PHASE II)	---	500	---	---	478	---
ILLINOIS RIVER BASIN RESTORATION, IL	---	400	---	---	383	---
INTERBASIN CONTROL OF GREAT LAKES-MISSISSIPPI RIVER AQUATIC NUISANCE SPECIES, IL, IN, OH & WI	---	3,000	---	---	2,870	---
INDIANA						
INDIANA HARBOR, IN	---	---	300	---	---	---
KANSAS						
TOPEKA, KS	---	---	100	---	---	96
LOUISIANA						
BAYOU SORREL LOCK, LA	---	---	2,000	---	---	1,913
CALCASIEU LOCK, LA	---	1,000	---	---	957	---
LOUISIANA COASTAL AREA COMPREHENSIVE PLAN, LA	---	100	---	---	---	---
LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA	---	10,845	5,400	---	4,520	5,166



CORPS OF ENGINEERS - INVESTIGATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		
	RECON	FEASIBILITY	PED	RECON	FEASIBILITY	PED
MARYLAND						
CHESAPEAKE BAY COMPREHENSIVE PLAN, MD, PA & VA	250	---	---	---	---	---
EASTERN SHORE, MID CHESAPEAKE BAY ISLAND, MD	---	---	169	---	---	58
MASSACHUSETTS						
PILGRIM LAKE, TRURO & PROVINCETOWN, MA	---	113	---	---	---	---
MINNESOTA						
MINNESOTA RIVER WATERSHED STUDY, MN & SD (MINNESOTA RIVER AUTHORITY)	---	350	---	---	335	---
MISSOURI						
KANSAS CITYS, MO & KS	---	330	---	---	316	---
MISSOURI RIVER DEGRADATION, MO	---	600	---	---	574	---
MONTANA						
YELLOWSTONE RIVER CORRIDOR, MT	---	200	---	---	191	---
NEW HAMPSHIRE						
MERRIMACK RIVER WATERSHED STUDY, NH & MA	---	200	---	---	191	---
NEW JERSEY						
DELAWARE RIVER COMPREHENSIVE, NJ	---	290	---	---	277	---
HUDSON - RARITAN ESTUARY, HACKENSACK MEADOWLANDS, NJ	---	---	100	---	---	96
HUDSON - RARITAN ESTUARY, LOWER PASSAIC RIVER, NJ	---	200	---	---	191	---
NEW MEXICO						
RIO GRANDE BASIN, NM, CO & TX	---	300	---	---	287	---
NEW YORK						
HUDSON - RARITAN ESTUARY, NY & NJ	---	400	---	---	383	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY	---	---	170	---	---	163
WESTCHESTER COUNTY STREAMS, BYRAM RIVER BASIN, NY & CT	---	200	---	---	191	---
NORTH CAROLINA						
CURRITUCK SOUND, NC	---	400	---	---	383	---
NEUSE RIVER BASIN, NC	---	---	450	---	---	431
SURF CITY AND NORTH TOPSAIL BEACH, NC	---	---	300	---	---	287
NORTH DAKOTA						
FARGO, ND - MOORHEAD, MN METROPOLITAN AREA	---	---	12,000	---	---	11,480
RED RIVER OF THE NORTH BASIN, ND, MN, SD & MANITOBA, CANADA	---	433	---	---	414	---
OREGON						
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	---	300	---	---	287	---
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	---	250	---	---	239	---
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	---	213	---	---	204	---

CORPS OF ENGINEERS - INVESTIGATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		
	RECON	FEASIBILITY	PED	RECON	FEASIBILITY	PED
PENNSYLVANIA						
SCHUYLKILL RIVER BASIN, WISSAHICKON CREEK BASIN, PA	---	200	---	---	191	---
UPPER OHIO NAVIGATION STUDY, PA	---	1,363	---	---	1,304	---
PUERTO RICO						
CANO MARTIN PEÑA, PR	---	100	---	---	---	---
SOUTH CAROLINA						
EDISTO ISLAND, SC	---	100	---	---	96	---
TEXAS						
BRAZOS ISLAND HARBOR, BROWNSVILLE CHANNEL, TX	---	726	---	---	695	---
DALLAS FLOODWAY, UPPER TRINITY RIVER BASIN, TX	---	700	---	---	670	---
GIWW, HIGH ISLAND TO BRAZOS RIVER REALIGNMENTS, TX	---	200	---	---	191	---
GUADALUPE AND SAN ANTONIO RIVER BASINS, TX	---	400	---	---	383	---
LOWER COLORADO RIVER BASIN, TX	---	425	---	---	407	---
NUECES RIVER AND TRIBUTARIES, TX	---	650	---	---	622	---
SABINE PASS TO GALVESTON BAY, TX	---	200	---	---	191	---
VIRGINIA						
CHOWAN RIVER, VA	124	---	---	119	---	---
JOHN H KERR DAM AND RESERVOIR, VA & NC (SECTION 216)	---	365	---	---	349	---
LYNNHAVEN RIVER BASIN, VA	---	---	300	---	---	287
UPPER RAPPAHANNOCK RIVER BASIN COMPREHENSIVE, VA	---	200	---	---	191	---
WASHINGTON						
MOUNT SAINT HELENS, WA	---	225	---	---	215	---
PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA	---	400	---	---	383	---
SUBTOTAL, PROJECTS LISTED UNDER STATES	474	31,675	22,389	119	23,957	20,253
NATIONAL PROGRAMS						
ADDITIONAL FUNDING FOR ONGOING WORK						
FLOOD AND STORM DAMAGE REDUCTION	---	---	---	---	2,000	---
FLOOD CONTROL	---	---	---	---	9,000	---
SHORE PROTECTION	---	---	---	---	3,000	---
NAVIGATION	---	---	---	---	2,000	---
COASTAL AND DEEP-DRAFT	---	---	---	---	10,000	---
INLAND	---	---	---	---	3,000	---
SMALL, REMOTE, OR SUBSISTENCE	---	---	---	---	1,500	---
OTHER AUTHORIZED PROJECT PURPOSES	---	---	---	---	1,240	---
ENVIRONMENTAL RESTORATION OR COMPLIANCE	---	---	---	---	1,000	---
REMOTE, COASTAL, OR SMALL WATERSHED	---	---	---	---	2,000	---
COORDINATION STUDIES WITH OTHER AGENCIES						
ACCESS TO WATER DATA	---	350	---	---	335	---
COMMITTEE ON MARINE TRANSPORTATION SYSTEMS	---	100	---	---	96	---
OTHER COORDINATION PROGRAMS	---	4,090	---	---	---	---
CALFED	---	(100)	---	---	96	---
CHESAPEAKE BAY PROGRAM	---	(75)	---	---	72	---
COORDINATION WITH OTHER RESOURCE AGENCIES	---	(200)	---	---	191	---
GULF OF MEXICO	---	(100)	---	---	96	---

CORPS OF ENGINEERS - INVESTIGATIONS  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		
	RECON	FEASIBILITY	PED	RECON	FEASIBILITY	PED
INTERAGENCY AND INTERNATIONAL SUPPORT	---	(600)	---	---	574	---
INTERAGENCY WATER RESOURCE DEVELOPMENT	---	(955)	---	---	914	---
INVENTORY OF DAMS	---	(400)	---	---	383	---
LAKE TAHOE	---	(100)	---	---	96	---
PACIFIC NW FOREST CASE	---	(10)	---	---	10	---
SPECIAL INVESTIGATIONS	---	(1,550)	---	---	1,483	---
PLANNING ASSISTANCE TO STATES	---	5,000	---	---	5,284	---
COLLECTION AND STUDY OF BASIC DATA						
AUTOMATED INFORMATION SYSTEMS SUPPORT TRI-CADD	---	350	---	---	335	---
COASTAL FIELD DATA COLLECTION	---	1,000	---	---	957	---
ENVIRONMENTAL DATA STUDIES	---	75	---	---	72	---
FLOOD DAMAGE DATA	---	220	---	---	210	---
FLOOD PLAIN MANAGEMENT SERVICES	---	9,000	---	---	9,110	---
HYDROLOGIC STUDIES	---	250	---	---	239	---
INTERNATIONAL WATER STUDIES	---	200	---	---	191	---
PRECIPITATION STUDIES	---	225	---	---	215	---
REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	---	75	---	---	72	---
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	---	50	---	---	48	---
STREAM GAGING	---	600	---	---	574	---
TRANSPORTATION SYSTEMS	---	350	---	---	335	---
RESEARCH AND DEVELOPMENT	---	17,252	---	---	16,505	---
OTHER - MISCELLANEOUS						
INDEPENDENT PEER REVIEW	---	500	---	---	478	---
NATIONAL FLOOD RISK MANAGEMENT PROGRAM	---	3,000	---	---	2,870	---
NATIONAL SHORELINE	---	175	---	---	167	---
PLANNING SUPPORT PROGRAM	---	3,100	---	---	2,966	---
TRIBAL PARTNERSHIP PROGRAM	---	1,000	---	---	957	---
WATER RESOURCES PRINCIPLES AND GUIDELINES	---	500	---	---	---	---
WATER RESOURCES PRIORITIES STUDY	---	2,000	---	---	---	---
 SUBTOTAL, NATIONAL PROGRAMS	 0	 49,462	 0	 0	 80,671	 0
 TOTAL, INVESTIGATIONS	 474	 81,137	 22,389	 119	 104,628	 20,253

*Additional Funding for Ongoing Work.*—The fiscal year 2012 budget request does not reflect the extent of need for project studies funding. The Corps has numerous continuing studies that will be suspended under the limits of the budget request. These studies could lead to projects with significant economic benefits, particularly by increasing national competitiveness through marine transportation improvements and by avoiding damages caused by flooding and coastal storms. The conference agreement includes additional funds to continue ongoing studies. While this additional funding is shown in the feasibility column, the Corps should utilize these funds in any applicable phase of work. The intent of these funds is for ongoing work that either was not included in the Administration's request or was inadequately budgeted. In no case shall funds be used to initiate new studies within this account.

A study shall be eligible for this funding if it has received funding, other than through a reprogramming, in at least one of the previous three fiscal years. Funding associated with each category may be allocated to any

eligible study within that category; funding associated with each subcategory may be allocated only to eligible studies within that subcategory. The list of subcategories is not meant to be exhaustive. The conferees direct that priority in allocating these funds be given to completing or accelerating ongoing studies which will enhance the nation's economic development, job growth and international competitiveness, or are for projects located in areas that have suffered recent natural disasters.

Within 45 days of enactment of this Act, the Corps shall provide to the House and Senate Committees on Appropriations a work plan delineating how these funds are to be distributed and in which phase the work is to be accomplished. A document providing the Administration's criteria for justifying the funding decisions made shall accompany this work plan. No funds shall be obligated for any project under this program which has not been justified in such a report.

*Water Resources Principles and Guidelines.*—No funds are provided for the line item proposed for Water Resources Principles and Guidelines, as this is considered a new start.

No funds provided to the Corps shall be used to develop or implement rules or guidance if an update or replacement to the document dated March 10, 1983, and entitled "Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies" is finalized during the fiscal year period covered by the Energy and Water Development Act for 2012. The Corps shall continue to use the Water Resources Principles and Guidelines in effect as of the date of enactment of this Act during that same period.

#### CONSTRUCTION

The conference agreement provides \$1,694,000,000 for Construction, instead of \$1,565,191,000 as proposed by the House and \$1,610,000,000 as proposed by the Senate. The Act does not include a rescission of \$50,000,000 as proposed by the House. The Act does not include language regarding expenditure of funds as proposed by the House.

The allocation for projects and activities within the Construction account is shown in the following table:

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
<hr/>		
CALIFORNIA		
AMERICAN RIVER WATERSHED (COMMON FEATURES), CA	25,548	25,037
AMERICAN RIVER WATERSHED (FOLSOM DAM MODIFICATIONS), CA	21,000	20,580
AMERICAN RIVER WATERSHED (FOLSOM DAM RAISE), CA	1,000	980
HAMILTON AIRFIELD WETLANDS RESTORATION, CA	8,250	8,085
HAMILTON CITY, CA	8,000	---
NAPA RIVER, SALT MARSH RESTORATION, CA	9,500	7,000
OAKLAND HARBOR (50 FOOT PROJECT), CA	350	343
SACRAMENTO DEEPWATER SHIP CHANNEL, CA	3,500	3,430
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	10,000	9,800
SANTA ANA RIVER MAINSTEM, CA	20,500	20,090
SANTA PAULA CREEK, CA	2,078	2,036
SOUTH SACRAMENTO COUNTY STREAMS, CA	5,000	4,900
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY)	18,000	12,600
YUBA RIVER BASIN, CA	2,000	1,960
FLORIDA		
BREVARD COUNTY, CANAVERAL HARBOR, FL	350	343
DADE COUNTY, FL	15,202	14,898
DUVAL COUNTY, FL	100	98
FORT PIERCE BEACH, FL	350	343
HERBERT HOOVER DIKE, FL (SEEPAGE CONTROL)	85,000	85,000
JACKSONVILLE HARBOR, FL	7,000	6,860
MANATEE COUNTY, FL	100	98
NASSAU COUNTY, FL	700	686
SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	162,724	
Central and Southern Florida, FL	---	93,872
Everglades and South Florida Ecosystem Restoration	---	3,000
Kissimmee	---	45,614
ST JOHN'S COUNTY, FL	350	343
TAMPA HARBOR, FL	3,000	2,940
GEORGIA		
LOWER SAVANNAH RIVER BASIN, GA	45	44
RICHARD B RUSSELL DAM AND LAKE, GA & SC	3,200	3,136
SAVANNAH HARBOR DISPOSAL AREAS, GA & SC	5,040	4,939
SAVANNAH HARBOR EXPANSION, GA	---	588
ILLINOIS		
ALTON TO GALE ORGANIZED LEVEE DISTRICTS, IL & MO	500	490
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	2,250	2,205
CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, IL	13,500	23,584
DES PLAINES RIVER, IL	1,000	980
EAST ST LOUIS, IL	1,350	1,323
LOCK AND DAM 27, MISSISSIPPI RIVER, IL (MAJOR REHAB)	100	98
MCCOOK AND THORNTON RESERVOIRS, IL	12,000	11,760
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY	150,000	147,000

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
UPPER MISSISSIPPI RIVER RESTORATION, IL, IA, MN, MO & WI	18,150	17,787
WOOD RIVER LEVEE, DEFICIENCY CORRECTION AND RECONSTRUCTION, IL	830	813
INDIANA		
LITTLE CALUMET RIVER, IN	9,000	7,100
IOWA		
MISSOURI RIVER FISH AND WILDLIFE RECOVERY, IA, KS, MO, MT, NE, ND & SD	72,888	71,430
KANSAS		
TURKEY CREEK BASIN, KS & MO	4,000	3,920
KENTUCKY		
WOLF CREEK DAM, LAKE CUMBERLAND, KY	132,000	132,000
LOUISIANA		
LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)	5,500	5,390
LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA	10,620	---
MARYLAND		
ASSATEAGUE, MD	1,000	700
CHESAPEAKE BAY OYSTER RECOVERY, MD & VA	5,000	4,900
POPLAR ISLAND, MD	12,000	11,760
MASSACHUSETTS		
MUDDY RIVER, MA	4,000	3,920
MINNESOTA		
CROOKSTON, MN	1,250	1,225
MISSOURI		
BLUE RIVER CHANNEL, KANSAS CITY, MO	3,000	2,940
CLEARWATER LAKE, MO	32,900	32,900
KANSAS CITYS, MO & KS	500	490
MISSISSIPPI RIVER BETWEEN THE OHIO AND MISSOURI RIVERS (REG WORKS), MO & IL	7,320	7,174
MONARCH - CHESTERFIELD, MO	1,351	1,324
ST LOUIS FLOOD PROTECTION, MO	100	98
NEW JERSEY		
GREAT EGG HARBOR INLET AND PECK BEACH, NJ	500	490
LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NJ	7,650	7,497

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
RARITAN BAY AND SANDY HOOK BAY(PORT MONMOUTH), NJ	3,000	2,940
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	6,000	5,880
NEW MEXICO		
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE, NM	10,000	9,800
NEW YORK		
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT, NY	100	98
FIRE ISLAND INLET TO MONTAUK POINT, NY	1,350	750
LONG BEACH ISLAND, NY	300	294
NEW YORK AND NEW JERSEY HARBOR, NY & NJ	65,014	63,714
OHIO		
DOVER DAM, MUSKINGUM RIVER, OH (DAM SAFETY ASSURANCE)	5,000	5,000
OKLAHOMA		
CANTON LAKE, OK	11,100	11,100
OREGON		
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA	2,000	1,960
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, OR & WA	4,200	4,116
PENNSYLVANIA		
EMSWORTH LOCKS AND DAM, OHIO RIVER, PA	3,000	---
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	1,000	1,000
PRESQUE ISLE PENINSULA, PA (PERMANENT)	1,500	1,470
PUERTO RICO		
PORTUGUES AND BUCANA RIVERS, PR	45,000	44,100
RIO PUERTO NUEVO, PR	7,000	6,860
TENNESSEE		
CENTER HILL LAKE, TN	78,700	50,000
TEXAS		
BRAYS BAYOU, HOUSTON, TX	3,000	2,940
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX	600	588
LOWER COLORADO RIVER BASIN (WHARTON/ONION), TX	5,000	---
VIRGINIA		
LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, VA, WV & KY	5,000	4,900

CORPS OF ENGINEERS - CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA	27,400	26,852
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	1,075	1,054
WASHINGTON		
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID	128,405	125,837
DUWAMISH AND GREEN RIVER BASIN, WA	2,060	1,800
LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION, WA, OR & ID	1,500	1,470
MOUNT SAINT HELENS SEDIMENT CONTROL, WA	6,500	6,370
MUD MOUNTAIN DAM, WA	1,000	980
WEST VIRGINIA		
BLUESTONE LAKE, WV	70,000	70,000
SUBTOTAL, PROJECTS LISTED UNDER STATES	1,423,950	1,332,814
REMAINING ITEMS		
ADDITIONAL FUNDING FOR ONGOING WORK		
FLOOD AND STORM DAMAGE REDUCTION	---	19,772
FLOOD CONTROL	---	59,316
SHORE PROTECTION	---	39,544
NAVIGATION	---	74,145
OTHER AUTHORIZED PROJECT PURPOSES	---	7,909
ENVIRONMENTAL RESTORATION OR COMPLIANCE	---	8,897
ENVIRONMENTAL INFRASTRUCTURE	---	29,660
HYDROPOWER	---	13,840
AQUATIC PLANT CONTROL	---	3,000
CONTINUING AUTHORITIES PROGRAM		
AQUATIC ECOSYSTEM RESTORATION (SECTION 206)	---	7,909
BENEFICIAL USE OF DREDGED MATERIAL (SECTION 204, 207, 993)	---	3,954
EMERGENCY STREAMBANK AND SHORELINE PROTECTION (SECTION 14)	---	3,954
FLOOD CONTROL PROJECTS (SECTION 205)	---	18,783
MITIGATION OF SHORE DAMAGES (SECTION 111)	---	2,966
NAVIGATION PROGRAM (SECTION 107)	---	2,966
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONMENT (SECTION 1135)	---	7,909
SHORE PROTECTION (SECTION 103)	---	989
DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM	37,155	37,155
EMPLOYEES' COMPENSATION	15,000	14,700
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE	70	69
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE	825	809
ESTUARY RESTORATION PROGRAM	2,000	1960
PERIODIC REVIEW OF BCRS	1,000	980
SUBTOTAL, REMAINING ITEMS	56,050	361,186
TOTAL, CONSTRUCTION	1,480,000	1,694,000



*Napa River, Salt Marsh Restoration, California.*—The conferees support language in the Senate report regarding this project.

*Savannah Harbor Expansion, Georgia.*—The budget request for this item that was proposed in the Investigations account has been moved to this account where it has been funded for the past 3 fiscal years.

*Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois.*—The budget request includes funding for this project in both the Construction and Operation and Maintenance accounts. Since the submission, however, the Corps informed the Committees that the entire amount is required in the Construction account and no funding is needed in the Operation and Maintenance account. The conference agreement accommodates this shift in funding.

*Norfolk Harbor, Craney Island, Virginia.*—The conferees support language in the Senate report regarding this project.

*Additional Funding for Ongoing Work.*—The Corps has ongoing, authorized Construction projects that would cost tens of billions of dollars to complete, yet the Administration continues to request a mere fraction of the funding necessary to complete those projects. The conference agreement includes additional funds to continue ongoing projects and activities to enhance the nation's economic growth and international competitiveness. The intent of these funds is for ongoing work that either was not included in the Administration's request or was inadequately budgeted. None of these funds may be used to start new projects. None of these funds shall be used for projects in the Continuing Authorities Program. Funding associated with each category may be allocated to any eligible project within

that category; funding associated with each subcategory may be allocated only to eligible projects within that subcategory. The list of subcategories is not meant to be exhaustive.

The Corps shall evaluate all ongoing projects that have received funding, other than through a reprogramming, in at least one of the previous three fiscal years. Priority in allocating these funds should consider the following: number of jobs created directly by the funded activity; the benefits of the funded work to the national economy; ability to obligate the funds allocated within the fiscal year, including consideration of the ability of the non-federal sponsor to provide any required cost-share; ability to complete the project, separable element, or project phase within the funds allocated; for flood and storm damage reduction, population at risk and economic activity or public infrastructure at risk; and for navigation, number of jobs or level of economic activity to be supported by completion of the project, separable element, or project phase.

Within 45 days of enactment of this Act, the Corps shall provide to the House and Senate Committees on Appropriations a work plan delineating how these funds are to be distributed. A document detailing the Administration's specific criteria and project evaluations used to justify the funding decisions shall accompany this work plan. No funds shall be obligated for any project under this program which has not been justified in such a report.

*Continuing Authorities Program.*—The conferees believe the various sections of the Continuing Authorities Program provide a useful tool for the Corps to undertake small localized projects without the lengthy study

and authorization process typical of most larger Corps projects. The conference agreement rejects the Administration's proposal to reprogram prior-year appropriations to fund only sections 111, 204, 206, and 1135 in fiscal year 2012. Instead a total of \$49,430,000 is provided for eight CAP sections. The management of the program should continue consistent with the guidelines outlined in the Senate report.

*Inland Waterways Users Board.*—The conferees note that the terms of all members of the Inland Waterways Users Board (IWUB) have expired and no appointments to reconstitute the Board have been forthcoming from the Secretary of the Army. The IWUB was created by Congress in the 1986 Water Resources Development Act for the express purpose of providing expert advice to the U.S. Army Corps of Engineers and to the Congress on the implementation of the inland waterways navigation infrastructure modernization programs. This aging system is vital to the movement of commerce. The conferees direct the Secretary of the Army to act on the appointments to the IWUB as expeditiously as possible.

#### MISSISSIPPI RIVER AND TRIBUTARIES

The conference agreement provides \$252,000,000 for Mississippi River and Tributaries, instead of \$210,000,000 as proposed by the House and \$250,000,000 as proposed by the Senate. The Act does not include language regarding expenditure of funds as proposed by the House.

The allocation for projects and activities within the Mississippi River and Tributaries account is shown in the following table:

MISSISSIPPI RIVER AND TRIBUTARIES  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
<hr/>		
INVESTIGATIONS		
MEMPHIS METRO AREA, STORM WATER MGMT STUDY, TN	100	98
CONSTRUCTION		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	45,570	44,694
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	24,180	23,715
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	1,900	1,863
ATCHAFALAYA BASIN, LA	6,300	6,179
OPERATION AND MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	61,230	60,053
HELENA HARBOR, PHILLIPS COUNTY, AR	122	120
INSPECTION OF COMPLETED WORKS, AR	189	185
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN	7,951	7,798
LOWER ARKANSAS RIVER, NORTH BANK, AR	223	219
LOWER ARKANSAS RIVER, SOUTH BANK, AR	150	147
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA	1,884	1,848
WHITE RIVER BACKWATER, AR	896	879
INSPECTION OF COMPLETED WORKS, IL	110	108
INSPECTION OF COMPLETED WORKS, KY	60	59
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA	1,468	1,440
ATCHAFALAYA BASIN, LA	8,918	8,747
BATON ROUGE HARBOR, DEVIL SWAMP, LA	42	41
BAYOU COCODRIE AND TRIBUTARIES, LA	48	47
BONNET CARRE, LA	2,145	2,104
INSPECTION OF COMPLETED WORKS, LA	697	684
LOWER RED RIVER, SOUTH BANK LEVEES, LA	377	370
MISSISSIPPI DELTA REGION, LA	438	430
OLD RIVER, LA	6,954	6,820
TENSAS BASIN, RED RIVER BACKWATER, LA	2,473	2,425
INSPECTION OF COMPLETED WORKS, MO	125	123
ST FRANCIS BASIN, AR & MO	4,174	4,094
WAPPAPELLO LAKE, MO	4,167	4,087
GREENVILLE HARBOR, MS	18	18
INSPECTION OF COMPLETED WORKS, MS	109	107
VICKSBURG HARBOR, MS	32	31
YAZOO BASIN, ARKABUTLA LAKE, MS	4,606	4,517
YAZOO BASIN, BIG SUNFLOWER RIVER, MS	185	181
YAZOO BASIN, ENID LAKE, MS	4,386	4,302

MISSISSIPPI RIVER AND TRIBUTARIES  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
YAZOO BASIN, GREENWOOD, MS	807	791
YAZOO BASIN, GRENADA LAKE, MS	4,511	4,424
YAZOO BASIN, MAIN STEM, MS	1,019	999
YAZOO BASIN, SARDIS LAKE, MS	5,687	5,578
YAZOO BASIN, TRIBUTARIES, MS	967	948
YAZOO BASIN, WILL M WHITTINGTON AUX CHAN, MS	378	371
YAZOO BASIN, YAZOO BACKWATER AREA, MS	517	507
YAZOO BASIN, YAZOO CITY, MS	731	717
INSPECTION OF COMPLETED WORKS, TN	60	59
MEMPHIS HARBOR, MCKELLAR LAKE, TN	1,394	1,367
REMAINING ITEMS		
COLLECTION AND STUDY OF BASIC DATA	500	490
MAPPING	1,202	1,179
ADDITIONAL FUNDING FOR ONGOING WORK		
DREDGING	---	5,000
FLOOD CONTROL	---	24,000
OTHER AUTHORIZED PROJECT PURPOSES	---	17,037
TOTAL	210,000	252,000

*Additional Funding for Ongoing Work.*—After a flood such as was experienced this year on the Mississippi River, the value of prior investments in the Mississippi River and Tributaries Project cannot be disputed. Yet considerable work remains to complete this vital project in the heart of our nation. The budget request reflects neither the need nor the importance of this project. Therefore, the conferees provide additional funds to continue ongoing studies, projects or maintenance. The conferees direct that these funds be used for flood control, navigation, water supply, ground water protection, waterfowl management, bank stabilization and environmental restoration work. The intent of these funds is for ongoing work primarily along the Mississippi River tributaries that either was not included in the Administration's request or was inadequately budgeted. While this additional funding is shown under

remaining items, the Corps should utilize these funds in any applicable phase of work. None of these funds may be used to start new projects or activities.

The conferees direct that priority in allocating these funds be given to completing or accelerating ongoing work which will enhance the region and Nation's economic development, job growth and international competitiveness, or is located in areas that have suffered recent natural disasters. Within 45 days of enactment of this Act, the Corps shall provide to the House and Senate Committees on Appropriations a work plan delineating how these funds are to be distributed. A document providing the Administration's criteria for justifying the funding decisions made shall accompany this work plan. No funds shall be obligated for any project under this program which has not been justified in such a report.

#### OPERATION AND MAINTENANCE

The conference agreement provides \$2,412,000,000 for Operation and Maintenance, instead of \$2,368,925,000 as proposed by the House and \$2,360,000,000 as proposed by the Senate. The Act includes legislative language proposed by the House directing the Corps to allocate no more than 99 percent of the funds provided in this Act for Operation and Maintenance prior to the fourth quarter. This measure is intended to allow Headquarters flexibility to respond to national emergencies. The Act does not include language regarding expenditure of funds as proposed by the House.

*The allocation for projects and activities within the Operation and Maintenance account is shown in the following table:*

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ALABAMA		
ALABAMA - COOSA COMPREHENSIVE WATER STUDY, AL	250	245
ALABAMA RIVER LAKES, AL	13,120	12,862
BLACK WARRIOR AND TOBIBGEE RIVERS, AL	21,429	21,008
GULF INTRACOASTAL WATERWAY, AL	5,335	5,230
INSPECTION OF COMPLETED WORKS, AL	30	29
MOBILE HARBOR, AL	23,360	22,901
PROJECT CONDITION SURVEYS, AL	100	98
TENNESSEE - TOBIBGEE WATERWAY WILDLIFE MITIGATION, AL & MS	1,847	1,811
TENNESSEE - TOBIBGEE WATERWAY, AL & MS	23,141	22,686
WALTER F GEORGE LOCK AND DAM, AL & GA	7,744	7,592
ALASKA		
ANCHORAGE HARBOR, AK	14,000	13,725
CHENA RIVER LAKES, AK	2,948	2,890
DILLINGHAM HARBOR, AK	987	967
HOMER HARBOR, AK	453	444
INSPECTION OF COMPLETED WORKS, AK	194	190
NINILCHIK HARBOR, AK	420	411
NOME HARBOR, AK	1,066	1,045
PROJECT CONDITION SURVEYS, AK	500	490
ARIZONA		
ALAMO LAKE, AZ	1,758	1,723
INSPECTION OF COMPLETED WORKS, AZ	87	85
PAINTED ROCK DAM, AZ	1,307	1,281
SCHEDULING RESERVOIR OPERATIONS, AZ	48	47
WHITLOW RANCH DAM, AZ	288	282
ARKANSAS		
BEAVER LAKE, AR	5,784	5,670
BLAKELY MT DAM, LAKE OUACHITA, AR	7,241	7,099
BLUE MOUNTAIN LAKE, AR	1,854	1,817
BULL SHOALS LAKE, AR	6,050	5,931
DARDANELLE LOCK AND DAM, AR	7,914	7,758
DEGRAY LAKE, AR	5,712	5,599
DEQUEEN LAKE, AR	1,687	1,654
DIERKS LAKE, AR	1,421	1,393
GILLHAM LAKE, AR	1,345	1,319

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
GREERS FERRY LAKE, AR	5,654	5,542
HELENA HARBOR, PHILLIPS COUNTY, AR	100	98
INSPECTION OF COMPLETED WORKS, AR	397	389
MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR	26,610	26,087
MILLWOOD LAKE, AR	2,558	2,507
NARROWS DAM, LAKE GREESON, AR	4,342	4,257
NIMROD LAKE, AR	2,182	2,139
NORFORK LAKE, AR	9,091	8,912
OUACHITA AND BLACK RIVERS, AR & LA	7,451	7,304
OZARK - JETA TAYLOR LOCK AND DAM, AR	6,064	5,944
PROJECT CONDITION SURVEYS, AR	8	7
CALIFORNIA		
BLACK BUTTE LAKE, CA	2,337	2,291
BUCHANAN DAM, HV EASTMAN LAKE, CA	2,032	1,992
CHANNEL ISLANDS HARBOR, CA	525	514
COYOTE VALLEY DAM, LAKE MENDOCINO, CA	3,647	3,575
DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA	5,624	5,513
FARMINGTON DAM, CA	470	460
HIDDEN DAM, HENSLEY LAKE, CA	2,272	2,227
HUMBOLDT HARBOR AND BAY, CA	2,800	2,745
INSPECTION OF COMPLETED WORKS, CA	3,854	3,778
ISABELLA LAKE, CA	1,721	1,687
LOS ANGELES COUNTY DRAINAGE AREA, CA	5,083	4,983
MARINA DEL REY, CA	3,170	3,107
MERCED COUNTY STREAMS, CA	399	391
MOJAVE RIVER DAM, CA	332	325
MORRO BAY HARBOR, CA	1,590	1,559
NEW HOGAN LAKE, CA	2,456	2,407
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA	1,897	1,860
OAKLAND HARBOR, CA	8,755	8,583
OCEANSIDE HARBOR, CA	1,520	1,490
PINE FLAT LAKE, CA	3,291	3,226
PROJECT CONDITION SURVEYS, CA	1,710	1,676
RICHMOND HARBOR, CA	8,146	7,986
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA	1,299	1,273
SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA	125	122
SAN DIEGO HARBOR, CA	3,800	3,725
SAN FRANCISCO BAY DELTA MODEL STRUCTURE, CA	986	966
SAN FRANCISCO HARBOR AND BAY, CA (DRIFT REMOVAL)	1,979	1,940
SAN FRANCISCO HARBOR, CA	2,548	2,498
SAN JOAQUIN RIVER, PORT OF STOCKTON, CA	3,746	3,672
SAN PABLO BAY AND MARE ISLAND STRAIT, CA	3,470	3,402

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
SANTA ANA RIVER BASIN, CA	3,530	3,460
SANTA BARBARA HARBOR, CA	2,040	2,000
SCHEDULING RESERVOIR OPERATIONS, CA	1,648	1,616
SUCCESS LAKE, CA	2,564	2,513
SUISUN BAY CHANNEL, CA	2,770	2,715
TERMINUS DAM, LAKE KAWEAH, CA	2,346	2,300
VENTURA HARBOR, CA	2,805	2,749
YUBA RIVER, CA	97	95
COLORADO		
BEAR CREEK LAKE, CO	569	558
CHATFIELD LAKE, CO	1,269	1,244
CHERRY CREEK LAKE, CO	1,162	1,139
INSPECTION OF COMPLETED WORKS, CO	260	254
JOHN MARTIN RESERVOIR, CO	2,629	2,577
SCHEDULING RESERVOIR OPERATIONS, CO	740	725
TRINIDAD LAKE, CO	1,701	1,667
CONNECTICUT		
BLACK ROCK LAKE, CT	582	570
COLEBROOK RIVER LAKE, CT	641	628
HANCOCK BROOK LAKE, CT	376	368
HOP BROOK LAKE, CT	1,022	1,002
INSPECTION OF COMPLETED WORKS, CT	368	360
LONG ISLAND SOUND DMMP, CT	1,000	980
MANSFIELD HOLLOW LAKE, CT	672	659
NORTHFIELD BROOK LAKE, CT	437	428
PROJECT CONDITION SURVEYS, CT	850	833
STAMFORD HURRICANE BARRIER, CT	463	454
THOMASTON DAM, CT	839	822
WEST THOMPSON LAKE, CT	686	672
DELAWARE		
INSPECTION OF COMPLETED WORKS, DE	15	14
INTRACOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, DE & MD	18,648	18,282
PROJECT CONDITION SURVEYS, DE	105	102
WILMINGTON HARBOR, DE	3,250	3,186
DISTRICT OF COLUMBIA		
INSPECTION OF COMPLETED WORKS, DC	154	151

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
POTOMAC AND ANACOSTIA RIVERS, DC (DRIFT REMOVAL)	875	858
PROJECT CONDITION SURVEYS, DC	40	39
WASHINGTON HARBOR, DC	25	24
FLORIDA		
CANAVERAL HARBOR, FL	5,150	5,049
CENTRAL & SOUTHERN FLORIDA, FL	15,063	14,767
INSPECTION OF COMPLETED WORKS, FL	1,350	1,323
JACKSONVILLE HARBOR, FL	6,500	6,372
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA	8,159	7,998
OKEECHOBEE WATERWAY, FL	2,008	1,968
PALM BEACH HARBOR, FL	2,850	2,794
PANAMA CITY HARBOR, FL	2,015	1,975
PORT EVERGLADES HARBOR, FL	2,000	1,961
PROJECT CONDITION SURVEYS, FL	1,575	1,544
REMOVAL OF AQUATIC GROWTH, FL	3,750	3,676
SCHEDULING RESERVOIR OPERATIONS, FL	32	31
SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	5,276	5,172
TAMPA HARBOR, FL	6,287	6,163
GEORGIA		
ALLATOONA LAKE, GA	6,335	6,210
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL & FL	638	625
BRUNSWICK HARBOR, GA	3,000	2,941
BUFORD DAM AND LAKE SIDNEY LANIER, GA	8,346	8,182
CARTERS DAM AND LAKE, GA	7,722	7,570
HARTWELL LAKE, GA & SC	10,549	10,342
INSPECTION OF COMPLETED ENVIRONMENTAL PROJECTS, GA	85	83
INSPECTION OF COMPLETED WORKS, GA	141	138
J STROM THURMOND LAKE, GA & SC	9,786	9,594
PROJECT CONDITION SURVEYS, GA	149	146
RICHARD B RUSSELL DAM AND LAKE, GA & SC	7,305	7,161
SAVANNAH HARBOR, GA	17,452	17,109
SAVANNAH RIVER BELOW AUGUSTA, GA	85	83
WEST POINT DAM AND LAKE, GA & AL	7,857	7,702
HAWAII		
BARBERS POINT HARBOR, HI	266	260
INSPECTION OF COMPLETED WORKS, HI	984	965
NAWILIWILI HARBOR, HI	250	245
PROJECT CONDITION SURVEYS, HI	931	913



CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
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IDAHO		
ALBENI FALLS DAM, ID	1,404	1,376
DWORSHAK DAM AND RESERVOIR, ID	2,695	2,642
INSPECTION OF COMPLETED WORKS, ID	312	305
LUCKY PEAK LAKE, ID	2,918	2,860
SCHEDULING RESERVOIR OPERATIONS, ID	514	504
ILLINOIS		
CALUMET HARBOR AND RIVER, IL & IN	3,983	3,905
CARLYLE LAKE, IL	5,340	5,235
CHICAGO HARBOR, IL	2,158	2,115
CHICAGO RIVER, IL	523	512
CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, IL	10,565	---
FARM CREEK RESERVOIRS, IL	432	423
ILLINOIS WATERWAY (MVR PORTION), IL & IN	31,937	31,309
ILLINOIS WATERWAY (MVS PORTION), IL & IN	2,181	2,138
INSPECTION OF COMPLETED WORKS, IL	1,945	1,907
KASKASKIA RIVER NAVIGATION, IL	1,539	1,509
LAKE MICHIGAN DIVERSION, IL	725	711
LAKE SHELBYVILLE, IL	6,865	6,730
MISSISSIPPI RIVER BETWEEN MISSOURI RIVER AND MINNEAPOLIS (MVR PORTION), IL	49,748	48,771
MISSISSIPPI RIVER BETWEEN MISSOURI RIVER AND MINNEAPOLIS (MVS PORTION), IL	23,582	23,118
PROJECT CONDITION SURVEYS, IL	111	108
REND LAKE, IL	5,436	5,329
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL	689	675
INDIANA		
BROOKVILLE LAKE, IN	1,155	1,132
BURNS WATERWAY HARBOR, IN	176	172
CAGLES MILL LAKE, IN	1,087	1,066
CECIL M HARDEN LAKE, IN	1,178	1,155
INDIANA HARBOR, IN	6,675	6,544
INSPECTION OF COMPLETED WORKS, IN	645	632
J EDWARD ROUSH LAKE, IN	2,270	2,225
MISSISSINewa LAKE, IN	1,231	1,207
MONROE LAKE, IN	1,252	1,227
<del>PATOKA LAKE, IN</del>	1,118	1,096
PROJECT CONDITION SURVEYS, IN	185	181
SALAMONIE LAKE, IN	1,073	1,052
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN	129	126

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
IOWA		
CORALVILLE LAKE, IA	4,298	4,214
INSPECTION OF COMPLETED WORKS, IA	552	541
MISSOURI RIVER - SIOUX CITY TO THE MOUTH, IA, KS, MO & NE	6,199	6,077
RATHBUN LAKE, IA	2,184	2,141
RED ROCK DAM AND LAKE RED ROCK, IA	4,639	4,548
SAYLORVILLE LAKE, IA	5,275	5,171
KANSAS		
CLINTON LAKE, KS	2,140	2,098
COUNCIL GROVE LAKE, KS	2,237	2,193
EL DORADO LAKE, KS	1,086	1,065
ELK CITY LAKE, KS	871	854
FALL RIVER LAKE, KS	1,308	1,282
HILLSDALE LAKE, KS	849	832
INSPECTION OF COMPLETED WORKS, KS	339	332
JOHN REDMOND DAM AND RESERVOIR, KS	1,453	1,424
KANOPOLIS LAKE, KS	1,619	1,587
MARION LAKE, KS	1,800	1,765
MELVERN LAKE, KS	2,068	2,027
MILFORD LAKE, KS	2,073	2,032
PEARSON - SKUBITZ BIG HILL LAKE, KS	1,323	1,297
PERRY LAKE, KS	2,358	2,311
POMONA LAKE, KS	2,371	2,324
SCHEDULING RESERVOIR OPERATIONS, KS	150	147
TORONTO LAKE, KS	699	685
TUTTLE CREEK LAKE, KS	2,239	2,195
WILSON LAKE, KS	1,607	1,575
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	10,091	9,893
BARREN RIVER LAKE, KY	2,362	2,315
BIG SANDY HARBOR, KY	1,655	1,622
BUCKHORN LAKE, KY	1,615	1,583
CARR CREEK LAKE, KY	1,765	1,730
CAVE RUN LAKE, KY	990	970
DEWEY LAKE, KY	1,792	1,757
FALLS OF THE OHIO NATIONAL WILDLIFE, KY & IN	21	20
FISHTRAP LAKE, KY	1,969	1,930
GRAYSON LAKE, KY	1,515	1,485

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
GREEN AND BARREN RIVERS, KY	2,280	2,235
GREEN RIVER LAKE, KY	2,222	2,178
INSPECTION OF COMPLETED WORKS, KY	865	848
KENTUCKY RIVER, KY	10	9
LAUREL RIVER LAKE, KY	1,589	1,558
MARTINS FORK LAKE, KY	1,224	1,200
MIDDLESBORO CUMBERLAND RIVER BASIN, KY	240	235
NOLIN LAKE, KY	2,487	2,438
OHIO RIVER LOCKS AND DAMS, KY, IL, IN & OH	33,561	32,901
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN, OH, PA & WV	5,582	5,472
PAINTSVILLE LAKE, KY	1,195	1,171
PROJECT CONDITION SURVEYS, KY	7	6
ROUGH RIVER LAKE, KY	2,514	2,464
TAYLORSVILLE LAKE, KY	1,205	1,181
WOLF CREEK DAM, LAKE CUMBERLAND, KY	7,559	7,410
YATESVILLE LAKE, KY	1,135	1,113

LOUISIANA

ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF & BLACK, LA	7,152	7,011
BAYOU BODCAU RESERVOIR, LA	2,057	2,016
BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA	1,191	1,168
BAYOU PIERRE, LA	24	23
BAYOU TECHE AND VERMILION RIVER, LA	15	14
BAYOU TECHE, LA	132	129
CADDO LAKE, LA	220	215
CALCASIEU RIVER AND PASS, LA	15,474	15,170
FRESHWATER BAYOU, LA	1,695	1,662
GULF INTRACOASTAL WATERWAY, LA	30,575	29,974
HOUMA NAVIGATION CANAL, LA	885	867
INSPECTION OF COMPLETED WORKS, LA	814	798
J BENNETT JOHNSTON WATERWAY, LA	7,717	7,565
MERMENTAU RIVER, LA	1,250	1,225
MISSISSIPPI RIVER OUTLETS AT VENICE, LA	1,272	1,247
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO, LA	68,000	66,664
PROJECT CONDITION SURVEYS, LA	60	58
REMOVAL OF AQUATIC GROWTH, LA	200	196
WALLACE LAKE, LA	239	234

MAINE

DISPOSAL AREA MONITORING, ME	1,050	1,029
INSPECTION OF COMPLETED WORKS, ME	117	114
PROJECT CONDITION SURVEYS, ME	800	784

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ME	20	19
MARYLAND		
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD	13,879	13,606
BALTIMORE HARBOR, MD (DRIFT REMOVAL)	400	392
CUMBERLAND, MD AND RIDGELEY, WV	150	147
INSPECTION OF COMPLETED WORKS, MD	171	167
JENNINGS RANDOLPH LAKE, MD & WV	1,955	1,916
PROJECT CONDITION SURVEYS, MD	500	490
SCHEDULING RESERVOIR OPERATIONS, MD	64	62
SUSQUEHANNA-HAVRE DE GRACE, MD	180	176
WICOMICO RIVER, MD	1,500	1,471
MASSACHUSETTS		
BARRE FALLS DAM, MA	687	673
BIRCH HILL DAM, MA	839	822
BUFFUMVILLE LAKE, MA	609	597
CAPE COD CANAL, MA	17,457	17,114
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	300	294
CONANT BROOK LAKE, MA	278	272
EAST BRIMFIELD LAKE, MA	558	547
HODGES VILLAGE DAM, MA	580	568
INSPECTION OF COMPLETED WORKS, MA	437	428
KNIGHTVILLE DAM, MA	692	678
LITTLEVILLE LAKE, MA	643	630
NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER, MA	446	437
PROJECT CONDITION SURVEYS, MA	1,100	1,078
TULLY LAKE, MA	781	765
WEST HILL DAM, MA	686	672
WESTVILLE LAKE, MA	633	620
MICHIGAN		
CHANNELS IN LAKE ST CLAIR, MI	722	708
CHARLEVOIX HARBOR, MI	325	318
DETROIT RIVER, MI	5,817	5,702
GRAND HAVEN HARBOR, MI	743	728
HOLLAND HARBOR, MI	10	9
INSPECTION OF COMPLETED WORKS, MI	200	196
KEWEENAW WATERWAY, MI	12	11
MUSKEGON HARBOR, MI	700	686
PROJECT CONDITION SURVEYS, MI	600	588

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
ROUGE RIVER, MI	960	941
SAGINAW RIVER, MI	550	539
SEBEWAING RIVER, MI	20	19
ST CLAIR RIVER, MI	643	630
ST MARYS RIVER, MI	26,031	25,519
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	2,576	2,525
MINNESOTA		
BIGSTONE LAKE - WHETSTONE RIVER, MN & SD	236	231
DULUTH - SUPERIOR HARBOR, MN & WI	7,581	7,432
INSPECTION OF COMPLETED WORKS, MN	377	369
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	611	599
MINNESOTA RIVER, MN	270	264
MISSISSIPPI RIVER BETWEEN MISSOURI RIVER AND MINNEAPOLIS (MVP PORTION), MN	44,993	44,109
ORWELL LAKE, MN	409	401
PROJECT CONDITION SURVEYS, MN	86	84
RED LAKE RESERVOIR, MN	163	159
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	3,357	3,291
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN	452	443
MISSISSIPPI		
BILOXI HARBOR, MS	25	24
EAST FORK, TOMBIGBEE RIVER, MS	258	253
GULFPORT HARBOR, MS	1,801	1,765
INSPECTION OF COMPLETED WORKS, MS	70	68
MOUTH OF YAZOO RIVER, MS	40	39
OKATIBBEE LAKE, MS	1,605	1,573
PASCAGOULA HARBOR, MS	5,655	5,543
PEARL RIVER, MS & LA	133	130
PROJECT CONDITION SURVEYS, MS	82	80
MISSOURI		
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	6,330	6,205
CLEARWATER LAKE, MO	3,288	3,223
HARRY S TRUMAN DAM AND RESERVOIR, MO	7,801	7,647
INSPECTION OF COMPLETED WORKS, MO	2,255	2,210
LITTLE BLUE RIVER LAKES, MO	907	889
LONG BRANCH LAKE, MO	1,018	998
MISSISSIPPI RIVER BETWEEN THE OHIO AND MISSOURI RIVERS (REG WORKS), MO & IL	25,571	25,068
POMME DE TERRE LAKE, MO	2,415	2,367
PROJECT CONDITION SURVEYS, MO	14	13

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
SCHEDULING RESERVOIR OPERATIONS, MO	400	392
SMITHVILLE LAKE, MO	1,257	1,232
STOCKTON LAKE, MO	3,895	3,818
TABLE ROCK LAKE, MO & AR	7,082	6,943
UNION LAKE, MO	7	6
MONTANA		
FT PECK DAM AND LAKE, MT	15,366	15,064
INSPECTION OF COMPLETED WORKS, MT	200	196
LIBBY DAM, MT	1,736	1,702
SCHEDULING RESERVOIR OPERATIONS, MT	147	144
NEBRASKA		
GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD	7,434	7,288
HARLAN COUNTY LAKE, NE	2,722	2,668
INSPECTION OF COMPLETED WORKS, NE	345	338
MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA	137	134
PAPILLION CREEK, NE	835	818
SALT CREEKS AND TRIBUTARIES, NE	1,267	1,242
NEVADA		
INSPECTION OF COMPLETED WORKS, NV	185	181
MARTIS CREEK LAKE, NV & CA	954	935
PINE AND MATHEWS CANYONS LAKES, NV	304	298
NEW HAMPSHIRE		
BLACKWATER DAM, NH	644	631
EDWARD MACDOWELL LAKE, NH	775	760
FRANKLIN FALLS DAM, NH	769	754
HOPKINTON - EVERETT LAKES, NH	1,489	1,460
INSPECTION OF COMPLETED WORKS, NH	91	89
OTTER BROOK LAKE, NH	653	640
PORTSMOUTH HARBOR AND PISCATAQUA RIVER, NH	500	490
PROJECT CONDITION SURVEYS, NH	250	245
SURRY MOUNTAIN LAKE, NH	735	720
NEW JERSEY		
BARNEGAT INLET, NJ	350	343
COLD SPRING INLET, NJ	360	353

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
DELAWARE RIVER AT CAMDEN, NJ	15	14
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	21,410	20,989
INSPECTION OF COMPLETED WORKS, NJ	238	233
MANASQUAN RIVER, NJ	300	294
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	60	58
PASSAIC RIVER FLOOD WARNING SYSTEMS, NJ	570	559
PROJECT CONDITION SURVEYS, NJ	1,575	1,544
RARITAN RIVER TO ARTHUR KILL CUT-OFF, NJ	65	63
RARITAN RIVER, NJ	60	58
NEW MEXICO		
ABIQUIU DAM, NM	3,738	3,664
COCHITI LAKE, NM	3,240	3,176
CONCHAS LAKE, NM	3,317	3,251
GALISTEO DAM, NM	938	919
INSPECTION OF COMPLETED WORKS, NM	843	826
JEMEZ CANYON DAM, NM	1,155	1,132
RIO GRANDE ENDANGERED SPECIES COLLABORATIVE PROGRAM, NM	2,425	2,377
SANTA ROSA DAM AND LAKE, NM	1,814	1,778
SCHEDULING RESERVOIR OPERATIONS, NM	548	537
TWO RIVERS DAM, NM	1,053	1,032
UPPER RIO GRANDE WATER OPERATIONS MODEL STUDY, NM	1,312	1,286
NEW YORK		
ALMOND LAKE, NY	696	682
ARKPORT DAM, NY	354	347
BAY RIDGE AND RED HOOK CHANNELS, NY	60	58
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	1,324	1,298
BUFFALO HARBOR, NY	950	931
BUTTERMILK CHANNEL, NY	60	58
EAST RIVER, NY	130	127
EAST SIDNEY LAKE, NY	823	807
FLUSHING BAY AND CREEK, NY	60	58
HUDSON RIVER CHANNEL, NY	60	58
HUDSON RIVER, NY (MAINT)	2,150	2,108
HUDSON RIVER, NY (O & C)	1,700	1,667
INSPECTION OF COMPLETED WORKS, NY	959	940
JAMAICA BAY, NY	3,360	3,294
LITTLE SODUS BAY HARBOR, NY	5	4
MOUNT MORRIS DAM, NY	2,861	2,804
NEW YORK AND NEW JERSEY CHANNELS, NY	40	39
NEW YORK HARBOR, NY	6,558	6,429

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NEW YORK HARBOR, NY & NJ (DRIFT REMOVAL)	9,200	9,019
NEW YORK HARBOR, NY (PREVENTION OF OBSTRUCTIVE DEPOSITS)	1,100	1,078
NEWTOWN CREEK, NY	60	58
PROJECT CONDITION SURVEYS, NY	1,990	1,951
ROCHESTER HARBOR, NY	5	4
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	900	882
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	642	629
WHITNEY POINT LAKE, NY	822	806
NORTH CAROLINA		
B EVERETT JORDAN DAM AND LAKE, NC	1,833	1,797
CAPE FEAR RIVER ABOVE WILMINGTON, NC	806	790
FALLS LAKE, NC	2,014	1,974
INSPECTION OF COMPLETED WORKS, NC	261	255
MANTEO (SHALLOWBAG) BAY, NC	1,000	980
MOREHEAD CITY HARBOR, NC	5,900	5,784
PROJECT CONDITION SURVEYS, NC	700	686
ROLLINSON CHANNEL, NC	50	49
SILVER LAKE HARBOR, NC	250	245
W KERR SCOTT DAM AND RESERVOIR, NC	3,449	3,381
WILMINGTON HARBOR, NC	12,445	12,200
NORTH DAKOTA		
BOWMAN HALEY, ND	151	148
GARRISON DAM, LAKE SAKAKAWEA, ND	10,519	10,312
HOMME LAKE, ND	208	203
INSPECTION OF COMPLETED WORKS, ND	262	256
LAKE ASHTABULA AND BALDHILL DAM, ND	1,249	1,224
PIPESTEM LAKE, ND	702	688
SCHEDULING RESERVOIR OPERATIONS, ND	137	134
SOURIS RIVER, ND	351	344
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ND	28	27
OHIO		
ALUM CREEK LAKE, OH	1,462	1,433
BERLIN LAKE, OH	2,613	2,561
CAESAR CREEK LAKE, OH	1,599	1,568
CLARENCE J BROWN DAM, OH	1,274	1,249
CLEVELAND HARBOR, OH	9,665	9,475
DEER CREEK LAKE, OH	1,275	1,250
DELAWARE LAKE, OH	2,363	2,316



CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
DILLON LAKE, OH	1,354	1,327
FAIRPORT HARBOR, OH	1,000	980
INSPECTION OF COMPLETED WORKS, OH	610	598
LORAIN HARBOR, OH	1,056	1,035
MASSILLON LOCAL PROTECTION PROJECT, OH	29	28
MICHAEL J KIRWAN DAM AND RESERVOIR, OH	1,356	1,329
MISSISSIPPI FLOOD CONTROL, OH	1,993	1,954
MOSQUITO CREEK LAKE, OH	1,454	1,425
MUSKINGUM RIVER LAKES, OH	12,381	12,138
NORTH BRANCH KOKOSING RIVER LAKE, OH	444	435
PAINT CREEK LAKE, OH	1,740	1,706
PROJECT CONDITION SURVEYS, OH	305	299
ROSEVILLE LOCAL PROTECTION PROJECT, OH	35	34
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH	270	264
TOLEDO HARBOR, OH	5,982	5,864
TOM JENKINS DAM, OH	655	642
WEST FORK OF MILL CREEK LAKE, OH	838	821
WILLIAM H HARSHA LAKE, OH	1,069	1,048
OKLAHOMA		
ARCADIA LAKE, OK	591	579
BIRCH LAKE, OK	987	967
BROKEN BOW LAKE, OK	2,058	2,017
CANTON LAKE, OK	3,902	3,825
COPAN LAKE, OK	1,420	1,392
EUFULA LAKE, OK	6,049	5,930
FORT GIBSON LAKE, OK	4,992	4,894
FORT SUPPLY LAKE, OK	1,089	1,067
GREAT SALT PLAINS LAKE, OK	711	697
HEYBURN LAKE, OK	634	621
HUGO LAKE, OK	1,549	1,519
HULAH LAKE, OK	772	757
INSPECTION OF COMPLETED WORKS, OK	201	197
KAW LAKE, OK	2,149	2,107
KEYSTONE LAKE, OK	7,071	6,932
MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, OK	6,827	6,693
OOLOGAH LAKE, OK	4,369	4,283
OPTIMA LAKE, OK	32	31
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	128	125
PINE CREEK LAKE, OK	1,254	1,229
ROBERT S. KERR LOCK AND DAM AND RESERVOIR, OK	5,399	5,293
SARDIS LAKE, OK	1,002	982
SCHEDULING RESERVOIR OPERATIONS, OK	1,000	980

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
SKIATOOK LAKE, OK	1,767	1,732
TENKILLER FERRY LAKE, OK	4,055	3,975
WAURIKA LAKE, OK	1,537	1,507
WEBBERS FALLS LOCK AND DAM, OK	4,913	4,816
WISTER LAKE, OK	1,231	1,207
OREGON		
APPLEGATE LAKE, OR	931	913
BLUE RIVER LAKE, OR	561	550
BONNEVILLE LOCK AND DAM, OR & WA	6,640	6,509
CHETCO RIVER, OR	561	550
COLUMBIA AND LOWER WILLAMETTE RIVERS BELOW VANCOUVER, WA & PORTLAND, OR	24,378	23,899
COLUMBIA RIVER AT THE MOUTH, OR & WA	12,857	12,604
COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, OR	693	679
COOS BAY, OR	4,793	4,699
COQUILLE RIVER, OR	298	292
COTTAGE GROVE LAKE, OR	1,299	1,273
COUGAR LAKE, OR	1,682	1,649
DETROIT LAKE, OR	830	813
DORENA LAKE, OR	1,100	1,078
ELK CREEK LAKE, OR	60	58
FALL CREEK LAKE, OR	1,130	1,108
FERN RIDGE LAKE, OR	1,771	1,736
GREEN PETER - FOSTER LAKES, OR	1,658	1,625
HILLS CREEK LAKE, OR	702	688
INSPECTION OF COMPLETED ENVIRONMENTAL PROJECTS, OR	20	19
INSPECTION OF COMPLETED WORKS, OR	575	563
JOHN DAY LOCK AND DAM, OR & WA	4,394	4,308
LOOKOUT POINT LAKE, OR	1,835	1,799
LOST CREEK LAKE, OR	3,487	3,418
M McNARY LOCK AND DAM, OR & WA	5,309	5,204
PROJECT CONDITION SURVEYS, OR	200	196
ROGUE RIVER AT GOLD BEACH, OR	574	562
SCHEDULING RESERVOIR OPERATIONS, OR	95	93
SIUSLAW RIVER, OR	551	540
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	7,400	7,255
WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	104	101
WILLAMETTE RIVER BANK PROTECTION, OR	459	450
WILLOW CREEK LAKE, OR	685	671
YAQUINA BAY & HARBOR, OR	1,962	1,923

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
----- PENNSYLVANIA		
ALLEGHENY RIVER, PA	4,000	3,921
ALVIN R BUSH DAM, PA	816	800
AYLESWORTH CREEK LAKE, PA	384	376
BELTZVILLE LAKE, PA	1,473	1,444
BLUE MARSH LAKE, PA	2,891	2,834
CONEMAUGH RIVER LAKE, PA	1,356	1,329
COWANESQUE LAKE, PA	2,446	2,398
CROOKED CREEK LAKE, PA	2,086	2,045
CURWENSVILLE LAKE, PA	893	875
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	1,095	1,073
EAST BRANCH CLARION RIVER LAKE, PA	1,660	1,627
FOSTER JOSEPH SAYERS DAM, PA	898	880
FRANCIS E WALTER DAM, PA	1,216	1,192
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	400	392
INSPECTION OF COMPLETED WORKS, PA	1,101	1,079
JOHNSTOWN, PA	80	78
KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,565	1,534
LOYALHANNA LAKE, PA	1,611	1,579
MAHONING CREEK LAKE, PA	2,005	1,965
MONONGAHELA RIVER, PA	17,018	16,683
OHIO RIVER LOCKS AND DAMS, PA, OH & WV	23,140	22,685
OHIO RIVER OPEN CHANNEL WORK, PA, OH & WV	626	613
PROJECT CONDITION SURVEYS, PA	120	117
PROMPTON LAKE, PA	623	610
PUNXSUTAWNEY, PA	63	61
RAYSTOWN LAKE, PA	4,507	4,418
SCHEDULING RESERVOIR OPERATIONS, PA	46	45
SCHUYLKILL RIVER, PA	250	245
SHENANGO RIVER LAKE, PA	2,426	2,378
STILLWATER LAKE, PA	514	504
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	112	109
TIOGA - HAMMOND LAKES, PA	2,752	2,697
TIONESTA LAKE, PA	2,421	2,373
UNION CITY LAKE, PA	390	382
WOODCOCK CREEK LAKE, PA	1,431	1,403
YORK INDIAN ROCK DAM, PA	883	865
YOUGHIOGHENY RIVER LAKE, PA & MD	2,210	2,166
PUERTO RICO		
SAN JUAN HARBOR, PR	2,700	2,647

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
RHODE ISLAND		
FOX POINT BARRIER, NARRAGANSETT BAY, RI	558	547
GREAT SALT POND, BLOCK ISLAND, RI	250	245
INSPECTION OF COMPLETED WORKS, RI	90	88
PROJECT CONDITION SURVEYS, RI	450	441
WOONSOCKET, RI	420	411
SOUTH CAROLINA		
CHARLESTON HARBOR, SC	13,841	13,569
COOPER RIVER, CHARLESTON HARBOR, SC	5,408	5,301
INSPECTION OF COMPLETED WORKS, SC	65	63
PROJECT CONDITION SURVEYS, SC	875	858
SOUTH DAKOTA		
BIG BEND DAM, LAKE SHARPE, SD	8,285	8,122
COLD BROOK LAKE, SD	296	290
COTTONWOOD SPRINGS LAKE, SD	222	217
FORT RANDALL DAM, LAKE FRANCIS CASE, SD	8,818	8,644
INSPECTION OF COMPLETED WORKS, SD	189	185
LAKE TRAVERSE, SD & MN	554	543
OAHE DAM, LAKE OAHE, SD & ND	10,318	10,115
SCHEDULING RESERVOIR OPERATIONS, SD	84	82
TENNESSEE		
CENTER HILL LAKE, TN	6,020	5,901
CHEATHAM LOCK AND DAM, TN	6,346	6,221
CHICKAMAUGA LOCK, TENNESSEE RIVER, TN	3,098	3,037
CORDELL HULL DAM AND RESERVOIR, TN	6,358	6,233
DALE HOLLOW LAKE, TN	5,925	5,808
INSPECTION OF COMPLETED WORKS, TN	34	33
J PERCY PRIEST DAM AND RESERVOIR, TN	4,380	4,294
OLD HICKORY LOCK AND DAM, TN	8,106	7,946
PROJECT CONDITION SURVEYS, TN	8	7
TENNESSEE RIVER, TN	21,845	21,416
WOLF RIVER HARBOR, TN	109	106
TEXAS		
AQUILLA LAKE, TX	1,081	1,060
ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VIII, TX	1,593	1,562

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
BARDWELL LAKE, TX	1,861	1,824
BAYPORT SHIP CHANNEL, TX	3,776	3,702
BELTON LAKE, TX	3,516	3,447
BENBROOK LAKE, TX	2,464	2,415
BRAZOS ISLAND HARBOR, TX	3,878	3,802
BUFFALO BAYOU AND TRIBUTARIES, TX	3,670	3,598
CANYON LAKE, TX	3,580	3,509
CEDAR BAYOU, TX	350	343
CORPUS CHRISTI SHIP CHANNEL, TX	5,912	5,795
DENISON DAM, LAKE TEXOMA, TX	6,939	6,803
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX	44	43
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX	3,464	3,396
FREEPORT HARBOR, TX	4,796	4,702
GALVESTON HARBOR AND CHANNEL, TX	3,738	3,664
GIWW, CHANNEL TO VICTORIA, TX	3,519	3,450
GIWW, CHOCOLATE BAYOU, TX	500	490
GRANGER DAM AND LAKE, TX	2,305	2,259
GRAPEVINE LAKE, TX	2,981	2,922
GREENS BAYOU, TX	800	784
GULF INTRACOASTAL WATERWAY, TX	24,277	23,800
HORDS CREEK LAKE, TX	1,635	1,603
HOUSTON SHIP CHANNEL, TX	18,188	17,831
INSPECTION OF COMPLETED WORKS, TX	1,343	1,317
JIM CHAPMAN LAKE, TX	1,586	1,555
JOE POOL LAKE, TX	1,956	1,917
LAKE KEMP, TX	183	179
LAVON LAKE, TX	3,062	3,001
LEWISVILLE DAM, TX	3,199	3,136
MATAGORDA SHIP CHANNEL, TX	4,307	4,222
NAVARRO MILLS LAKE, TX	2,867	2,810
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX	2,447	2,399
O C FISHER DAM AND LAKE, TX	1,802	1,766
PAT MAYSE LAKE, TX	1,211	1,187
PROCTOR LAKE, TX	3,526	3,456
PROJECT CONDITION SURVEYS, TX	100	98
RAY ROBERTS LAKE, TX	1,922	1,884
SABINE - NECHES WATERWAY, TX	14,182	13,903
SAM RAYBURN DAM AND RESERVOIR, TX	5,045	4,946
SCHEDULING RESERVOIR OPERATIONS, TX	242	237
SOMERVILLE LAKE, TX	3,246	3,182
STILLHOUSE HOLLOW DAM, TX	2,087	2,046
TEXAS CITY SHIP CHANNEL, TX	4,667	4,575
TEXAS WATER ALLOCATION ASSESSMENT, TX	100	98
TOWN BLUFF DAM, B A STEINHAGEN LAKE, TX	2,935	2,877

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
WACO LAKE, TX	3,035	2,975
WALLISVILLE LAKE, TX	1,990	1,951
WHITNEY LAKE, TX	5,397	5,291
WRIGHT PATMAN DAM AND LAKE, TX	3,847	3,771
UTAH		
INSPECTION OF COMPLETED WORKS, UT	31	30
SCHEDULING RESERVOIR OPERATIONS, UT	642	629
VERMONT		
BALL MOUNTAIN, VT	889	871
INSPECTION OF COMPLETED WORKS, VT	79	77
NORTH HARTLAND LAKE, VT	748	733
NORTH SPRINGFIELD LAKE, VT	941	922
TOWNSHEND LAKE, VT	879	862
UNION VILLAGE DAM, VT	1,993	1,954
VIRGINIA		
ATLANTIC INTRACOASTAL WATERWAY - ACC, VA	1,742	1,708
ATLANTIC INTRACOASTAL WATERWAY - DSC, VA	1,156	1,133
CHINCOTEAGUE INLET, VA	600	588
GATHRIGHT DAM AND LAKE MOOMAW, VA	2,253	2,208
HAMPTON ROADS, NORFOLK & NEWPORT NEWS HARBOR, VA (DRIFT REMOVAL)	1,048	1,027
HAMPTON ROADS, VA (PREVENTION OF OBSTRUCTIVE DEPOSITS)	75	73
INSPECTION OF COMPLETED WORKS, VA	461	452
JAMES RIVER CHANNEL, VA	4,363	4,277
JOHN H KERR LAKE, VA & NC	10,629	10,420
JOHN W FLANNAGAN DAM AND RESERVOIR, VA	2,341	2,295
NORFOLK HARBOR, VA	11,050	10,833
NORTH FORK OF POUND RIVER LAKE, VA	486	476
PHILPOTT LAKE, VA	4,694	4,602
PROJECT CONDITION SURVEYS, VA	902	884
WASHINGTON		
CHIEF JOSEPH DAM, WA	708	694
EVERETT HARBOR AND SNOHOMISH RIVER, WA	2,445	2,397
GRAYS HARBOR, WA	8,500	8,333
HOWARD HANSON DAM, WA	3,050	2,990
ICE HARBOR LOCK AND DAM, WA	3,734	3,660
INSPECTION OF COMPLETED ENVIRONMENTAL PROJECTS, WA	70	68

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
INSPECTION OF COMPLETED WORKS, WA	730	715
LAKE WASHINGTON SHIP CANAL, WA	10,553	10,345
LITTLE GOOSE LOCK AND DAM, WA	2,062	2,021
LOWER GRANITE LOCK AND DAM, WA	2,823	2,767
LOWER MONUMENTAL LOCK AND DAM, WA	2,172	2,129
MILL CREEK LAKE, WA	3,021	2,961
MOUNT SAINT HELENS SEDIMENT CONTROL, WA	313	306
MUD MOUNTAIN DAM, WA	3,549	3,479
PROJECT CONDITION SURVEYS, WA	516	506
PUGET SOUND AND TRIBUTARY WATERS, WA	995	975
SCHEDULING RESERVOIR OPERATIONS, WA	453	444
SEATTLE HARBOR, WA	4,240	4,157
STILLAGUAMISH RIVER, WA	271	265
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	55	53
TACOMA, PUYALLUP RIVER, WA	145	142
THE DALLES LOCK AND DAM, WA & OR	3,236	3,172

WEST VIRGINIA

BEECH FORK LAKE, WV	1,366	1,339
BLUESTONE LAKE, WV	2,039	1,999
BURNSVILLE LAKE, WV	2,695	2,642
EAST LYNN LAKE, WV	2,116	2,074
ELKINS, WV	60	58
INSPECTION OF COMPLETED WORKS, WV	528	517
KANAWHA RIVER LOCKS AND DAMS, WV	12,401	12,157
OHIO RIVER LOCKS AND DAMS, WV, KY & OH	34,232	33,559
OHIO RIVER OPEN CHANNEL WORK, WV, KY & OH	2,805	2,749
R D BAILEY LAKE, WV	2,407	2,359
STONEWALL JACKSON LAKE, WV	1,064	1,043
SUMMERSVILLE LAKE, WV	2,692	2,639
SUTTON LAKE, WV	2,587	2,536
TYGART LAKE, WV	1,406	1,378

WISCONSIN

EAU GALLE RIVER LAKE, WI	741	726
FOX RIVER, WI	2,889	2,832
GREEN BAY HARBOR, WI	3,406	3,339
INSPECTION OF COMPLETED WORKS, WI	69	67
PROJECT CONDITION SURVEYS, WI	288	282
STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI	19	18
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI	524	513

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
<hr style="border-top: 1px dashed black;"/> WYOMING		
INSPECTION OF COMPLETED WORKS, WY	55	53
JACKSON HOLE LEVEES, WY	1,014	994
SCHEDULING RESERVOIR OPERATIONS, WY	111	108
 SUBTOTAL, PROJECTS LISTED UNDER STATES	 2,112,016	 2,060,010
 REMAINING ITEMS		
ADDITIONAL FUNDING FOR ONGOING WORK		
NAVIGATION MAINTENANCE	---	34,000
DEEP-DRAFT HARBOR AND CHANNEL	---	55,000
INLAND WATERWAYS	---	30,000
SMALL, REMOTE, OR SUBSISTENCE NAVIGATION	---	30,000
OTHER AUTHORIZED PROJECT PURPOSES	---	24,409
AQUATIC NUISANCE CONTROL RESEARCH	690	676
ASSET MANAGEMENT/FACILITIES AND EQUIPMENT MANAGEMENT (FEM)	4,750	4,657
BUDGET/MANAGEMENT SUPPORT FOR O&M BUSINESS PROGRAMS		
STEWARDSHIP SUPPORT PROGRAM	750	735
PERFORMANCE-BASED BUDGETING SUPPORT PROGRAM	4,000	3,921
RECREATION MANAGEMENT SUPPORT PROGRAM	1,650	1,618
OPTIMIZATION TOOLS FOR NAVIGATION	392	384
COASTAL AND OCEAN DATA SYSTEM	3,000	4,414
COASTAL INLET RESEARCH PROGRAM	2,700	2,647
RESPONSE TO CLIMATE CHANGE AT CORPS PROJECTS	5,000	4,902
CULTURAL RESOURCES (NAGPRA/CURATION)	4,500	4,412
DREDGE MCFARLAND READY RESERVE	12,000	11,760
DREDGE WHEELER READY RESERVE	12,000	11,760
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM	1,150	1,127
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER)	6,300	6,176
DREDGING OPERATIONS TECHNICAL SUPPORT PROGRAM (DOTS)	2,820	2,764
EARTHQUAKE HAZARDS REDUCTION PROGRAM	270	264
FACILITY PROTECTION (CISP)	6,500	6,372
FERC HYDROPOWER COORDINATION	3,000	2,941
FISH & WILDLIFE OPERATING FISH HATCHERY REIMBURSEMENT	3,800	3,800
GREAT LAKES TRIBUTARY MODEL	1,080	1,059
GLOBAL CHANGE SUSTAINABILITY	10,000	---
INLAND WATERWAY NAVIGATION CHARTS	3,420	3,353
INTERAGENCY PERFORMANCE EVALUATION TASK FORCE/HURRICANE PROTECTION		
DECISION CHRONOLOGY (IPET/HPDC) LESSONS LEARNED IMPLEMENTATION	6,000	4,167
INSPECTION OF COMPLETED FEDERAL FLOOD CONTROL PROJECTS	26,780	26,254
MONITORING OF COMPLETED NAVIGATION PROJECTS	3,920	3,843
NATIONAL (LEVEE) FLOOD INVENTORY	21,000	20,587



CORPS OF ENGINEERS - OPERATION AND MAINTENANCE  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE
NATIONAL (MULTIPLE PROJECT) NATURAL RESOURCES MANAGEMENT ACTIVITIES	4,230	4,147
NATIONAL COASTAL MAPPING PROGRAM	6,300	7,657
NATIONAL DAM SAFETY PROGRAM (PORTFOLIO RISK ASSESSMENT)	15,000	14,705
NATIONAL EMERGENCY PREPAREDNESS PROGRAM (NEPP)	6,750	6,617
NATIONAL PORTFOLIO ASSESSMENT FOR REALLOCATIONS	571	559
PROGRAM DEVELOPMENT TECHNICAL SUPPORT	300	294
PROTECT, CLEAR AND STRAIGHTEN CHANNELS	50	49
REMOVAL OF SUNKEN VESSELS	500	490
WATERBORNE COMMERCE STATISTICS	4,771	4,677
HARBOR MAINTENANCE FEE DATA COLLECTION	825	809
RECREATIONONESTOP (R1S) NATIONAL RECREATION RESERVATION SERVICE	65	63
REGIONAL SEDIMENT MANAGEMENT PROGRAM	1,800	2,892
RELIABILITY MODELS PROGRAM FOR MAJOR REHAB	300	294
SHORELINE USE PERMIT STUDY	250	245
SUSTAINABILITY AND ENERGY	12,300	---
WATER OPERATIONS TECHNICAL SUPPORT (WOTS)	500	490
SUBTOTAL, REMAINING ITEMS	201,984	351,990
TOTAL, OPERATION AND MAINTENANCE	2,314,000	2,412,000

**Additional Funding for Ongoing Work.**—The fiscal year 2012 budget request does not fund operation, maintenance, and rehabilitation of our nation's aging infrastructure sufficiently to ensure continued competitiveness in a global marketplace. Federal navigation channels maintained at only a fraction of authorized dimensions, and navigation locks and hydropower facilities well beyond their design life result in economic inefficiencies and risks infrastructure failure, which cause substantial economic losses. The conferees believe that investing in operation, maintenance, and rehabilitation of infrastructure today will save taxpayers money in the future.

The conference agreement includes additional funds to continue ongoing projects and activities. The intent of these funds is for ongoing work that either was not included in the Administration's request or was inadequately budgeted. None of these funds may be used to start new projects or programs. The conferees direct that priority in allocating these funds be given to completing ongoing work maintaining authorized depths and widths of harbors and shipping channels, including where contaminated sediments are present, and for addressing critical maintenance backlog. Particular emphasis should be placed on projects where there is a U.S. Coast Guard presence; that will enhance national, regional, or local economic development; or that will promote job growth or international competitiveness.

The conferees are concerned that the Administration's criteria for navigation maintenance does not allow small, remote, or subsistence harbors and waterways to properly compete for scarce navigation maintenance funds. The conferees urge the Corps to revise the criteria used for determining which navigation maintenance projects are funded in order to develop a reasonable and equitable allocation under this account. The criteria should include the economic impact that these projects provide to local and regional economies, in particular, those with national defense or public health and safety importance.

Funding associated with each category may be allocated to any eligible project within that category; funding associated with each subcategory may be allocated only to eligible projects within that subcategory. The list of subcategories is not meant to be exhaustive. Priority in allocating these funds should consider the following: number of jobs created directly by the funded activity; benefits to the local, regional or national economy; ability to obligate the funds allocated within the fiscal year; ability to complete the project, separable element, or project phase within the funds allocated; and risk of imminent failure or closure of the facility.

Within 45 days of enactment of this Act, the Corps shall provide to the House and Senate Committees on Appropriations a work plan delineating how these funds are to be distributed. A document providing the Administration's criteria for justifying the funding decisions made shall accompany this work plan. No funds shall be obligated for any project under this program which has not been justified in such a report.

**Coastal and Ocean Systems Data.**—The conferees have provided funding to ensure the maintenance of wave observations and the expansion of the national wave monitoring network as outlined in the National Operational Wave Observation Plan. Funds are also included for continuation of integrated long-term beach surveys to monitor shoreline risk.

#### REGULATORY PROGRAM

The conference agreement provides \$193,000,000 for the Regulatory Program as proposed by the Senate, instead of \$196,000,000 as proposed by the House. The Act includes language making funds available until September 30, 2013, as proposed by the Senate.

#### FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conference agreement provides \$109,000,000 for the Formerly Utilized Sites Remedial Action Program as proposed by the House and Senate. The Corps is directed to prioritize sites that are nearing completion. Within the funds provided in accordance with the budget request, the Corps is directed to complete the Remedial Investigation/Feasibility Study of the former Pennsylvania nuclear fuel site at Hicksville, New York, and, as appropriate, to proceed expeditiously to a Record of Decision and initiation of any necessary remediation in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

#### FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides \$27,000,000 for Flood Control and Coastal Emergencies as proposed by the House and Senate.

#### EXPENSES

The conference agreement provides \$185,000,000 for Expenses as proposed by the Senate, instead of \$177,640,000 as proposed by the House. The Act includes language making funds available until September 30, 2013, as proposed by the Senate. Within the funds provided, the Institute for Water Resources is directed to submit to the Senate and House Committees on Appropriations within 180 days of enactment of this Act, a report on how the Congress should address the critical need for additional port and inland waterway modernization to accommodate post-Panamax vessels. This study will not impede nor delay port or inland waterway projects already authorized by Congress. Factors for consideration should include costs associated with deepening and widening deep-draft harbors; the ability of the waterways and ports to enhance the nation's export initiatives benefitting the agricultural and manufacturing sectors; the current and projected population trends that distinguish regional ports and ports that are immediately adjacent to population centers; the availability of inland intermodal access; and the environmental impacts resulting from the modernization of inland waterways and deep-draft ports.

#### OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

The conference agreement provides \$5,000,000 for the Office of the Assistant Secretary of the Army for Civil Works as proposed by the House and Senate. The Act includes language making funds available until September 30, 2013, as proposed by the Senate.

#### ADMINISTRATIVE PROVISION

The conference agreement includes a provision relating to the replacement and hire of passenger motor vehicles as proposed by the House and Senate.

#### GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a provision proposed by the Senate relating to reprogramming. The House proposed a similar provision.

The conference agreement does not include a provision proposed by the Senate regarding implementation of competitive sourcing or High Performance Organizations. The House proposed no similar provision.

The conference agreement includes a provision proposed by the House prohibiting the use of funds to carry out any contract that commits funds beyond the amounts appropriated for that program, project, or activity. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the House relating to continuing contracts and the Inland Waterway Trust Fund. The Senate proposed a similar provision.

The conference agreement includes a provision proposed by the Senate relating to report notifications. The House proposed a similar provision.

The conference agreement includes a provision proposed by the Senate providing the Corps of Engineers authorization for emergency measures to exclude Asian carp from the Great Lakes. The House proposed a similar provision. The conferees do not consider hydrologic separation of the Great Lakes Basin from the Mississippi River Basin to be an emergency measure authorized by this Act. The issue should be fully studied by the Corps of Engineers and considered by the appropriate congressional committees.

The conference agreement includes a provision proposed by the House and Senate authorizing the transfer of funds to facilitate progress on the Greater New Orleans Hurricane and Storm Damage Risk Reduction System.

The conference agreement includes a provision proposed by the House and Senate authorizing the transfer of funds to the Fish and Wildlife Service to mitigate for fisheries lost due to Corps of Engineers projects.

The conference agreement does not include a provision proposed by the House regarding implementation of revised guidance on determining jurisdiction under the Clean Water Act. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the Senate authorizing employees to serve on an international commission. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate authorizing the acquisition of real property for the Cold Regions Research and Engineering Laboratory. The House proposed no similar provision.

The conference agreement includes a provision proposed by the House regarding the relocation of any regional division headquarters located at a military installation. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the House regarding additional authority for the Corps to accept funding from non-federal sponsors for authorized federal projects. The Senate proposed no similar provision. The conferees do not expect these changes to result in more architect-engineer design work being undertaken by Corps personnel. The conferees expect the Corps to continue its contracting efforts for such services as in prior years.

The conference agreement does not include a provision proposed by the Senate regarding restrictions on the use or maintenance of any federal dredge. The House proposed no similar provision.

The conference agreement does not include a provision proposed by the Senate relating

to maintenance standards for the federal dredging fleet. The House proposed no similar provision.

The conference agreement does not include a provision proposed by the Senate relating to health and safety improvements to the dredge “McFarland”. The House proposed no similar provision.

The conference agreement modifies a provision proposed by the Senate relating to deed restrictions in Benton County, Washington. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate deauthorizing a portion of the Block Island Harbor of Refuge in Rhode Island. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to improvements to installations and facilities of the Engineer Research and Development Center. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to the disposition of acquired land in the Passaic River Basin in New Jersey. The House proposed no similar provision.

The conference agreement modifies a provision proposed by the Senate relating to

disposal sites in Long Island Sound. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate deauthorizing a portion of the Newport Harbor in Rhode Island. The House proposed no similar provision.

The conference agreement includes a provision proposed in Title VI of the House bill relating to FERC Project number 2342. The Senate proposed no similar provision.

The conference agreement includes a provision proposed in Title VI of the House bill prohibiting funds for the Missouri River Authorized Purposes Study. The Senate proposed no similar provision.

The conference agreement includes a provision proposed in Title VI of the House bill relating to section 5018(a)(1) of the Water Resources Development Act of 2007 regarding Missouri River Recovery. The Senate proposed no similar provision. The conferees are aware of the challenges associated with water management in the Missouri River Basin and urge all parties to work cooperatively in addressing these issues.

## TITLE II

### DEPARTMENT OF THE INTERIOR

#### CENTRAL UTAH PROJECT

##### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement provides a total of \$28,704,000 for the Central Utah Project as proposed by the House, instead of \$28,991,000 as proposed by the Senate.

#### BUREAU OF RECLAMATION

##### WATER AND RELATED RESOURCES

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$895,000,000 for Water and Related Resources, instead of \$822,300,000 as proposed by the House and \$885,670,000 as proposed by the Senate. The Act does not include a restriction on projects carried out by the Youth Conservation Corps (YCC) as proposed by the House, but the conferees direct the Bureau of Reclamation to report to the House and Senate Committees on Appropriations by January 1, 2015, on the use of the YCC for carrying out Reclamation projects. The Act does not include language regarding expenditure of funds as proposed by the House.

The conference agreement for Water and Related Resources is shown in the following table:

WATER AND RELATED RESOURCES  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		
	RESOURCES	FACILITIES		RESOURCES	FACILITIES	
	MANAGEMENT	OM&R	TOTAL	MANAGEMENT	OM&R	TOTAL
<b>ARIZONA</b>						
AK CHIN INDIAN WATER RIGHTS SETTLEMENT ACT PROJECT	---	12,706	12,706	---	12,554	12,554
COLORADO RIVER BASIN PROJECT - CENTRAL ARIZONA PROJECT	6,589	436	7,025	6,510	431	6,941
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM	2,049	---	2,049	2,024	---	2,024
NORTHERN ARIZONA INVESTIGATIONS PROGRAM	326	---	326	322	---	322
SALT RIVER PROJECT	646	230	876	638	227	865
SAN CARLOS APACHE TRIBE WATER SETTLEMENT ACT PROJECT	335	---	335	331	---	331
SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY	463	---	463	457	---	457
SOUTH/CENTRAL ARIZONA INVESTIGATIONS PROGRAM	702	---	702	694	---	694
YUMA AREA PROJECTS	1,576	19,378	20,954	1,557	19,145	20,703
<b>CALIFORNIA</b>						
CACHUMA PROJECT	622	625	1,247	615	618	1,232
CENTRAL VALLEY PROJECTS:						
AMERICAN RIVER DIVISION, FOLSOM DAM UNIT/MORMON ISLAND	1,474	7,746	9,220	1,456	7,653	9,109
AUBURN-FOLSOM SOUTH UNIT	33	2,668	2,701	33	2,636	2,669
DELTA DIVISION	7,304	5,377	12,681	7,216	5,312	12,529
EAST SIDE DIVISION	1,358	2,754	4,112	1,342	2,721	4,063
FRIANT DIVISION	1,738	3,246	4,984	1,717	3,207	4,924
SAN JOAQUIN RIVER RESTORATION	---	---	---	8,892	---	8,892
MISCELLANEOUS PROJECT PROGRAMS	11,367	846	12,213	11,231	836	12,066
REPLACEMENTS, ADDITIONS, AND EXTRAORDINARY MAINT. PROGRAM	---	17,911	17,911	---	17,696	17,696
SACRAMENTO RIVER DIVISION	35,344	1,578	36,922	34,920	1,559	36,479
SAN FELIPE DIVISION	638	29	667	630	29	659
SAN JOAQUIN DIVISION	356	---	356	352	---	352
SHASTA DIVISION	378	7,766	8,144	373	7,673	8,046
TRINITY RIVER DIVISION	10,786	4,201	14,987	10,657	4,151	14,807
WATER AND POWER OPERATIONS	917	8,002	8,919	906	7,906	8,812
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT	15,426	5,388	20,814	15,241	5,323	20,564
ORLAND PROJECT	---	709	709	---	700	700
SALTON SEA RESEARCH PROJECT	294	---	294	290	---	290
SOLANO PROJECT	1,323	2,382	3,705	1,307	2,353	3,661
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM	268	---	268	265	---	265
VENTURA RIVER PROJECT	344	41	385	340	41	380
<b>COLORADO</b>						
ANIMAS-LA PLATA PROJECT, COLORADO RIVER STORAGE PARTICIPATING P	11,504	1,249	12,753	11,366	1,234	12,600
COLLBRAN PROJECT	217	1,461	1,678	214	1,443	1,658
COLORADO-BIG THOMPSON PROJECT	275	10,859	11,134	272	10,729	11,000
COLORADO INVESTIGATIONS PROGRAM	344	---	344	340	---	340
FRUITGROWERS DAM PROJECT	99	166	265	98	164	262
FRYINGPAN-ARKANSAS PROJECT	108	8,871	8,979	107	8,765	8,871
FRYINGPAN-ARKANSAS PROJECT - ARKANSAS VALLEY CONDUIT	2,958	---	2,958	2,923	---	2,923
GRAND VALLEY UNIT, CRBSCP, TITLE II	209	1,351	1,560	206	1,335	1,541
LEADVILLE/ARKANSAS RIVER RECOVERY PROJECT	---	4,652	4,652	---	4,596	4,596
LOWER COLORADO RIVER INVESTIGATIONS PROGRAM	95	---	95	94	---	94
MANCOS PROJECT	67	120	187	66	119	185
PARADOX VALLEY UNIT, CRBSCP, TITLE II	100	2,633	2,733	99	2,601	2,700
PINE RIVER PROJECT	152	240	392	150	237	387
SAN LUIS VALLEY PROJECT	356	4,479	4,835	352	4,425	4,777

WATER AND RELATED RESOURCES  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		
	RESOURCES	FACILITIES		RESOURCES	FACILITIES	
	MANAGEMENT	OM&R	TOTAL	MANAGEMENT	OM&R	TOTAL
UNCOMPAHGRE PROJECT	754	197	951	745	195	940
UPPER COLORADO RIVER OPERATIONS PROGRAM	256	---	256	253	---	253
IDAHO						
BOISE AREA PROJECTS	3,004	3,240	6,244	2,968	3,201	6,169
COLUMBIA AND SNAKE RIVER SALMON RECOVERY PROJECT	17,830	---	17,830	17,616	---	17,616
IDAHO INVESTIGATIONS PROGRAM	59	---	59	58	---	58
LEWISTON ORCHARDS PROJECT	1,086	30	1,116	1,073	30	1,103
MINIDOKA AREA PROJECTS	2,361	12,093	14,454	2,333	11,948	14,281
KANSAS						
WICHITA PROJECT	6	464	470	6	458	464
WICHITA PROJECT (EQUUS BEDS DIVISION)	49	---	49	48	---	48
MONTANA						
FORT PECK RESERVATION / DRY PRAIRIE RURAL WATER SYSTEM	493	---	493	487	---	487
HUNGRY HORSE PROJECT	---	345	345	---	341	341
HUNTLEY PROJECT	31	53	84	31	52	83
LOWER YELLOWSTONE PROJECT	534	15	549	528	15	542
MILK RIVER PROJECT	327	1,421	1,748	323	1,404	1,727
MONTANA INVESTIGATIONS PROGRAM	50	---	50	49	---	49
ROCKY BOYS/NORTH CENTRAL MT RURAL WATER SYSTEM	493	---	493	487	---	487
SUN RIVER PROJECT	52	275	327	51	272	323
NEBRASKA						
MIRAGE FLATS PROJECT	13	110	123	13	109	122
NEVADA						
LAHONTAN BASIN PROJECT (HUMBOLT, NEWLANDS, AND WASHOE PROJEC	4,209	3,022	7,231	4,158	2,986	7,144
LAKE TAHOE REGIONAL WETLANDS DEVELOPMENT	105	---	105	104	---	104
LAKE MEAD/LAS VEGAS WASH PROGRAM	493	---	493	487	---	487
NEW MEXICO						
CARLSBAD PROJECT	2,391	1,613	4,004	2,362	1,594	3,956
EASTERN NEW MEXICO INVESTIGATIONS PROGRAM	47	---	47	46	---	46
JICARILLA APACHE RURAL WATER SYSTEM	496	---	496	490	---	490
MIDDLE RIO GRANDE PROJECT	11,838	11,734	23,572	11,696	11,593	23,289
NAVAJO NATION INVESTIGATIONS PROGRAM	230	---	230	227	---	227
RIO GRANDE PROJECT	1,010	4,027	5,037	998	3,979	4,977
RIO GRANDE PUEBLOS PROJECT	250	---	250	247	---	247
SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM	181	---	181	179	---	179
SOUTHERN NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAM	192	---	192	190	---	190
TUCUMCARI PROJECT	40	32	72	40	32	71
UPPER RIO GRANDE BASIN INVESTIGATIONS PROGRAM	78	---	78	77	---	77

WATER AND RELATED RESOURCES (AMOUNTS IN THOUSANDS)						
	BUDGET REQUEST RESOURCES	FACILITIES		RESOURCES	CONFERENCE FACILITIES	
	MANAGEMENT	OM&R	TOTAL	MANAGEMENT	OM&R	TOTAL
NORTH DAKOTA						
PICK-SLOAN MISSOURI BASIN PROGRAM - GARRISON DIVERSION UNIT	10,524	5,814	16,338	10,398	5,744	16,142
OKLAHOMA						
ARBUCKLE PROJECT	66	170	236	65	168	233
MCGEE CREEK PROJECT	37	724	761	37	715	752
MOUNTAIN PARK PROJECT	25	547	572	25	540	565
NORMAN PROJECT	37	537	574	37	531	567
WASHITA BASIN PROJECT	67	1,397	1,464	66	1,380	1,446
W.C. AUSTIN PROJECT	56	604	660	55	597	652
OREGON						
CROOKED RIVER PROJECT	473	487	960	467	481	948
DESCHUTES PROJECT	264	192	456	261	190	451
EASTERN OREGON PROJECTS	594	216	810	587	213	800
KLAMATH PROJECT	16,726	1,883	18,609	16,525	1,860	18,386
OREGON INVESTIGATIONS PROGRAM	59	---	59	58	---	58
ROGUE RIVER BASIN PROJECT, TALENT DIVISION	354	325	679	350	321	671
TUALATIN PROJECT	90	204	294	89	202	290
UMATILLA PROJECT	446	2,461	2,907	441	2,431	2,872
SOUTH DAKOTA						
LEWIS AND CLARK RURAL WATER SYSTEM	493	---	493	487	---	487
MID-DAKOTA RURAL WATER PROJECT	---	15	15	---	15	15
MINI WICONI PROJECT	16,270	10,058	26,328	16,075	9,937	26,012
RAPID VALLEY PROJECT	---	93	93	---	92	92
TEXAS						
BALMORHEA PROJECT	43	14	57	42	14	56
CANADIAN RIVER PROJECT	52	85	137	51	84	135
LOWER RIO GRANDE WATER CONSERVATION PROJECT	49	---	49	48	---	48
NUECES RIVER PROJECT	17	601	618	17	594	611
SAN ANGELO PROJECT	28	638	666	28	630	658
UTAH						
HYRUM PROJECT	166	136	302	164	134	298
MOON LAKE PROJECT	10	61	71	10	60	70
NEWTON PROJECT	53	106	159	52	105	157
NORTHERN UTAH INVESTIGATIONS PROGRAM	181	---	181	179	---	179
OGDEN RIVER PROJECT	214	215	429	211	212	424
PROVO RIVER PROJECT	1,163	393	1,556	1,149	388	1,537
SANPETE PROJECT	---	10	10	---	10	10
SCOFIELD PROJECT	301	49	350	297	48	346
SOUTHERN NEVADA/UTAH INVESTIGATIONS PROGRAM	74	---	74	73	---	73
SOUTHERN UTAH INVESTIGATIONS PROGRAM	206	---	206	204	---	204
STRAWBERRY VALLEY PROJECT	354	34	388	350	34	383

WATER AND RELATED RESOURCES  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		
	RESOURCES	FACILITIES		RESOURCES	FACILITIES	
	MANAGEMENT	OM&R	TOTAL	MANAGEMENT	OM&R	TOTAL
WEBER BASIN PROJECT	920	752	1,672	909	743	1,652
WEBER RIVER PROJECT	65	62	127	64	61	125
WASHINGTON						
COLUMBIA BASIN PROJECT	3,278	4,446	7,724	3,239	4,393	7,631
WASHINGTON AREA PROJECTS	388	46	434	383	45	429
WASHINGTON INVESTIGATIONS PROGRAM	59	---	59	58	---	58
YAKIMA PROJECT	824	5,608	6,432	814	5,541	6,355
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT	8,940	---	8,940	8,833	---	8,833
WYOMING						
KENDRICK PROJECT	117	4,231	4,348	116	4,180	4,296
NORTH PLATTE PROJECT	255	1,964	2,219	252	1,940	2,192
SHOSHONE PROJECT	75	883	958	74	872	947
WYOMING INVESTIGATIONS PROGRAM	20	---	20	20	---	20
SUBTOTAL, PROJECTS	232,531	224,832	457,363	238,633	222,134	460,767
REGIONAL PROGRAMS						
ADDITIONAL FUNDING FOR ONGOING WORK						
RURAL WATER	---	---	---	30,000	---	30,000
FISH PASSAGE AND FISH SCREENS	---	---	---	5,000	---	5,000
WATER CONSERVATION AND DELIVERY STUDIES, PROJECTS AND ACTIVIT	---	---	---	6,000	---	6,000
ENVIRONMENTAL RESTORATION AND COMPLIANCE	---	---	---	4,000	---	4,000
FACILITIES OPERATION, MAINTENANCE AND REHABILITATION	---	---	---	---	5,000	5,000
COLORADO RIVER BASIN SALINITY CONTROL PROJECT - TITLE I	---	11,519	11,519	---	11,381	11,381
COLORADO RIVER BASIN SALINITY CONTROL PROJECT - TITLE II	6,939	---	6,939	6,856	---	6,856
COLORADO RIVER STORAGE PROJECT (CRSP), SECTION 5	3,551	4,469	8,020	3,508	4,415	7,924
COLORADO RIVER STORAGE PROJECT (CRSP), SECTION 8	4,039	217	4,256	3,991	214	4,205
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM	729	---	729	720	---	720
DAM SAFETY PROGRAM						
DEPARTMENT OF THE INTERIOR DAM SAFETY PROGRAM	---	1,600	1,600	---	1,581	1,581
INITIATE SAFETY OF DAMS CORRECTIVE ACTION	---	63,587	63,587	---	63,587	63,587
SAFETY EVALUATION OF EXISTING DAMS	---	18,520	18,520	---	18,298	18,298
EMERGENCY PLANNING AND DISASTER RESPONSE PROGRAM	---	1,300	1,300	---	1,284	1,284
ENDANGERED SPECIES RECOVERY IMPLEMENTATION PROGRAM	19,954	---	19,954	19,715	---	19,715
ENVIRONMENTAL PROGRAM ADMINISTRATION	1,610	---	1,610	1,591	---	1,591
EXAMINATION OF EXISTING STRUCTURES	---	9,167	9,167	---	9,057	9,057
FEDERAL BUILDING SEISMIC SAFETY PROGRAM	---	1,400	1,400	---	1,383	1,383
GENERAL PLANNING ACTIVITIES	2,294	---	2,294	2,266	---	2,266
INDIAN WATER RIGHTS SETTLEMENTS:						
AAMODT	---	---	---	9,287	---	9,287
CROW	---	---	---	8,236	---	8,236
NAVAJO-GALLUP	---	---	---	24,499	---	24,499
TAOS	---	---	---	3,952	---	3,952
WHITE MOUNTAIN APACHE	---	---	---	4,891	---	4,891
LAND RESOURCES MANAGEMENT PROGRAM	8,945	---	8,945	8,838	---	8,838
LOWER COLORADO RIVER OPERATIONS PROGRAM	25,980	---	25,980	25,668	---	25,668
MISCELLANEOUS FLOOD CONTROL OPERATIONS	---	875	875	---	865	865
NATIVE AMERICAN AFFAIRS PROGRAM	6,951	---	6,951	6,868	---	6,868

WATER AND RELATED RESOURCES  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST			CONFERENCE		
	RESOURCES	FACILITIES		RESOURCES	FACILITIES	
	MANAGEMENT	OM&R	TOTAL	MANAGEMENT	OM&R	TOTAL
NEGOTIATION AND ADMINISTRATION OF WATER MARKETING	2,060	---	2,060	2,035	---	2,035
OPERATION AND PROGRAM MANAGEMENT	874	1,222	2,096	864	1,207	2,071
PICK-SLOAN MISSOURI BASIN PROGRAM - OTHER PICK SLOAN	3,137	40,449	43,586	3,099	39,964	43,063
POWER PROGRAM SERVICES	1,735	307	2,042	1,714	303	2,017
PUBLIC ACCESS AND SAFETY PROGRAM	711	155	866	702	153	856
RECLAMATION LAW ADMINISTRATION	2,258	---	2,258	2,231	---	2,231
RECREATION AND FISH AND WILDLIFE PROGRAM ADMINISTRATION	2,181	---	2,181	2,155	---	2,155
RESEARCH AND DEVELOPMENT:						
DESALINATION AND WATER PURIFICATION PROG.	986	1,100	2,086	974	1,087	2,061
SCIENCE AND TECHNOLOGY PROGRAM	10,108	---	10,108	9,987	---	9,987
RURAL WATER PROGRAM, TITLE I	2,000	---	2,000	1,976	---	1,976
SITE SECURITY ACTIVITIES	---	25,942	25,942		25,631	25,631
UNITED STATES/MEXICO BORDER ISSUES - TECHNICAL SUPPORT	95	---	95	94	---	94
WATERSMART PROGRAM						
WATERSMART GRANTS	18,500	---	18,500	12,233	---	12,233
COOPERATIVE WATERSHED MANAGEMENT	250	---	250	247	---	247
WATER CONSERVATION FIELD SERVICES PROGRAM	5,108	---	5,108	5,047	---	5,047
BASIN STUDIES	6,000	---	6,000	4,928	---	4,928
TITLE XVI WATER RECLAMATION AND REUSE PROGRAM						
FUNDING OPPORTUNITY	23,616	---	23,616	19,333	---	19,333
PHOENIX METROPOLITAN WATER RECLAMATION AND REUSE, AZ	200	---	200	198	---	198
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING, CA	1,452	---	1,452	1,435	---	1,435
LONG BEACH AREA WATER RECLAMATION, CA	500	---	500	494	---	494
LONG BEACH DESALINATION, CA	500	---	500	494	---	494
SAN DIEGO AREA WATER RECLAMATION, CA	2,485	---	2,485	2,455	---	2,455
SAN JOSE AREA WATER RECLAMATION AND REUSE, CA	247	---	247	244	---	244
SUBTOTAL, REGIONAL PROGRAMS	136,995	181,829	318,824	248,823	185,410	434,233
TOTAL, WATER AND RELATED RESOURCES	369,526	406,661	776,187	487,456	407,544	895,000



**Indian Water Rights Settlements.**—The conference agreement includes funds for these activities in the Water and Related Resources account as proposed by both the House and Senate, instead of in a separate account as proposed in the budget request.

**San Joaquin River Restoration.**—The conference agreement does not include a separate account for this item. Funding is included in the Water and Related Resources account as a separate line item under the Friant Division of the Central Valley Project. The conferees note that the San Joaquin River Restoration Settlement Act has two goals: to restore and maintain fish populations in good condition and to reduce or avoid adverse water supply impacts to long-term contractors and other water users. The conferees direct the Bureau of Reclamation to continue to work with all relevant state and federal agencies, settlement parties, and third party interests to address all concerns so the mutual goals of the Settlement Act can be achieved.

**Arthur Bowman Dam.**—The conference agreement includes House direction regarding hydropower development at Arthur Bowman Dam located in Crook County, Oregon.

**Buried Metallic Water Pipe.**—The conferees are aware of several concerns regarding implementation and review of Reclamation's Technical Memorandum 8140-CC-2004-1 ("Corrosion Considerations for Buried Metallic Water Pipe"). Specifically, the conferees are concerned that Reclamation's use of this memorandum may be holding different materials to different standards of reliability and increasing project costs unnecessarily. Therefore, Reclamation should not use the memorandum as the sole basis to deny funding or approval of a project or to disqualify any material from use in highly corrosive soils. Additionally, the conferees direct Reclamation to follow the recommendation of the National Academy of Sciences to assemble data on pipeline reliability for all types of pipe specified in Table 2 of Technical Memorandum 8140-CC-2004-1 along with the specified corrosion protection applied in the various soil types ("Review of the Bureau of Reclamation's Corrosion Prevention Standards for Ductile Iron Pipe" (2009)) and to conduct an analysis of the performance of these types of pipe installed in the same or similar conditions. This review should also include an analysis of the economics, cost-effectiveness and life-cycle costs associated with the various materials under evaluation.

**Additional Funding for Water and Related Resources Work.**—The conference agreement includes additional funds as proposed by the Senate. The conferees direct that priority in allocating these funds should be to advance and complete ongoing work, improve water supply reliability, improve water deliveries, enhance regional or local economic development, promote job growth or for critical backlog maintenance and rehabilitation activities. Within 30 days of enactment, Reclamation shall provide to the House and Senate Committees on Appropriations a report delineating how these funds are to be distributed, in which phase the work is to be accomplished, and an explanation of the criteria and rankings used to justify each allocation. This report shall also include the reassessment of allocation among rural water systems as directed by the House.

#### CENTRAL VALLEY PROJECT RESTORATION FUND

The conference agreement provides \$53,068,000 for the Central Valley Project Restoration Fund, as proposed by the House and Senate.

#### CALIFORNIA BAY-DELTA RESTORATION (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$39,651,000 for the California Bay-Delta Restoration program as proposed by the Senate, instead of \$35,928,000 as proposed by the House.

#### POLICY AND ADMINISTRATION

The conference agreement provides \$60,000,000 for Policy and Administration as proposed by the House and Senate. The Act includes language making funds available until September 30, 2013, as proposed by the Senate.

#### ADMINISTRATIVE PROVISION

The conference agreement includes a provision limiting the Bureau of Reclamation to purchase not more than five passenger vehicles for replacement only, as proposed by the House.

#### GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

The conference agreement includes a provision proposed by the Senate outlining the circumstances under which the Bureau of Reclamation may reprogram funds. The House proposed a similar provision.

The conference agreement includes a provision proposed by the House and Senate regarding the San Luis Unit and the Kesterson Reservoir in California.

The conference agreement does not include a provision proposed by the House permanently rescinding mandatory funds from the San Joaquin River Restoration Fund. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the Senate regarding the Lake Mead/Las Vegas Wash Program. The House proposed no similar provision.

The conference agreement modifies a provision proposed by the Senate extending authorizations under the Water Desalination Act of 1996. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate regarding the Bay Delta Conservation Plan. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate regarding participation in non-federal groundwater banking programs. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate regarding water transfers in California. The House proposed no similar provision.

The conference agreement does not include a provision proposed by the Senate regarding expenditure of mandatory funds under the San Joaquin River Restoration Fund. The House proposed no similar provision.

The conference agreement includes a provision proposed by the Senate regarding the Desert Terminal Lakes Program. The House proposed no similar provision.

#### TITLE III

#### DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the dispositions with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items in the Act are discussed below.

The conference agreement provides \$25,748,081,000 for the Department of Energy, instead of \$24,722,046,000 as proposed by the House and \$25,548,976,000 as proposed by the Senate, to fund programs in its five primary mission areas: science, energy, environment, nuclear non-proliferation and national security.

**Contractor Pensions and Benefits.**—The conferees support actions taken to improve headquarters oversight of contractor pensions and other post-retirement benefits. Given the government has assumed the long-term liability for pension costs, the conferees encourage the Department to evaluate alternatives to contractually formalize requirements for the management of pension and other post-retirement benefits. Instead of the House direction on reporting requirements for pensions and prohibition on contribution amounts, the conferees direct the Department to report current plan status, funding ratios, reimbursement levels, projected plan status at budgeted levels, and any updates to funding ratios and contributions with or as supplemental information to the budget request. This information should be updated in April and September of each year. Changes to expected contribution levels should be clearly explained and the Department should note any changes in plan management that have impacted contribution amounts. Any funding request which proposes a contribution in excess of the minimum ERISA or Pension Protection Act requirements should include a detailed justification.

**Nuclear Safety.**—Instead of the House direction for a safety review of all cleanup sites, the conferees direct the Secretary of Energy to review all Department of Energy nuclear facility construction projects with a total project cost greater than \$1,000,000,000 to determine if those projects are being managed in a way which could pressure contractors or Department managers to disregard nuclear safety in order to demonstrate acceptable project performance. The review should investigate contract management, including the award of contractor fee, project management practices, and the framing of program and policy goals to evaluate if Department practices have complicated efforts to foster a positive nuclear safety culture or resolve nuclear safety-related design issues. The Secretary shall report to the House and Senate Committees on Appropriations no later than May 1, 2012, on improvements to contracting and other management practices which will assist Department managers in ensuring that design flaws and safety issues do not go ignored or unrecognized.

**H-Canyon.**—Instead of the House requirement to provide funding to the National Academy of Sciences, the Department shall conduct its own review to explore the full range of potential uses for the chemical processing areas of H-Canyon at the Savannah River Site and report back to the House and Senate Committees on Appropriations within 3 months of enactment of this Act. The options considered should not be limited to uses by the Office of Environmental Management, but should incorporate uses which may contribute to meeting the goals of other program offices within the Department of Energy and the National Nuclear Security Administration.

**Exascale Computing.**—The conferees support the Department's initiative to develop exascale computing as a crucial component of long-term U.S. leadership, but are concerned that the Department has not yet developed an integrated strategy and program plan. The Department is directed to submit to the House and Senate Committees on Appropriations, not later than February 10, 2012, a joint, integrated strategy and program plan for the crosscutting effort to develop exascale computing that includes:

—a target date for developing an operational exascale platform;

—interim milestones toward reaching that target;

—minimum requirements for an exascale system, including power consumption efficiency goals;

—multi-year budget estimates for the exascale initiative and costs of meeting each interim milestone;

—clear roles and responsibilities for each office involved in exascale research and development; and

—a complete listing of exascale activities included in the fiscal year 2013 budget request broken out by program, project and activity with comparisons to the current year's funding levels.

**Energy Innovation Hubs.**—For each Energy Innovation Hub funded in this Act, the Department is directed to deliver to the House and Senate Committees on Appropriations, not later than 120 days after enactment of this Act, a report detailing milestones and performance goals for the end of each of the Hub's five fiscal years, and specific milestones and performance criteria the Hub must meet to be considered for a second five-year term. For Hubs established in prior fiscal years, the report shall include current performance against planned milestones, and a summary of progress against plans for staffing and facilities. For new Hubs, the report shall include a plan and timeline for selecting an awardee.

**PCAST Recommendations.**—The conferees direct the Secretary of Energy, within 6 months of enactment of this Act, to submit a report detailing how the Department has or will implement in all Energy Programs the following features that have been used successfully in ARPA-E and highlighted by the President's Council of Advisors on Science and Technology:

—a rigorous review process;

—contract or grant negotiations completed in just a few months;

—co-location within the program offices of such support functions as procurement, contracts, human resources, and information technology services; and

—an agile and innovative workforce.

#### REPROGRAMMING REQUIREMENTS

The conference agreement carries the Department's reprogramming authority in statute to ensure that the Department carries out its programs consistent with congressional direction, as proposed by the House. This modified provision includes reprogramming authority internal to each account, as long as no program, project or activity is increased or decreased by more than \$5,000,000 or 10 percent, compared to the levels included in the "Conference" column in the "Department of Energy" table included under the heading "Title III—Department of Energy" in this joint explanatory statement. No new transfer authority between accounts other than that explicitly granted in this Act is included or implied. The conferees expect the Department to use this additional flexibility to improve budget execution, meet emergent program needs, and reduce program costs. For reallocations above the \$5,000,000 or 10 percent cumulative threshold, a reprogramming request must be submitted to the House and Senate Committees on Appropriations for consideration and may not be implemented prior to approval by the Committees. Any reallocation of new or prior-year budget authority or prior-year deobligations, or any request to implement a reorganization which includes moving previous appropriations between appropriations accounts must be submitted to the House and Senate Committees on Appropriations in

writing and may not be implemented prior to approval by the Committees.

**Definitions.**—A reprogramming includes the reallocation of funds from one program, project or activity to another within an appropriation.

The conferees are concerned the Department is over-committing future budgets by announcing multi-year awards subject to future appropriations for a substantial portion of activities within Energy Programs. The Department is directed to transition to a model in which it fully funds multi-year awards with appropriated funds, except in the cases of major capital projects, management and operating contracts, and large research centers which require multi-year awards subject to appropriations. As part of that transition, the conference agreement includes a provision requiring that any multi-year award must be subject to appropriations and the Department must notify the House and Senate Committees on Appropriations at least 14 calendar days prior to public announcement of the award. The Department shall deliver each notification as a cumulative list of all notifications under this subsection, to include: recipient; appropriations account, program, and activity; award date; total amount of award; amount awarded from fiscal year 2012 appropriations; amount awarded from prior appropriations; amount awarded subject to future appropriations; and an explanation of the special circumstances justifying commitment of future funds. The conferees do not include a House provision prohibiting the use of multi-year awards, but will reconsider this legislative prohibition in future years depending on the Department's performance in transitioning to fully funding its multi-year awards.

#### ENERGY PROGRAMS

##### ENERGY EFFICIENCY AND RENEWABLE ENERGY (INCLUDING RESCISSION OF FUNDS)

The conference agreement provides \$1,825,000,000 in new budget authority for Energy Efficiency and Renewable Energy, instead of \$1,308,436,000 as proposed by the House and \$1,795,641,000 as proposed by the Senate, and rescinds \$9,909,000 in prior-year balances.

The conference agreement does not include a Senate provision directing energy efficiency rulemakings for televisions and set-top boxes within 12 months of enactment of this Act. The conference agreement does not include a Senate provision regarding the Defense Production Act.

**Biomass and Biorefinery Systems Research and Development.**—The conferees strongly encourage the Department to conduct only research, development, and demonstration activities advancing technologies that produce fuels and electricity from biomass, crops and crop components that could not otherwise be used as food. To that end, the conferees support efforts to develop cellulosic feedstocks and direct the Department to consider a broad portfolio of options, including biofuels sources such as the non-food components of biomass sorghum.

Within available funds, a total of \$30,000,000 is provided for algae biofuels. The conference agreement includes no funds for the cellulosic biofuels reverse auction proposed in the request.

**Solar Energy.**—The conferees support the Department's existing solar energy research, development, and demonstration activities, and encourage the Department to include in these efforts disruptive solar energy utilization technologies, fabrication methods that yield ultra-low cost solar cells, technologies

for ultra-high efficiency solar cells, technologies designed to simulate the operation of solar cells, and other methods to yield advanced science and engineering approaches to solar cells.

**Wind Energy.**—The conferees support the Department's efforts to develop advanced offshore wind energy technologies, including freshwater, deepwater, shallow water, and transitional depth installations.

**Geothermal Technology.**—The Geothermal Technology program may not announce new funding opportunities that result in total mortgages on future fiscal years in excess of half of the program's fiscal year 2012 appropriation. Within available funds, the conferees direct the Department to make not less than \$5,000,000 available to continue development and deployment of low-temperature geothermal systems. The Department shall continue its support of comprehensive programs that support academic and professional development initiatives. For future awards, the full spectrum of geothermal technologies as authorized by the Energy Independence and Security Act of 2007 (Public Law 110-140) shall be eligible for the funds appropriated for Geothermal Technology by this Act.

**Water Power.**—The conference agreement provides \$59,000,000 for Water Power, of which \$34,000,000 is for marine and hydrokinetic technology research, development and demonstration, and \$25,000,000 is for conventional hydropower research, development and demonstration. Within available funds, the Department is directed to provide not less than \$10,000,000 to build necessary infrastructure, including environmental performance monitoring, at marine and hydrokinetic industry testing sites designated by the Department as National Marine Renewable Energy Centers.

**Vehicle Technologies.**—The conference agreement includes \$28,244,000 for lightweight materials, to include \$4,000,000 for modeling and design for vehicle optimization. The conferees provide \$28,000,000 for Vehicle Technologies Deployment, of which \$3,000,000 is to commission a National Academies study on electric vehicle market barriers, as directed in the House report.

**Building Technologies.**—The conference agreement includes \$24,300,000 for the Energy Efficient Building Systems Design Energy Innovation Hub, and the House direction for a strategic plan regarding geothermal heat pumps. The conferees provide \$25,832,000 for lighting research and development, to include \$12,000,000 for research and development into manufacturing improvements for general illumination solid state lighting. The conference agreement includes no funds within Commercial Buildings Integration for new state and municipal government grant programs relating to codes, performance standards and regulations.

**Industrial Technologies.**—The conference agreement includes \$20,000,000 for the Energy Innovation Hub for Critical Materials. Within available funds, the conference agreement includes not less than \$4,205,000 for improvements in production in the steel industry, and the Department is directed to continue supporting improvements in mechanical insulation. The Department is directed to continue funding mortgages on all past multi-year awards within the Combined Heat and Power program, unless a project fails to meet milestones or other terms of the award. The conferees provide no funding for Manufacturing Energy Systems.

**Strategic Programs.**—The Department is directed to only fund activities within the

International Program that directly benefit domestic industry, increase American energy self-sufficiency, further United States research efforts, or reduce domestic pollution. Within available funds, the conference agreement includes \$2,000,000 for the U.S.-Israel energy cooperative agreement.

*Weatherization Assistance.*—The conference agreement includes a provision giving the Secretary authority to waive the weatherization formula in order to distribute fiscal year 2012 funds to states, once they have spent all prior-year and emergency funds, at a rate of spending consistent with the fiscal year 2011 level.

#### ELECTRICITY DELIVERY AND ENERGY RELIABILITY

The conference agreement provides \$139,500,000 for Electricity Delivery and Energy Reliability, instead of \$139,496,000 as proposed by the House and \$141,010,000 as proposed by the Senate.

The conferees provide \$25,490,000 for Clean Energy Transmission and Reliability, and include no funds for the proposed Smart Grid Technology and Systems Energy Innovation Hub. The conference agreement includes \$24,000,000 for Smart Grid Research and Development, \$20,000,000 for Energy Storage, and \$30,000,000 for Cyber Security for Energy Delivery Systems.

#### NUCLEAR ENERGY

The conference agreement provides \$768,663,000 for nuclear energy activities, instead of \$733,633,000 as proposed by the House and \$583,834,000 as proposed by the Senate.

The conferees direct the Department to develop a strategy for the management of spent nuclear fuel and other nuclear waste within 6 months of publication of the final report of the Blue Ribbon Commission on America's Nuclear Future.

*Nuclear Energy Enabling Technologies.*—The conference agreement provides \$74,880,000, to include \$14,580,000 for the National Science User Facility at Idaho National Laboratory, \$24,300,000 for the Modeling and Simulation Energy Innovation Hub, and \$36,000,000 for Crosscutting Research.

*Small Modular Reactor Licensing Technical Support.*—The conference agreement includes \$67,000,000 to provide licensing and first-of-a-kind engineering support for small modular reactor designs that can be deployed expeditiously, to be administered as specified in the budget request. The Department is directed to consider applications utilizing any small modular reactor technologies. The conferees expect the program to total \$452,000,000 over five years.

*Reactor Concepts Research and Development.*—The conferees provide \$115,544,000, to include \$28,674,000 for Small Modular Reactors Advanced Concepts and \$21,870,000 for Advanced Reactor Concepts.

The conference agreement includes \$25,000,000 for Light Water Reactor Sustainability. Within available funds, the Department is directed to conduct research and development furthering knowledge on how long the current fleet of reactors can safely operate.

The conference agreement includes \$40,000,000 for the Next Generation Nuclear Plant program, \$30,000,000 of which is to accelerate fuel development and qualification activities and \$10,000,000 of which is to continue ongoing research and development projects begun in prior fiscal years.

*Fuel Cycle Research and Development.*—The conference agreement provides \$187,351,000.

The conference agreement includes \$60,000,000 for Used Nuclear Fuel Disposition.

Within available funds, \$10,000,000 is for development and licensing of standardized transportation, aging, and disposition canisters and casks. Multiple geologic repositories will ultimately be required for the long-term disposition of the nation's spent fuel and nuclear waste; the Department should build upon its current knowledge base to fully understand all repository media and storage options and their comparative advantages, and the conferees direct the Department to focus, within available funds, \$3,000,000 on development of models for potential partnerships to manage spent nuclear fuel and high level waste, and \$7,000,000 on characterization of potential geologic repository media. The Department is directed to preserve all documentation relating to Yucca Mountain, including technical information, records, and other documents, as well as scientific data and physical materials.

The conference agreement includes \$10,000,000 to expand the Department's capabilities for assessing issues related to the aging and safety of storing spent nuclear fuel, to include experimentation, modeling, and simulation for dry storage casks, as well as for spent fuel pools, as necessary.

The conference agreement includes \$59,000,000 for Advanced Fuels, and directs that priority for the increase in funding be given to efforts to develop and qualify melt-down-resistant, accident-tolerant nuclear fuels that would enhance the safety of light water reactors.

*Radiological Facilities Management.*—The conference agreement provides \$64,902,000 for space and defense infrastructure, to include \$15,000,000 for nuclear infrastructure at Oak Ridge National Laboratory. The conferees provide no funds for the Plutonium-238 Production Restart Project.

#### FOSSIL ENERGY RESEARCH AND DEVELOPMENT (INCLUDING RESCISSION OF FUNDS)

The conference agreement provides \$534,000,000 in new budget authority for Fossil Energy Research and Development, instead of \$476,993,000 as proposed by the House and \$445,471,000 as proposed by the Senate, and rescinds \$187,000,000 in prior-year balances, as proposed by the Senate. The conference agreement does not include the use of prior-year balances, as proposed by the House and the Senate.

*CCS and Power Systems.*—The conferees provide \$368,609,000 for CCS and Power Systems. The conference agreement includes \$100,000,000 for Advanced Energy Systems, to include \$5,000,000 for the Coal and Coal-Biomass to Liquids, and not less than \$25,000,000 to continue research, development, and demonstration of solid oxide fuel cell systems.

Within CCS and Power Systems, the conference agreement includes \$35,031,000 for NETL Coal Research and Development, to include Integrated Gasification Combined Cycle, Turbines, Carbon Sequestration, Fuels, Fuel Cells, and Advanced Research activities. The reduction in Program Direction funding reflects the relocation of NETL Direct Program Direction into this research line, in order to increase transparency by grouping together all fossil energy research activities and by including only oversight and management activities within Program Direction. The Department is directed to continue including in the budget request all full-time equivalent information within this program line, as it has been doing previously within Program Direction.

*Natural Gas Technologies.*—The conference agreement provides \$15,000,000, of which \$10,000,000 is for gas hydrates research.

*Other Programs.*—Within available funds, the conference agreement includes \$2,000,000 for the Department to continue the Risk Based Data Management System.

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides \$14,909,000 for the operation of the Naval Petroleum and Oil Shale Reserves as proposed by the House and Senate.

#### STRATEGIC PETROLEUM RESERVE

The conference agreement provides \$192,704,000 for the Strategic Petroleum Reserve as proposed by the House and Senate.

#### SPR PETROLEUM ACCOUNT

##### (INCLUDING RESCISSION OF FUNDS)

The conference agreement includes a rescission of funds in the amount of \$500,000,000 from existing balances within this account, rather than direction included in the House and Senate bills to sell an additional \$500,000,000 of Reserves to enable operational maintenance of the caverns. A sale in calendar year 2011 unanticipated by the Administration's fiscal year 2012 budget request provides the necessary flexibility to address the infrastructure needs. The conference agreement includes no repeal or modification of royalty-in-kind provisions, as proposed by the Senate and House, respectively.

#### NORTHEAST HOME HEATING OIL RESERVE

##### (INCLUDING RESCISSION OF FUNDS)

The conference agreement provides \$10,119,000 for the Northeast Home Heating Oil Reserve as proposed by the House and Senate. The conference agreement includes a rescission of excess revenues from a sale in fiscal year 2011, valued at approximately \$100,000,000, as proposed by the House and Senate. The conference agreement includes a provision proposed by the House affirming the Administration's plans to limit the size of the Reserve to one million barrels of petroleum distillate.

#### ENERGY INFORMATION ADMINISTRATION

The conference agreement provides \$105,000,000 for the Energy Information Administration.

#### NON-DEFENSE ENVIRONMENTAL CLEANUP

The conference agreement provides \$235,721,000 for Non-Defense Environmental Cleanup, instead of \$254,121,000 as proposed by the House and \$219,121,000 as proposed by the Senate.

*Small Sites.*—The conference agreement provides \$67,430,000 for Small Sites. In response to a lack of progress on addressing existing contamination and seismic deficiencies within buildings that are located in heavily used areas at some Department national laboratories, the Department is directed to use additional funds above the amount requested to improve health and safety by cleaning up existing contamination and improving the seismic standards of buildings within Department laboratory grounds. The conference agreement directs the Department to provide a report on Small Sites as directed in the House and Senate reports within 3 months of enactment of this Act.

#### URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement provides \$472,930,000 for activities funded from the Uranium Enrichment Decontamination and Decommissioning Fund, instead of \$449,000,000 as proposed by the House and \$429,000,000 as proposed by the Senate. This amount includes post closure contract liabilities, pensions, and community and regulatory program support. The conference

agreement does not include the House provision restricting the Department's use of up to \$150,000,000 in proceeds from the barter, transfer, or sale of uranium to carry out uranium enrichment facility decontamination and decommissioning and remedial actions.

The conferees are aware that the Department has yet to alter the contractual mechanism by which it has been transferring uranium to a contractor in exchange for additional cleanup services at Portsmouth in order to correct the violations of federal law cited in the Government Accountability Office's report "Clarifying DOE's Disposition Options Could Help Avoid Further Legal Violations" (GAO-11-846). This type of arrangement continues to be off-budget and inappropriately bypasses the congressional appropriations process. There is also considerable concern that the increasing amount of uranium being transferred could destabilize the uranium market and thereby adversely impact our domestic uranium mining industry.

The conferees request the Comptroller General to report to the Committees on Appropriations of the House of Representatives and the Senate, not later than March 15, 2012, on the progress the Department has made in resolving the concerns raised in GAO-11-846. To increase transparency into Department of Energy actions, the Department shall fully adhere to the reporting requirements in this Act and have a current determination by the Secretary that any barter, transfer or sale of uranium carried out by the Department will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry. The Department is further directed to provide the full details of any proposed barter, transfer or sale of uranium in its fiscal year 2013 budget request.

#### SCIENCE

The conference agreement provides \$4,889,000,000 for Science, instead of \$4,800,000,000 as proposed by the House and \$4,842,665,000 as proposed by the Senate.

The conference agreement includes the House direction for a report regarding underrepresented college minorities in science, technology, engineering, and mathematics areas.

In order to increase transparency and accountability across all Science activities, the Department is directed, not later than September 1, 2012, to create a performance ranking of all ongoing multi-year research projects across the six major Science research programs, including those at universities, national laboratories, Energy Frontier Research Centers, Energy Innovation Hubs and other recipients, by comparing current performance with original project goals. The report shall include an inventory of the number and dollar amount of awards that have been terminated in fiscal years 2011 and 2012 before their multi-year awards have concluded.

The conferees direct the Department to provide to the House and Senate Committees on Appropriations, not later than February 10, 2012, a budget scenario for fiscal years 2013 and 2014 with the Office of Science funded at the fiscal year 2012 level, highlighting funding levels for each major program and project, including activities, such as ITER, with scheduled changes in funding requirements.

**Advanced Scientific Computing Research.**—The conferees provide \$442,000,000 for Advanced Scientific Computing Research. The conferees support the exascale initiative, but note that future funding for the initiative is contingent upon delivery of the joint

exascale plan, as directed. The conferees provide the budget request for the Leadership Computing Facilities and for High Performance Production Computing, in support of continuing petascale upgrades at the three facilities.

**Basic Energy Sciences.**—The conference agreement provides \$1,694,000,000 for Basic Energy Sciences. The conference agreement includes \$24,300,000 to continue the Fuels from Sunlight Energy Innovation Hub, and \$20,000,000 to establish the Batteries and Energy Storage Energy Innovation Hub. The conference agreement includes up to \$100,000,000 for the existing Energy Frontier Research Centers; \$10,000,000 for predictive modeling of internal combustion engines; \$8,520,000 for the Experimental Program to Stimulate Competitive Research; and no funding for gas hydrates research within the Office of Science.

The conference agreement includes \$97,000,000 to fund each major item of equipment at the level provided in the budget request. Funding provided for the Linac Coherent Light Source II at SLAC is for the exploration and design of the two-tunnel option.

**Biological and Environmental Research.**—The conference agreement provides \$611,823,000 for Biological and Environmental Research. Within available funds, the conference agreement includes \$12,000,000 to continue nuclear medicine research with human application. The conferees direct the Department to report to the House and Senate Committees on Appropriations, not later than June 1, 2012, on the Administration's strategy to continue funding this research through more appropriate federal agencies with health-focused missions.

Within available funds, \$16,000,000 is provided for radiobiology to help determine health risks from exposures to low levels of ionizing radiation to properly protect radiation workers and the general public, and to conduct studies of health impacts at and around the Fukushima Daiichi nuclear plant.

**Fusion Energy Sciences.**—The conference agreement provides \$402,177,000 for Fusion Energy Sciences, of which not more than \$105,000,000 is for U.S. Contributions to ITER. The conference agreement includes \$24,741,000 for the High Energy Density Laboratory Plasma program, of which \$12,000,000 is to be evenly distributed among heavy-ion fusion, laser-driven fusion, and magneto-inertial fusion. The conference agreement includes direction for the submission of a 10-year fusion plan as provided by both the House and Senate.

**High Energy Physics.**—The conference agreement provides \$791,700,000 for High Energy Physics research.

The conferees understand that the United States has unique capabilities to develop a world-leading neutrino science program. To begin the transition to the intensity frontier, the conferees provide \$21,000,000 for the Long Baseline Neutrino Experiment, which includes \$17,000,000 for research and development and \$4,000,000 for project engineering and design. The conferees provide no funding for long-lead procurements or construction activities. The conferees are concerned that this project is not mature enough for construction because a location and technology for the underground detectors has not been selected. Before consideration of congressional approval of construction, the Department is directed to provide to the House and Senate Committees on Appropriations a detailed project plan and refined total cost estimate for construction, not later than April 1, 2012.

Within available funds, the conferees provide \$15,000,000 as requested, \$10,000,000 within High Energy Physics and \$5,000,000 within Nuclear Physics, to support minimal, sustaining operations at the Homestake Mine in South Dakota.

**Nuclear Physics.**—The conference agreement provides \$550,000,000 for Nuclear Physics. Within available funds, the conference agreement includes \$22,000,000 for the Facility for Rare Isotope Beams, and \$50,000,000 for the 12 GeV upgrade of the Continuous Electron Beam Accelerator Facility.

**Workforce Development for Teachers and Scientists.**—The conference agreement provides \$18,500,000 for Science Workforce Development. Within available funds, up to \$5,000,000 is for the graduate fellowship program to fund the existing cohort established in fiscal year 2010.

**Science Laboratories Infrastructure.**—The conference agreement provides \$111,800,000 for Science Laboratories Infrastructure.

**Safeguards and Security.**—The conference agreement provides \$82,000,000 for Safeguards and Security.

**Science Program Direction.**—The conference agreement provides \$185,000,000 for Science Program Direction. No funds shall be used to hire new site office personnel, except for field staff at the Integrated Support Centers in Chicago and Oak Ridge.

#### NUCLEAR WASTE DISPOSAL

The conference agreement provides \$25,000,000 for nuclear waste disposal, instead of \$25,000,000 as proposed by the House and \$0 as proposed by the Senate.

#### ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

The conference agreement provides \$275,000,000 for the Advanced Research Projects Agency—Energy, of which \$20,000,000 is provided for Program Direction.

#### TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

The conference agreement provides \$38,000,000 for administrative expenses for the Title 17 Innovative Loan Guarantee Program, as proposed by the House and Senate. This appropriation is fully offset by revenue, resulting in a \$0 net appropriation. The conference agreement includes no funding for new loan guarantees, instead of \$160,000,000 as proposed by the House and \$200,000,000 as proposed by the Senate.

#### ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

The conference agreement provides \$6,000,000 for Advanced Technology Vehicles Manufacturing Loan Program, as proposed by the House and Senate.

#### DEPARTMENTAL ADMINISTRATION

The conference agreement provides \$237,623,000 for Departmental Administration as proposed by the Senate, instead of \$63,374,000 as proposed by the House. The conferees provide \$1,000,000 within available funds to contract with the National Academy of Public Administration (NAPA) for an independent review of the management and oversight of the Department's national laboratories. NAPA should consider such issues as whether existing laboratory performance metrics for the Department's management and operations contractors measure critical aspects of their performance and how the Department utilizes performance metrics and data. NAPA should coordinate with the GAO and the National Academy of Sciences over the course of its study to prevent duplication of effort by using the results of their studies to the extent that they are available. NAPA

should submit a report with its findings, conclusions, and recommendations no later than 9 months after the Department has contracted with NAPA pursuant to this directive.

#### OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides \$42,000,000 for the Office of the Inspector General, instead of \$41,774,000 as proposed by the House and Senate.

#### ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, manages the nation's nuclear weapons programs, nuclear nonproliferation programs, and naval reactors activities.

The conference agreement provides \$11,000,000,000 for the National Nuclear Security Administration.

**Warhead Life Extensions.**—The NNSA is directed to fully adhere to the new reporting requirements for early life extension activities contained in the House report beginning with submission of the fiscal year 2013 budget request, and to the reporting requirement for the B61 Life Extension Program in the Senate report within 3 months of enactment. In lieu of the JASON B61 study directed in the Senate report, if the NNSA's selected option for the B61 Life Extension Program includes any nuclear scope, the JASON group of scientific advisors shall submit an assessment by September 1, 2012, to the House and Senate Committees on Appropriations on the extent to which the nuclear scope is needed to enhance the safety, security, and maintainability of a refurbished B61 and whether changes to the weapon will affect its long-term safety, security, reliability, and military characteristics.

**Maintenance and Operations.**—The conferees support the guidance in the House and Senate reports to establish standardized direct reporting for facility and infrastructure maintenance costs at each site and to identify separate maintenance funding by site in the fiscal year 2014 budget request for Readiness in Technical Base and Facilities.

**Human Capital.**—In order to meet human capital requirements for the NNSA sites and to support the NNSA's strategic efforts to strengthen its science, technology, management and engineering base, the NNSA should provide incentives for its management and operations contractors, including those at the production sites, to work with universities and other institutions of higher education to develop programs that support graduate research assistantships, implement educational programs that meet NNSA technical needs, and implement workforce development initiatives.

#### WEAPONS ACTIVITIES

The conference agreement provides \$7,233,997,000 for Weapons Activities, instead of \$7,091,661,000 as proposed by the House and \$7,190,000,000 as proposed by the Senate.

**Directed Stockpile Work.**—The conference agreement provides \$1,879,527,000 for Directed Stockpile Work. The NNSA is directed to use \$175,000,000 within Stockpile Systems and \$64,000,000 within Stockpile Services for surveillance activities. If the NNSA accomplishes the planned scope of surveillance activities more efficiently than estimated, up to 10 percent of the \$175,000,000 and \$64,000,000 may be reallocated to other activities. The NNSA is directed to provide full funding within amounts provided for Management, Technology, and Production to implement

JASON Surety Study recommendations to counter current and future threats to the stockpile. The NNSA is further directed to adhere to the guidance in the Senate report to provide a report on maintaining a pit manufacturing capability to meet stockpile needs to the House and Senate Committees on Appropriations within 3 months of enactment of this Act.

The conference agreement provides \$223,562,000 for the B61 Life Extension Program, as requested. Of these funds, \$134,137,000 shall not be made available for the B61 Life Extension Program until the NNSA submits to the House and Senate Committees on Appropriations the outcome of the Phase 6.2/2A design definition and cost study. The conferees remain concerned about the NNSA's ability to execute its planned scope for the B61 under an affordable life extension program that will meet the requirement to refurbish the first unit by 2017.

The conference agreement provides \$99,518,000 for W78 Stockpile Systems as proposed by the House, which includes \$37,087,000 for a life extension study of the W78 because of delays in commencing the Phase 6.1 study. The conference agreement provides \$75,728,000 for W88 Stockpile Systems, which includes \$30,000,000 to commence a conceptual study for a minor refurbishment of the W88. The NNSA is directed to maintain separate accounting for the W78 and W88 studies and to identify those costs separately within the budget request for Stockpile Systems.

**Campaigns.**—The conference agreement provides \$1,701,982,000 for the science, technology and engineering campaigns. The conferees provide \$476,274,000 for the Inertial Confinement Fusion and High Yield Campaign, which includes \$62,500,000 for Omega at the University of Rochester, \$48,000,000 for the Z facility at Sandia National Laboratory, and \$5,000,000 for the Naval Research Laboratory, as requested.

**Readiness in Technical Base and Facilities.**—The conference agreement provides \$2,009,155,000 for Readiness in Technical Base and Facilities. No funding is provided for Institutional Site Support. Historically, the NNSA has used this funding line to mask underfunding in the request for individual site facility operations. More recently, it has pushed the costs of contractor pensions into this activity. Since the conference agreement fully funds operations and maintenance at each site and separately budgets for legacy pensions, this activity is no longer required. Infrastructure activities that are not site specific, such as headquarters contractor support and assessments, may be funded under Program Readiness.

**TRU Waste Facility.**—The conferees provide \$9,881,000 for Phase A of the TRU Waste Facility project, which consists of site infrastructure preparatory work. No Phase B activities are permitted until a project baseline is completed and provided to the House and Senate Committees on Appropriations.

**Chemistry and Metallurgy Research Replacement (CMRR) Project.**—The conference agreement provides \$200,000,000. No construction activities are funded for the CMRR-Nuclear Facility during fiscal year 2012.

**Legacy Contractor Pensions.**—The conference agreement provides \$168,232,000 for Legacy Contractor Pensions to meet the ongoing costs of the University of California contractor defined benefit pension plans. The NNSA requested these funds within Readiness in Technical Base and Facilities and a separate line is provided to improve transparency.

**National Security Applications.**—The conference agreement provides \$10,000,000, for Advanced Analysis, Tools, and Technologies activities to continue improved support to the intelligence community and to maintain the nuclear technical capabilities for nuclear weapons assessments.

#### DEFENSE NUCLEAR NONPROLIFERATION

##### (INCLUDING RESCISSION OF FUNDS)

The conference agreement provides \$2,324,303,000 for Defense Nuclear Nonproliferation, instead of \$2,091,770,000 as proposed by the House and \$2,383,300,000 as proposed by the Senate, and rescinds \$21,000,000, as proposed by the Senate.

**Nonproliferation and Verification Research and Development.**—The conference agreement provides \$356,150,000 for Nonproliferation and Verification Research and Development. Within this amount, the conferees provide \$132,800,000 for Nuclear Detonation Detection, which includes an additional \$5,700,000 above the request for underground, underwater, and atmospheric detonation detection. The request included \$55,823,000 for legacy contractor pensions that are provided separately, as well as an additional \$15,625,000 above program needs to meet anticipated growth in contractor defined benefit pension plan costs that are no longer needed.

**Nonproliferation and International Security.**—The conference agreement provides \$155,305,000 for Nonproliferation and International Security. Within this amount, the conferees provide \$14,972,000 for the Global Initiative for Proliferation Prevention.

**Fissile Materials Disposition.**—The conference agreement provides \$685,386,000 for Fissile Materials Disposition. The conferees provide no construction funding for the Pit Disassembly and Conversion (PDCF) project because the NNSA has not completed a study of alternatives or a conceptual design report with a cost and schedule estimate that is required under Department of Energy guidance. Instead of the Senate requirement for an update of the costs for the PDCF and the MOX Fuel Fabrication Facility, the conferees direct the NNSA to provide a report on the status of plans to provide adequate plutonium feedstock to operate the MOX facility to the House and Senate Committees on Appropriations within 3 months of enactment of this Act. The conferees direct the use of \$20,500,000 in prior-year uncommitted balances within U.S. Plutonium Disposition to prepare plutonium feedstock at H-Canyon in fiscal year 2012 and to identify funding for both H-Canyon and ARIES within the fiscal year 2013 budget request.

**Global Threat Reduction Initiative.**—The conference agreement provides \$500,000,000 for the Global Threat Reduction Initiative. The conference agreement does not include House direction which restricts funding for Domestic Radiological Material Removal.

**Legacy Contractor Pensions.**—The conference agreement provides \$55,823,000 for Legacy Contractor Pensions to meet the ongoing costs of the legacy University of California defined benefit pension plans. The NNSA requested these funds within Nonproliferation and Verification Research and Development and a separate line is provided to improve transparency.

**Rescission.**—The conference agreement rescinds \$21,000,000 in prior-year balances and directs their application to meet fiscal year 2012 needs as described above.

#### NAVAL REACTORS

The conference agreement provides \$1,080,000,000 for Naval Reactors, instead of

\$1,030,600,000 as proposed by the House and \$1,100,000,000 as proposed by the Senate. The conference agreement does not include House language directing a transition to budgeting by ship system. Funding for Naval Reactors Operations and Maintenance is provided under the following control points starting in fiscal year 2012, in order to improve the transparency of the major multi-year initiatives and to distinguish the cost of operations and infrastructure from the cost of research and development.

**OHIO Replacement Reactor Systems Development.**—The conference agreement provides \$121,300,000 as requested.

**S8G Prototype Refueling.**—The conference agreement provides \$99,500,000 as requested.

**Naval Reactors Development.**—The conference agreement provides \$421,000,000.

**Naval Reactors Operations and Infrastructure.**—The conference agreement provides \$358,300,000, which includes funding for conceptual design of the Spent Fuel Infrastructure Recapitalization Project at Idaho in order to continue critical path activities.

#### OFFICE OF THE ADMINISTRATOR

The conference agreement provides \$410,000,000 for the Office of the Administrator, instead of \$400,000,000 as proposed by the House and \$404,000,000 as proposed by the Senate. The conference agreement includes the requested amount of \$6,000,000 for Weapons, \$3,000,000 for Defense Nuclear Nonproliferation, and \$1,000,000 for Naval Reactors to engage Historically Black Colleges and Universities, and further directs the engagement of Hispanic Serving Institutions and minority outreach at other colleges and universities.

The conferees are concerned with overlap and duplication between the NNSA Office of Congressional Affairs, the Department of Energy (DOE) Office of Congressional Affairs, and the DOE Chief Financial Officer's External Coordination office (CFO ExCo). The conferees believe that the CFO ExCo can provide appropriate liaison support to the Committees on Appropriations and that one consolidated Congressional Affairs office can provide adequate support to the rest of the legislative branch. The conferees direct the Department to propose a consolidation of the NNSA Congressional Affairs functions into DOE's CFO ExCo, Office of Congressional Affairs, or a combination of both, within 60 days of enactment of this Act. Such consolidation should provide \$1-2 million in budgetary savings.

#### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

##### DEFENSE ENVIRONMENTAL CLEANUP

The conference agreement provides \$5,023,000,000 for the Defense Environmental Cleanup program, instead of \$4,937,619,000 as proposed by the House and \$5,002,308,000 as proposed by the Senate. Within the amounts provided, the Department is directed to fund hazardous waste worker training at \$10,000,000. The conferees direct the Department to adhere to the House requirement to report all operating projects with a total project cost greater than \$10,000,000 no later than 90 days after enactment of this Act.

**Hanford Site.**—The conference agreement provides \$953,252,000 for the Hanford Site, including \$19,540,000 for Richland community and regulatory support. Within this amount, funding is provided for the Hazardous Materials Management and Emergency Response facilities. The conferees provide \$68,458,000 to accelerate cleanup of the Plutonium Finishing Plant.

**Idaho National Laboratory.**—The conference agreement provides \$386,869,000 for Idaho Na-

tional Laboratory cleanup activities, including \$4,100,000 for Idaho community and regulatory support.

**NNSA Sites.**—The conference agreement provides \$282,393,000 for cleanup activities at NNSA sites, including funding for community and regulatory support. Within this amount, the conferees provide \$873,000 for Lawrence Livermore National Laboratory, \$65,945,000 for the Nevada Test Site, \$3,014,000 for Sandia National Laboratories, \$188,561,000 for Los Alamos National Laboratory, and \$24,000,000 to stabilize work at the Separations Process Research Unit following damages that resulted from Hurricane Irene.

**Oak Ridge Reservation.**—The conference agreement provides \$199,509,000 for the Oak Ridge Reservation, including \$6,409,000 for community and regulatory support.

**Office of River Protection.**—The conference agreement provides \$1,185,000,000 for the Office of River Protection.

**Savannah River Site.**—The conference agreement provides \$1,193,822,000 for cleanup activities at the Savannah River Site, including \$9,584,000 for community and regulatory support.

**Waste Isolation Pilot Plant.**—The conference agreement provides \$215,134,000 for the Waste Isolation Pilot Plant. No funding is provided for voluntary payments of economic assistance.

**Use of prior-year balances.**—The conference agreement directs the use of \$3,381,000 in prior-year balances to meet fiscal year 2012 needs as described above.

#### OTHER DEFENSE ACTIVITIES

The conference agreement provides \$823,364,000 for Other Defense Activities, instead of \$814,000,000 as proposed by the House and \$819,000,000 as proposed by the Senate.

**Office of Health, Safety, and Security.**—The conference agreement provides \$437,436,000 for the Office of Health, Safety, and Security. Within this amount, \$186,699,000 is provided for Specialized Security Activities.

#### POWER MARKETING ADMINISTRATIONS

##### BONNEVILLE POWER ADMINISTRATION FUND

The conference agreement provides no appropriation for the Bonneville Power Administration, which derives its funding from revenues deposited into the Bonneville Power Administration Fund. The Act includes a provision regarding funds for official reception and representation expenses as proposed by the Senate. The House proposed a similar provision.

##### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

The conference agreement provides a net appropriation of \$0 for the Southeastern Power Administration as proposed by the House and Senate. An additional \$1,000,000 is recorded separately as a scorekeeping adjustment.

##### OPERATION AND MAINTENANCE,

##### SOUTHWESTERN POWER ADMINISTRATION

The conference agreement provides a net appropriation of \$11,892,000 for the Southwestern Power Administration, as proposed by the House and Senate.

##### CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

The conference agreement provides a net appropriation of \$95,968,000 for the Western Area Power Administration, as proposed by the House and Senate. An additional \$3,000,000 is recorded separately as a scorekeeping adjustment.

##### FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The conference agreement provides a net appropriation of \$220,000 for the Falcon and

Amistad Operating and Maintenance Fund, as proposed by the House and Senate. An additional \$1,000,000 is recorded separately as a scorekeeping adjustment.

#### FEDERAL ENERGY REGULATORY COMMISSION

##### SALARIES AND EXPENSES

The conference agreement provides \$304,600,000 for the Federal Energy Regulatory Commission (FERC), as proposed by the House and Senate. Revenues for FERC are set to an amount equal to the budget authority, resulting in a net appropriation of \$0. The Act does not include language proposed by the Senate directing a rulemaking.

The conferees are aware of significant local concerns with the process for developing, reviewing and approving shoreline management plans at Smith Mountain Lake and Lake of the Ozarks. As the licensees develop and FERC reviews and approves shoreline management plans, both parties must not only ensure the continued unimpeded operation of the project, but also recognize the rights and concerns of private property owners and local communities. The parties should develop innovative and mutually agreeable solutions to resolve conflicts among project purposes and private property, which should be implemented without delay. The conferees note that several options already exist for resolving such conflicts—such as realigning project boundaries, grandfathering non-conforming structures, or conveying the disputed property—and that the removal of private structures should only be required, if at all, when all other options are inadequate. The conferees direct FERC to review the shoreline management plan process to identify any improvements that could be made to address local concerns at each stage of the process and to submit to the appropriate congressional committees a report detailing any administrative changes to be undertaken as well as any recommended legislative changes that may be necessary.

#### GENERAL PROVISIONS—DEPARTMENT OF ENERGY

##### (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

The conference agreement includes a modification to the House provision regarding reprogramming of funds. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House regarding workforce restructuring. The Senate proposed no similar provision. The conferees expect the Department to continue to follow the guidelines established by this provision.

The conference agreement includes a provision proposed by the House and Senate relating to unexpended balances.

The conference agreement includes a provision proposed by the Senate specifically authorizing intelligence activities pending enactment of the fiscal year 2012 Intelligence Authorization Act. The House proposed a similar provision.

The conference agreement does not include a House provision regarding Bonneville Power Administration energy efficiency services, although the conferees expect the BPA to continue to follow the guidelines established by that provision. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to a future-years energy program. The House proposed no similar provision.

The conference agreement does not include a provision proposed by the House and Senate directing the governance of user facilities. The conferees expect the Department to

continue to follow the guidelines established by this provision.

The conference agreement includes a provision proposed by the Senate relating to loan guarantee co-pay. The House proposed no similar provision.

The conference agreement does not include a provision proposed by the House that establishes certain limitations and requirements with respect to the transfer of funds by the Secretary of Energy to reimburse the costs of defined benefits pension plans for contractor employees. This provision is now contained in current law. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the House establishing estimated cost parameters for plant and construction activities for the purposes of sections 4703 and 4704 of the Atomic Energy Defense Act.

The conference agreement modifies a provision proposed by the Senate relating to the minor construction threshold for the Bonneville Power Administration. The House proposed no similar provision.

The conference agreement includes a provision proposed by the House that prohibits the use of funds in this title for capital construction of high hazard nuclear facilities,

unless certain independent oversight is conducted. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the Senate relating to the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund. The House proposed no similar provision.

The conference agreement modifies a provision proposed by the Senate related to contractor pay freeze. The House proposed no similar provision.

The conference agreement includes a provision proposed by the House that prohibits the use of funds to approve critical decision-2 or critical decision-3 for certain construction projects, unless a separate independent cost estimate has been developed for that critical decision.

The conference agreement modifies a provision proposed by the House that establishes certain notification requirements that must be fulfilled before any funds may be used to make certain awards, allocations, agreements, or public announcements. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the Senate relating to the

barter of uranium. The House proposed no similar provision.

The conference agreement does not include a provision relating to loan guarantee notifications. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the House regarding the weatherization program eligibility cap. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the Senate on lighting standards. The House proposed no similar provision.

The conference agreement includes a provision proposed by the House prohibiting funds to implement or enforce higher efficiency light bulb standards. The Senate proposed no similar provision.

The conference agreement modifies a provision proposed by the Senate relating to the third-party use of metering stations for the Strategic Petroleum Reserve. The House proposed no similar provision.

The conference agreement does not include a provision proposed by the House relating to significant regulatory actions. The Senate proposed no similar provision.

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
-----		
ENERGY PROGRAMS		
ENERGY EFFICIENCY AND RENEWABLE ENERGY		
Energy Efficiency and Renewable Energy RDD&D:		
Hydrogen and fuel cell technologies.....	100,450	104,000
Biomass and Biorefinery Systems R&D.....	340,500	200,000
Solar energy.....	457,000	280,000
Wind energy.....	126,859	93,593
Geothermal technology.....	101,535	38,000
Water Power.....	38,500	58,000
Vehicle technologies.....	588,003	330,000
Building technologies.....	470,700	220,000
Industrial technologies.....	319,784	116,000
Federal energy management program.....	33,072	30,000
Facilities and infrastructure:		
National Renewable Energy Laboratory (NREL).....	26,407	26,407
Construction:		
08-EE-01 Energy systems integration facility		
National Renewal Energy Lab, Golden, Co...	---	---
Subtotal, Facilities and infrastructure.....	26,407	26,407
Program direction.....	176,605	165,000
Program support.....	---	---
Strategic programs.....	53,204	25,000
Subtotal, Energy Efficiency and Renewable Energy		
RDD&D.....	2,832,619	1,697,000
Weatherization and intragovernmental:		
Weatherization:		
Weatherization assistance.....	220,000	65,000
Training and technical assistance.....	3,000	3,000
Innovations in weatherization.....	97,000	---
Subtotal.....	320,000	68,000
Other:		
State energy program grants.....	63,798	50,000
Tribal energy activities.....	10,000	10,000
Subtotal.....	73,798	60,000
Subtotal, Weatherization and intragovernmental..	393,798	128,000
Floor amendments.....	---	---
Subtotal, Energy efficiency and renewable energy..	3,226,417	1,825,000
Use of prior year balances.....	-26,364	---
Rescission.....	---	-9,909
TOTAL, ENERGY EFFICIENCY AND RENEWABLE ENERGY.....	3,200,053	1,815,091
	=====	=====
ELECTRICITY DELIVERY AND ENERGY RELIABILITY		
Research and development:		
Clean energy transmission and reliability.....	60,817	25,490
Smart grid research and development.....	45,000	24,000
Energy storage.....	57,000	20,000



DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
Cyber security for energy delivery systems.....	30,000	30,000
Subtotal.....	192,817	99,490
Permitting, siting and analysis.....	8,000	7,000
Infrastructure security and energy restoration.....	6,187	6,000
Program direction.....	31,217	27,010
Use of prior year balances.....	-504	---
Rescission.....	---	---
TOTAL, ELECTRICITY DELIVERY AND ENERGY RELIABILITY	237,717	139,500
=====		
NUCLEAR ENERGY		
Research and development:		
Nuclear energy enabling technologies.....	97,364	74,880
Integrated university program.....	---	5,000
Small modular reactor licensing technical support...	67,000	67,000
Reactor concepts RD&D.....	125,000	115,544
Fuel cycle research and development.....	155,010	187,351
International nuclear energy cooperation.....	3,000	3,000
Subtotal.....	447,374	452,775
Infrastructure:		
Radiological facilities management:		
Space and defense infrastructure.....	49,902	64,902
Research reactor infrastructure.....	4,986	4,986
PU-238 production restart project.....	10,000	---
Subtotal.....	64,888	69,888
INL facilities management:		
INL Operations and infrastructure.....	150,000	155,000
Subtotal, Infrastructure.....	214,888	224,888
Program direction.....	93,133	91,000
Subtotal, Nuclear Energy.....	755,395	768,663
Use of prior year balances.....	-1,367	---
Rescission.....	---	---
TOTAL, NUCLEAR ENERGY.....	754,028	768,663
=====		
FOSSIL ENERGY RESEARCH AND DEVELOPMENT		
CCS and power systems:		
Carbon capture.....	68,938	68,938
Carbon storage.....	115,477	115,477
Advanced energy systems.....	64,193	100,000
Cross cutting research.....	42,750	49,163
NETL Coal Research and Development.....	---	35,031
Subtotal, CCS and power systems.....	291,358	368,609
Fuels and Power Systems:		
Innovations for existing plants.....	---	---
Advanced integrated gasification combined cycle.....	---	---
Advanced turbines.....	---	---
Carbon sequestration.....	---	---

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
Fuels.....	---	---
Fuel cells.....	---	---
Advanced research.....	---	---
Subtotal, Fuels and power systems.....	---	---
Natural Gas Technologies.....	---	15,000
Unconventional fossil energy technologies from Petroleum - oil technologies.....	---	5,000
Program direction.....	159,233	120,000
Plant and Capital Equipment.....	16,794	16,794
Fossil energy environmental restoration.....	7,897	7,897
Special recruitment programs.....	700	700
Cooperative research and development.....	---	---
Subtotal, Fossil Energy Research and Development..	475,982	534,000
Use of prior year balances.....	-23,007	---
Rescission.....	---	-187,000
TOTAL, FOSSIL ENERGY RESEARCH AND DEVELOPMENT.....	452,975	347,000
=====		
NAVAL PETROLEUM AND OIL SHALE RESERVES		
Naval Petroleum and Oil Shale Reserves.....	14,909	14,909
Rescission.....	---	---
TOTAL, NAVAL PETROLEUM AND OIL SHALE RESERVES.....	14,909	14,909
=====		
STRATEGIC PETROLEUM RESERVE		
Strategic Petroleum Reserve.....	192,704	192,704
Storage facilities development.....	---	---
Management for SPR operations.....	---	---
Rescission.....	-71,000	---
TOTAL, STRATEGIC PETROLEUM RESERVE.....	121,704	192,704
=====		
SPR PETROLEUM ACCOUNT		
SPR PETROLEUM ACCOUNT.....	-250,000	---
Rescission.....	---	-500,000
TOTAL, SPR PETROLEUM ACCOUNT.....	-250,000	-500,000
=====		
NORTHEAST HOME HEATING OIL RESERVE		
Northeast Home Heating Oil Reserve.....	10,119	10,119
Rescission.....	-100,000	-100,000
TOTAL, NORTHEAST HOME HEATING OIL RESERVE.....	-89,881	-89,881
=====		
ENERGY INFORMATION ADMINISTRATION		
Energy Information Administration.....	123,957	105,000
Rescission.....	---	---
TOTAL, ENERGY INFORMATION ADMINISTRATION.....	123,957	105,000
=====		

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
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NON-DEFENSE ENVIRONMENTAL CLEANUP		
Fast Flux Test Reactor Facility (WA).....	2,703	2,703
Gaseous Diffusion Plants.....	100,588	100,588
Small sites.....	57,430	67,430
West Valley Demonstration Project.....	58,400	65,000
Floor amendment.....	---	---
Rescission.....	---	---
TOTAL, NON-DEFENSE ENVIRONMENTAL CLEANUP.....	219,121	235,721
	=====	=====
URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND		
Oak Ridge.....	182,747	200,856
Paducah.....	77,780	81,807
Portsmouth.....	243,642	190,267
Rescission.....	---	---
TOTAL, UED&D FUND/URANIUM INVENTORY CLEANUP.....	504,169	472,930
	=====	=====
SCIENCE		
Advanced scientific computing research.....	465,600	442,000
Basic energy sciences:		
Research.....	1,833,600	1,542,600
Construction:		
07-SC-06 Project engineering and design (PED)		
National Synchrotron light source II (NSLS-II)	151,400	151,400
Subtotal, Basic energy sciences.....	1,985,000	1,694,000
Biological and environmental research:		
Biological systems science.....	376,262	---
Climate and environmental sciences.....	341,638	---
Research.....	---	611,823
Subtotal, Biological and environmental research.....	717,900	611,823
Fusion energy sciences program.....	399,700	402,177
High energy physics:		
Research.....	756,200	763,700
Construction:		
11-SC-40 Project engineering and design (PED)		
long baseline neutrino experiment, FNAL.....	17,000	4,000
11-SC-41 Project engineering and design (PED)		
muon to electron conversion experiment, FNAL ..	24,000	24,000
Subtotal.....	41,000	28,000
Subtotal, High energy physics.....	797,200	791,700
Nuclear physics:		
Operations and maintenance.....	539,300	500,000

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
Construction:		
06-SC-01 Project engineering and design (PED) 12 GeV continuous electron beam accelerator facility upgrade, Thomas Jefferson National Accelerator facility (was project 07-SC-001), Newport News, VA.....	66,000	50,000
Subtotal, Nuclear physics.....	605,300	550,000
Workforce development for teachers and scientists.....	35,600	18,500
Science laboratories infrastructure:		
Infrastructure support:		
Payment in lieu of taxes.....	1,385	1,385
Excess facility disposal.....	---	---
Oak Ridge landlord.....	5,493	5,493
Subtotal.....	6,878	6,878
Construction:		
11-SC-71 Utility infrastructure modernization at TJNAF.....	---	---
12-SC-70 Science and user support building, SLAC.....	12,086	12,086
10-SC-70 Research support building and infrastructure modernization, SLAC.....	12,024	12,024
10-SC-71 Energy sciences building, ANL.....	40,000	40,000
10-SC-72 Renovate science laboratory, Phase II, BNL.....	15,500	15,500
09-SC-72 Seismic life-safety, modernization and replacement of general purpose buildings Phase 2, PED/Construction, LBNL.....	12,975	12,975
09-SC-74, Technology and engineering development facilities PED, TJNAF.....	12,337	12,337
Subtotal.....	104,922	104,922
Subtotal, Science laboratories infrastructure...	111,800	111,800
Safeguards and security.....	83,900	82,000
Science program direction:		
Science program direction.....	216,863	185,000
Headquarters.....	---	---
Office of Science and Technical Information.....	---	---
Field offices.....	---	---
Subtotal, Science program direction.....	216,863	185,000
Subtotal, Science.....	5,418,863	4,889,000
Rescission.....	---	---
Use of prior year balances.....	-2,749	---
TOTAL, SCIENCE.....	5,416,114	4,889,000

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
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ADVANCED RESEARCH PROJECTS AGENCY-ENERGY		
ARPA-E projects.....	521,943	255,000
Program direction.....	28,068	20,000
Undistributed funds.....	---	---
Floor amendment.....	---	---
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TOTAL, ADVANCED RESEARCH PROJECTS AGENCY-ENERGY.....	550,011	275,000
=====		
TITLE 17 - INNOVATIVE TECHNOLOGY LOAN GUARANTEE PGM		
Administrative expenses.....	38,000	38,000
Offsetting collection.....	-38,000	-38,000
Loan volume rescission.....	---	---
Additional loan volume.....	360,000	---
Fed participation in Title 17 loan guarantee projects.....	500,000	---
Additional subsidy cost.....	200,000	---
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TOTAL, TITLE 17 - INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM.....	1,060,000	---
=====		
ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PGM		
Administrative expenses.....	6,000	6,000
BETTER BUILDINGS PILOT LOAN GUARANTEE INITIATIVE		
Cost of loan guarantees.....	100,000	---
Administrative costs.....	5,000	---
-----		
TOTAL, BETTER BUILDINGS PILOT LOAN INITIATIVE.....	105,000	---
=====		
DEPARTMENTAL ADMINISTRATION		
Administrative operations:		
Salaries and expenses:		
Office of the Secretary:		
Program direction.....	5,030	5,030
Chief Financial Officer.....	53,204	53,204
Management.....	62,693	62,693
Human capital management.....	23,089	23,089
Chief Information Officer.....	36,615	36,615
Congressional and intergovernmental affairs:		
Program direction.....	4,690	4,690
-----		
Subtotal, Congressional and intergovernmental affairs.....	4,690	4,690
Economic impact and diversity.....	5,660	5,660
General Counsel.....	34,642	33,053
Policy and international affairs.....	22,429	20,518
Public affairs.....	3,801	3,801
Office of Indian energy policy and programs.....	1,500	2,000
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Subtotal, Salaries and expenses.....	253,353	250,353
Program support:		
Minority economic impact.....	1,813	1,813

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
Policy analysis and system studies.....	441	441
Environmental policy studies.....	520	520
Climate change technology program (prog. supp) ..	5,482	5,482
Cybersecurity and secure communications.....	21,934	21,934
Corporate management information program.....	---	---
Corporate IT program support (CIO).....	27,379	27,379
Energy information technology services.....	---	---
Subtotal, Program support.....	57,569	57,569
Subtotal, Administrative operations.....	310,922	307,922
Cost of work for others.....	48,537	48,537
Floor amendments.....	---	---
Subtotal, Departmental administration.....	359,459	356,459
Funding from other defense activities.....	-118,836	-118,836
Total, Departmental administration (gross).....	240,623	237,623
Rescission.....	---	---
Miscellaneous revenues.....	-111,883	-111,623
TOTAL, DEPARTMENTAL ADMINISTRATION (net).....	128,740	126,000
=====	=====	=====
OFFICE OF THE INSPECTOR GENERAL.....	41,774	42,000
=====	=====	=====
TOTAL, ENERGY PROGRAMS.....	12,596,391	8,839,637
=====	=====	=====
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES		
Directed stockpile work:		
Life extension program:		
B61 Life extension program.....	223,562	223,562
W76 Life extension program.....	257,035	257,035
Subtotal.....	480,597	480,597
Stockpile systems:		
B61 Stockpile systems.....	72,396	72,396
W76 Stockpile systems.....	63,383	63,383
W78 Stockpile systems.....	109,518	99,518
W80 Stockpile systems.....	44,444	44,444
B83 Stockpile systems.....	48,215	48,215
W87 Stockpile systems.....	83,943	83,943
W88 Stockpile systems.....	75,728	75,728
Subtotal.....	497,627	487,627
Weapons dismantlement and disposition:		
Operations and maintenance.....	56,770	56,770
Stockpile services:		
Production support.....	354,502	330,000
Research and development support.....	30,264	30,264
R and D certification and safety.....	190,892	165,569

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
Management, technology, and production.....	198,700	188,700
Plutonium sustainment.....	154,231	140,000
Subtotal.....	928,589	854,533
Subtotal, Directed stockpile work.....	1,963,583	1,879,527
Campaigns:		
Science campaign:		
Advanced certification.....	94,929	40,000
Primary assessment technologies.....	86,055	86,055
Dynamic materials properties.....	111,836	96,984
Advanced radiography.....	27,058	26,000
Secondary assessment technologies.....	86,061	85,000
Subtotal.....	405,939	334,039
Engineering campaign:		
Enhanced surety.....	41,696	41,696
Weapons system engineering assessment technology.....	15,663	15,663
Nuclear survivability.....	19,545	19,545
Enhanced surveillance.....	66,174	66,174
Subtotal.....	143,078	143,078
Inertial confinement fusion ignition and high yield campaign:		
Ignition.....	109,888	109,888
NIF diagnostics, cryogenics and experimental support.....	86,259	86,259
Pulsed power inertial confinement fusion.....	4,997	4,997
Joint program in high energy density laboratory plasmas.....	9,100	9,100
Facility operations and target production.....	266,030	266,030
Subtotal.....	476,274	476,274
Advanced simulation and computing.....	628,945	620,000
Readiness campaign:		
Stockpile readiness.....	---	---
High explosives and weapon operations.....	---	---
Nonnuclear readiness.....	65,000	65,000
Tritium readiness.....	77,491	63,591
Advanced design and production technologies.....	---	---
Subtotal.....	142,491	128,591
Subtotal, Campaigns.....	1,796,727	1,701,982
Readiness in technical base and facilities (RTBF):		
Operations of facilities:		
Kansas City Plant.....	156,217	156,217
Lawrence Livermore National Laboratory.....	83,990	83,990
Los Alamos National Laboratory.....	318,526	318,526
Nevada Test Site.....	97,559	97,559
Pantex.....	164,848	164,848
Sandia National Laboratory.....	120,708	120,708
Savannah River Site.....	97,767	97,767
Y-12 Productions Plant.....	246,001	246,001
Institutional Site Support.....	199,638	---
Operations of facilities.....	---	---
Subtotal.....	1,485,254	1,285,616
Program readiness.....	74,180	74,180

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
Material recycle and recovery.....	85,939	78,000
Containers.....	28,979	28,979
Storage.....	31,272	31,272
Construction:		
12-D-301 TRU waste facility project, LANL.....	9,881	9,881
11-D-801 TA-55 Reinvestment project II, LANL....	19,402	10,000
10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN...	35,387	35,387
09-D-404, Test capabilities revitalization II, Sandia National Laboratory, Albuquerque, NM...	25,168	25,168
06-D-802 High explosive pressing facility Pantex Plant, Amarillo, TX.....	66,960	66,960
07-D-140 Project engineering and design (PED), various locations.....	3,518	3,518
06-D-140 Project engineering and design (PED), various locations.....	---	---
06-D-141 Project engineering and design (PED), Y-12 Uranium Processing Facility, Oak Ridge, TN	160,194	160,194
04-D-125 Chemistry and metallurgy replacement project, Los Alamos National Laboratory, Los Alamos, NM.....	300,000	200,000
Subtotal.....	620,510	511,108
Subtotal, Readiness in technical base and facilities.....	2,326,134	2,009,155
Secure transportation asset:		
Operations and equipment.....	149,274	145,274
Program direction.....	101,998	98,002
Subtotal.....	251,272	243,276
Nuclear counterterrorism incident response.....	222,147	222,147
Facilities and infrastructure recapitalization pgm....	96,380	96,380
Site stewardship:		
Site stewardship.....	104,002	78,680
Construction:		
11-D-601 Sanitary effluent reclamation facility LANL.....	---	---
Subtotal, Site stewardship.....	104,002	78,680
Safeguards and security:		
Defense nuclear security.....	711,105	686,252
Construction:		
08-D-701 Nuclear materials S&S upgrade project Los Alamos National Laboratory.....	11,752	11,752
Subtotal, Defense nuclear security.....	722,857	698,004
Cybersecurity.....	126,614	126,614
Total, Safeguards and security.....	849,471	824,618
Legacy contractor pensions.....	---	168,232
Science, technology and engineering capability.....	---	---
National security applications.....	20,000	10,000
Rescission.....	-40,332	---
TOTAL, WEAPONS ACTIVITIES.....	7,589,384	7,233,997



DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
-----		
DEFENSE NUCLEAR NONPROLIFERATION		
Nonproliferation and verification, R&D.....	417,598	356,150
Nonproliferation and international security.....	161,833	155,305
International nuclear materials protection and cooperation.....	571,639	571,639
Fissile materials disposition:		
U.S. plutonium disposition.....	274,790	205,632
U.S. uranium disposition.....	26,435	26,000
Construction:		
MDX fuel fabrication facilities:		
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC.....	385,172	435,172
99-D-141-01 Pit disassembly and conversion facility, Savannah River, SC.....	176,000	---
99-D-141-02 Waste solidification building, Savannah River, SC.....	17,582	17,582
Subtotal, Construction.....	578,754	452,754
Subtotal, U.S. fissile materials disposition...	879,979	684,386
Russian surplus materials disposition.....	10,174	1,000
Total, Fissile materials disposition.....	890,153	685,386
Global threat reduction initiative.....	508,269	500,000
Floor amendment.....	---	---
Legacy contractor pensions.....	---	55,823
Subtotal, Defense Nuclear Nonproliferation.....	2,549,492	2,324,303
Rescission.....	-30,000	-21,000
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION.....	2,519,492	2,303,303
=====		
NAVAL REACTORS		
Naval reactors development.....	1,069,262	421,000
OHIO replacement reactor systems development.....	---	121,300
S8G Prototype refueling.....	---	99,500
Naval reactors operations and infrastructure.....	---	358,300
Construction:		
10-D-903, Security upgrades, KAPL.....	100	100
10-D-904, NRF infrastructure upgrades, Idaho.....	12,000	12,000
09-D-902, NRF Office Bldg #2 ECC upgrade, Idaho.....	---	---
08-D-190, Project engineering and design, Expanded Core Facility M-290 recovering discharge station, Naval Reactor Facility, ID.....	27,800	27,800
07-D-190, Materials research tech complex (MRTC)....	---	---
Subtotal, Construction.....	39,900	39,900
Program direction.....	44,500	40,000
Rescission.....	---	---
TOTAL, NAVAL REACTORS.....	1,153,662	1,080,000
=====		

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
-----		
OFFICE OF THE ADMINISTRATOR		
Office of the Administrator.....	450,060	410,000
Rescission.....	---	---
Floor amendment.....	---	---
TOTAL, OFFICE OF THE ADMINISTRATOR.....	450,060	410,000
	=====	=====
GENERAL PROVISIONS		
Section 309 - Contractor Pay Freeze:		
Security (rescission).....	---	-27,300
	=====	=====
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION.....	11,712,598	11,000,000
	=====	=====
DEFENSE ENVIRONMENTAL CLEANUP		
Closure Sites:		
Closure sites administration.....	---	---
Closure sites.....	5,375	5,375
Total, Closure sites.....	5,375	5,375
	-----	-----
Hanford Site:		
Central plateau remediation:		
Central plateau remediation.....	---	546,890
Nuclear material stabilization and disposition PFP.....	48,458	---
Solid waste stabilization and disposition 2035.....	143,897	---
Soil and water remediation - groundwater vadose zone 2035.....	222,285	---
SNF stabilization and disposition.....	112,250	---
Subtotal, Central plateau remediation.....	526,890	546,890
	-----	-----
River corridor and other cleanup operations:		
River corridor and other cleanup operations.....	---	386,822
Nuclear facility D&D river corridor closure project.....	330,534	---
Nuclear facility D&D - remainder of Hanford 2035.....	56,288	---
Subtotal, River corridor and other cleanup operations.....	386,822	386,822
	-----	-----
Richland community and regulatory support.....	---	19,540
Total, Hanford Site.....	913,712	953,252
	-----	-----
Idaho National Laboratory:		
Idaho cleanup and waste disposition.....	---	382,769
SNF stabilization and disposition - 2012.....	20,114	---
Solid waste stabilization and disposition.....	165,035	---
Radioactive liquid tank waste stabilization and disposition.....	110,169	---
06-D-401, Sodium bearing waste treatment project.....	---	---
Soil and water remediation - 2012.....	87,451	---
Idaho community and regulatory support.....	---	4,100
Total, Idaho National Laboratory.....	382,769	386,869
	-----	-----
NNSA:		
NNSA sites and Nevada off-sites.....	---	282,393
Lawrence Livermore National Laboratory.....	873	---
NNSA Service Center/SPRU.....	1,500	---

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
Nevada.....	63,380	---
California site support.....	---	---
Los Alamos National Laboratory.....	357,939	---
Sandia national Laboratory.....	---	---
Total, NNSA sites and Nevada off-sites.....	423,692	282,393
Oak Ridge Reservation:		
Building 3019.....	---	37,000
OR Nuclear facility D&D.....	---	69,100
Nuclear facility D&D ORNL.....	44,000	---
Nuclear facility D&D Y-12.....	30,000	---
Nuclear facility D&D, E. Tenn. Technology Park.....	100	---
OR cleanup and disposition.....	---	87,000
Soil and water remediation--offsites.....	3,000	---
Solid waste stabilization and disposition- 2012.....	99,000	---
OR reservation community & regulatory support.....	---	6,409
Total, Oak Ridge Reservation.....	176,100	199,509
Office of River Protection:		
Waste Treatment & Immobilization Plant:		
Waste treatment & immobilization plant 01-D-16 A-D.....	363,000	430,000
Waste treatment & immobilization plant 01-D-16 E.....	477,000	310,000
Subtotal, Waste Treatment and Immobilization Plant.....	840,000	740,000
Tank Farm activities:		
Rad liquid tank waste stabilization and disposition.....	521,391	445,000
Total, Office of River Protection.....	1,361,391	1,185,000
Savannah River site:		
Savannah River community and regulatory support.....	---	9,584
SR site risk management operations.....	---	343,586
NM stabilization and disposition.....	235,000	---
SNF stabilization and disposition.....	40,137	---
Solid waste stabilization and disposition.....	30,040	---
Soil and water remediation.....	38,409	---
Subtotal, Site risk management operations.....	343,586	343,586
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition.....	710,487	667,081
Construction:		
05-D-405 Salt waste processing facility, Savannah River.....	170,071	170,071
PE&D Glass Waste Storage Bldg #3.....	---	3,500
Subtotal, Radioactive liquid tank waste.....	880,558	840,652
Total, Savannah River site.....	1,224,144	1,193,822
Waste Isolation Pilot Plant:		
Waste Isolation Pilot Plant.....	---	215,134
Operate WIPP.....	147,136	---
Central characterization project.....	23,975	---
Transportation.....	29,044	---
Community and regulatory support.....	28,771	---
Subtotal, WIPP.....	228,926	215,134

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
Program direction.....	321,628	321,628
Program support.....	---	20,380
Community, regulatory and program support.....	91,279	---
Safeguards and Security.....	248,826	252,019
Technology development.....	32,320	11,000
Uranium enrichment D&D fund contribution.....	---	---
Subtotal, Defense Environmental Clean up.....	5,410,162	5,026,381
Use of prior year balances.....	-3,381	-3,381
Rescission.....	---	---
TOTAL, DEFENSE ENVIRONMENTAL CLEAN UP.....	5,406,781	5,023,000
	=====	=====
OTHER DEFENSE ACTIVITIES		
Health, safety and security:		
Health, safety and security.....	349,445	335,436
Program direction.....	107,037	102,000
Total, Health, safety and security.....	456,482	437,436
Office of Legacy Management:		
Legacy management.....	157,514	157,514
Program direction.....	12,586	12,086
Total, Office of Legacy Management.....	170,100	169,600
Idaho sitewide safeguards and security.....	98,500	93,350
Defense related administrative support.....	118,836	118,836
Office of hearings and appeals.....	4,142	4,142
Acquisition workforce improvement.....	11,892	---
Subtotal, Other Defense Activities.....	859,952	823,364
Rescission.....	---	---
TOTAL, OTHER DEFENSE ACTIVITIES.....	859,952	823,364
	=====	=====
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES.....	17,979,331	16,846,364
	=====	=====
POWER MARKETING ADMINISTRATIONS (1)		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance:		
Purchase power and wheeling.....	114,870	114,870
Program direction.....	8,428	8,428
Subtotal, Operation and maintenance.....	123,298	123,298
Less alternative financing (PPW).....	-14,708	-14,708
Offsetting collections.....	-108,590	-108,590
TOTAL, SOUTHEASTERN POWER ADMINISTRATION.....	---	---
	=====	=====
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance:		
Operating expenses.....	14,346	14,346
Purchase power and wheeling.....	50,000	50,000
Program direction.....	31,889	31,889

DEPARTMENT OF ENERGY (Amounts in thousands)		
	Budget Request	Conference
Construction.....	10,772	10,772
Subtotal, Operation and maintenance.....	107,007	107,007
Less alternative financing.....	-21,997	-21,997
Offsetting collections.....	-73,118	-73,118
TOTAL, SOUTHWESTERN POWER ADMINISTRATION.....	11,892	11,892
=====		
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance:		
Construction and rehabilitation.....	110,449	110,449
Operation and maintenance.....	72,863	72,863
Purchase power and wheeling.....	471,535	471,535
Program direction.....	205,247	205,247
Utah mitigation and conservation.....	3,375	3,375
Subtotal, Operation and maintenance.....	863,469	863,469
Less alternative financing.....	-266,207	-266,207
Offsetting collections (P.L. 108-477, P.L. 109-103).....	-306,541	-306,541
Offsetting collections (P.L. 98-381).....	-4,821	-4,821
Offsetting collections (for program direction).....	-156,609	-156,609
Offsetting collections (for O&M).....	-33,323	-33,323
Offsetting collections (for program direction, O&M).....	---	---
TOTAL, WESTERN AREA POWER ADMINISTRATION.....	95,968	95,968
=====		
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance.....	4,169	4,169
Offsetting collections.....	-3,949	-3,949
TOTAL, FALCON AND AMISTAD O&M FUND.....	220	220
=====		
TOTAL, POWER MARKETING ADMINISTRATIONS.....	108,080	108,080
=====		
FEDERAL ENERGY REGULATORY COMMISSION		
Federal Energy Regulatory Commission.....	304,600	304,600
FERC revenues.....	-304,600	-304,600
GENERAL PROVISIONS		
Section 309 - Contractor Pay Freeze:		
Non-Security (rescission).....	---	-46,000
=====		
GRAND TOTAL, DEPARTMENT OF ENERGY.....	30,683,802	25,748,081
(Total amount appropriated).....	(30,925,134)	(26,639,290)
(Rescissions).....	(-241,332)	(-891,209)
=====		
SUMMARY OF ACCOUNTS		
Energy efficiency and renewable energy.....	3,200,053	1,815,091
Electricity delivery and energy reliability.....	237,717	139,500
Nuclear energy.....	754,028	768,663
Fossil Energy Research and Development.....	452,975	347,000
Naval Petroleum & Oil Shale Reserves.....	14,809	14,809
Strategic petroleum reserves.....	121,704	192,704
SPR Petroleum Account.....	-250,000	-500,000

DEPARTMENT OF ENERGY  
(Amounts in thousands)

	Budget Request	Conference
Northeast home heating oil reserve.....	-89,881	-89,881
Energy Information Administration.....	123,957	105,000
Non-Defense Environmental Cleanup.....	219,121	235,721
Uranium enrichment D&D fund.....	504,169	472,930
Science.....	5,416,114	4,889,000
Advanced Research Projects Agency-Energy.....	550,011	275,000
Innovative technology loan guarantee program.....	1,060,000	---
Advanced technology vehicles manufacturing loan pgm....	6,000	6,000
Better buildings program.....	105,000	---
Departmental administration.....	128,740	126,000
Office of the Inspector General.....	41,774	42,000
Atomic energy defense activities:		
National Nuclear Security Administration:		
Weapons activities.....	7,589,384	7,233,997
Defense nuclear nonproliferation.....	2,519,492	2,303,303
Naval reactors.....	1,153,662	1,080,000
Office of the Administrator.....	450,060	410,000
Section 309- Contractor pay freeze.....	---	-27,300
Subtotal, National Nuclear Security Admin.....	11,712,598	11,000,000
Defense environmental cleanup.....	5,406,781	5,023,000
Other defense activities.....	859,952	823,364
Total, Atomic energy defense activities.....	17,979,331	16,846,364
Power marketing administrations (1):		
Southeastern Power Administration.....	---	---
Southwestern Power Administration.....	11,892	11,892
Western Area Power Administration.....	95,968	95,968
Falcon and Amistad operating and maintenance fund....	220	220
Total, Power marketing administrations.....	108,080	108,080
Federal Energy Regulatory Commission:		
Salaries and expenses.....	304,600	304,600
Revenues.....	-304,600	-304,600
Section 309- Contractor pay freeze.....	---	-46,000
Total Summary of Accounts, Department of Energy....	30,683,802	25,748,081
FUNCTION RECAP:		
DEFENSE.....	17,730,505	16,538,522
NON-DEFENSE.....	12,953,297	9,209,559
Environmental management.....	(6,130,071)	(5,731,651)
DEFENSE RELATED.....	(5,406,781)	(5,023,000)
NON-DEFENSE.....	(723,290)	(708,651)

(1) Totals include alternative financing costs, reimbursable agreement funding, and power purchase and wheeling expenditures. Offsetting collection totals reflect funds collected for annual expenses, including power purchase and wheeling.

## TITLE IV

## INDEPENDENT AGENCIES

## APPALACHIAN REGIONAL COMMISSION

The conference agreement provides \$68,263,000 for the Appalachian Regional Commission, instead of \$68,400,000 as proposed by the House and \$58,024,000 as proposed by the Senate.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
SALARIES AND EXPENSES

The conference agreement provides \$29,130,000 for the Defense Nuclear Facilities Safety Board, as proposed by the House and Senate. The conferees direct the Board to enter into an agreement for fiscal years 2012 and 2013 with the Office of Inspector General for the Nuclear Regulatory Commission. The conferees direct the Board to enter into an enduring procurement with a provider of inspector general services thereafter.

DELTA REGIONAL AUTHORITY  
SALARIES AND EXPENSES

The conference agreement provides \$11,677,000 for the Delta Regional Authority, instead of \$11,700,000 as proposed by the House and \$9,925,000 as proposed by the Senate.

## DENALI COMMISSION

The conference agreement provides \$10,679,000 for the Denali Commission, instead of \$10,700,000 as proposed by the House and \$9,077,000 as proposed by the Senate.

## NORTHERN BORDER REGIONAL COMMISSION

The conference agreement provides \$1,497,000 for the Northern Border Regional Commission, instead of \$1,350,000 as proposed by the House and \$1,275,000 as proposed by the Senate.

## SOUTHEAST CRESCENT REGIONAL COMMISSION

The conference agreement provides \$250,000 for the Southeast Crescent Regional Commission, as proposed by the House, instead of \$213,000 as proposed by the Senate.

NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES

The conference agreement provides \$1,027,240,000 for the Nuclear Regulatory Commission (NRC) salaries and expenses, as proposed by the Senate, instead of \$1,037,240,000 as proposed by the House. This amount is offset by estimated revenues of \$899,726,000, resulting in a net appropriation of \$127,514,000. The fee recovery is consistent with that authorized by section 637 of the Energy Policy Act of 2005. The conference agreement does not include \$20,000,000 to be made available from the Nuclear Waste Fund to support the geological repository for nuclear fuel and waste, as proposed by the House. The Senate proposed no similar provision.

The conference agreement includes a National Academy of Sciences study of the lessons learned from the events at the Fukushima nuclear plant, as proposed by the Senate. The Commission is directed to transfer \$2,000,000 to the National Academy of Sciences for this study within 30 days of enactment of this Act.

The conference agreement includes \$15,000,000, as proposed by the House, to support university education programs relevant to the NRC mission, of which not less than \$5,000,000 is for grants to support research projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

The conferees recognize the progress that the Nuclear Regulatory Commission has

made on the recommendations of the Near Term Task Force. Commission staff has proposed a prioritized list of the Task Force recommendations that reflects the order regulatory actions are to be taken. The conferees direct the Commission to implement these recommendations consistent with, or more expeditiously than, the "schedules and milestones" proposed by NRC staff on October 3, 2011. The conferees direct the Commission to maintain an implementation schedule such that the remaining recommendations (not identified as Tier 1 priorities) will be evaluated and acted upon as expeditiously as practicable. The conferees request that the Commission provide a written status report to the House and Senate Committees on Appropriations on its implementation of the Task Force recommendations on the one year anniversary of the Fukushima disaster.

## OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$10,860,000 for the Office of the Inspector General in the Nuclear Regulatory Commission, as proposed by the House and Senate. This amount is offset by revenues of \$9,774,000, for a net appropriation of \$1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD  
SALARIES AND EXPENSES

The conference agreement provides \$3,400,000 for the Nuclear Waste Technical Review Board, as proposed by the House and Senate.

OFFICE OF THE FEDERAL COORDINATOR FOR  
ALASKA NATURAL GAS TRANSPORTATION  
PROJECTS

The conference agreement provides \$1,000,000 for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects, as proposed by the Senate, instead of \$4,032,000 as proposed by the House. The conference agreement does not include a House provision addressing excess fees.

GENERAL PROVISIONS—INDEPENDENT  
AGENCIES

The conference agreement modifies a provision proposed by the House relating to the Nuclear Regulatory Commission. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the Senate relating to spent fuel pools. Language addressing this issue is included under the heading "Nuclear Regulatory Commission—Salaries and Expenses" in the Statement of Managers.

The conferees include a modified Senate provision regarding certain NRC requirements. The House proposed no similar provision. The conferees intend that licensees proactively evaluate new information and, where necessary, improve their facilities to keep them current with all NRC requirements relevant to their licenses, including all updates, and urge the NRC to continue its efforts to ensure all license requirements are updated to incorporate the latest knowledge of external hazards facing each site.

## TITLE V

## GENERAL PROVISIONS

The conference agreement includes a provision proposed by the House and Senate relating to lobbying restrictions.

The conference agreement includes a provision proposed by the House and Senate relating to transfer authority.

The conference agreement does not include a provision proposed by the House prohibiting funds to be provided in contravention of section 6(b) of the Iran Sanctions Act. The Senate proposed no similar provision. The conferees direct the Administration to continue to follow these requirements.

The conference agreement includes a provision proposed by the House requiring new federal hires to be vetted through the E-Verify Program. The Senate proposed no similar provision.

The conference agreement modifies a provision proposed by the House prohibiting the government from entering into contracts or agreements with any corporation that was convicted of a felony criminal violation under any federal law within the preceding 24 months. The Senate proposed no similar provision.

The conference agreement modifies a provision proposed by the House prohibiting funds for contracts or agreements with entities with unpaid federal tax liabilities that have not entered into payment agreements to remedy the liability. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House regarding the amount within the Spending Reduction Account. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House relating to the use of firearms on Corps of Engineers land. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House prohibiting funds made available for the Science account to be used in contravention of the Department of Energy Organization Act. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House relating to the McNary Shoreline Management Plan. The Senate proposed no similar provision. The conferees note that concerns remain regarding the most recent plan and direct the Corps to continue working with residents to address these issues.

The conference agreement does not include a provision proposed by the House prohibiting the use of funds to move the Office of Environmental Management under the Under Secretary for Nuclear Energy of the Department of Energy. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House relating to the lease or purchase of new light duty vehicles. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House relating to reintroduction of salmon in the San Joaquin River. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House prohibiting funds to enforce section 526 of the Energy Independence and Security Act. The Senate proposed no similar provision. The conferees agree that increased energy self-sufficiency is an important national goal and the Department of Energy should continue to focus on research, development and government procurements that further progress towards that end.

The conference agreement does not include a provision proposed by the House prohibiting development of a proposal to expand the authorized uses of the Harbor Maintenance Trust Fund. The Senate proposed no similar provision. The conferees support language in the House report opposing the diversion of revenue from existing authorized purposes, namely maintenance dredging, and in light of widespread congressional opposition to the budget proposal, suggest a wiser course of action would be to focus on utilizing the annual receipts for additional harbor dredging work rather than allowing the

balance in the Trust Fund to continue to increase.

The conference agreement does not include a provision proposed by the House prohibiting funds for International activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy in China. The Senate proposed no similar provision.

The conference agreement includes a provision proposed by the House prohibiting funds to be used in contravention of the executive order entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations". The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House transferring funds between accounts for the Department of Energy. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House transferring funds between accounts for the Corps of Engineers. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House prohibiting salaries for recess-appointed Presidential appointees who fall under certain exemptions to Senate confirmation. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House prohibiting funds for International activities of the Office of Energy Efficiency and Renewable Energy at the Department of Energy, except for the U.S.-Israel program. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House prohibiting funds in this bill from being used to close the Yucca Mountain license applica-

tion process until a specific condition is met or for actions that would remove the possibility that Yucca Mountain might be an option in the future. The Senate proposed no similar provision.

The conference agreement does not include a provision proposed by the House prohibiting funds to implement any new requirement regarding the disclosure of political contributions. The Senate proposed no similar provision.

#### TITLE V/VI

#### EMERGENCY SUPPLEMENTAL FUNDING FOR DISASTER RELIEF

The conference agreement does not include funding for the Corps of Engineers for disaster-related work as proposed in Title V of the House bill and Title VI of the Senate bill. Additional funding to address these needs will be considered separately.



DIVISION B: ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012  
HR 2055  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
-----				
TITLE I - DEPARTMENT OF DEFENSE - CIVIL				
DEPARTMENT OF THE ARMY				
Corps of Engineers - Civil				
Investigations.....	126,746	104,000	125,000	-1,746
Construction.....	1,789,822	1,480,000	1,694,000	-95,822
Rescission.....	-176,000	---	---	+176,000
Subtotal.....	1,613,822	1,480,000	1,694,000	+80,178
Mississippi River and tributaries.....	263,906	210,000	252,000	-11,906
Rescission.....	-22,000	-23,000	---	+22,000
Rescission of emergency funding (Sec. 105).....	---	-35,000	---	---
Subtotal.....	241,906	152,000	252,000	+10,094
Operations and maintenance.....	2,365,759	2,314,000	2,412,000	+46,241
Regulatory program.....	189,620	196,000	193,000	+3,380
FUSRAP.....	129,740	109,000	109,000	-20,740
Flood control and coastal emergencies.....	---	27,000	27,000	+27,000
Expenses.....	184,630	185,000	185,000	+370
Office of Assistant Secretary of the Army (Civil Works).....	4,990	6,000	5,000	+10
=====				
Total, title I, Department of Defense - Civil.....	4,857,213	4,573,000	5,002,000	+144,787
Appropriations.....	(5,055,213)	(4,631,000)	(5,002,000)	(-53,213)
=====				

DIVISION B: ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012  
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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Rescissions.....	(-198,000)	(-23,000)	---
Rescissions of emergency funding.....	---	(-35,000)	---
	=====	=====	=====
TITLE II - DEPARTMENT OF THE INTERIOR			
Central Utah Project Completion Account			
Central Utah project construction.....	---	29,441	25,154
Fish, wildlife, and recreation mitigation and conservation.....	---	2,000	2,000
	-----	-----	-----
Subtotal.....	---	31,441	27,154
Program oversight and administration.....	---	1,550	1,550
Undistributed funding level.....	31,940	---	-31,940
	-----	-----	-----
Total, Central Utah project completion account..	31,940	32,991	28,704
			-3,236
Bureau of Reclamation			
Water and related resources.....	911,673	805,187	895,000
Central Valley project restoration.....	49,914	53,068	53,068
California Bay-Delta restoration.....	39,920	39,651	39,651
Policy and administration.....	61,078	60,000	60,000
Indian water rights settlements.....	---	51,483	---
San Joaquin restoration fund.....	---	9,000	---

DIVISION B: ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012  
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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rescission.....	---	---	---	---
Subtotal.....	---	9,000	---	---
Total, Bureau of Reclamation.....	1,062,585	1,018,389	1,047,719	-14,866
Total, title II, Department of the Interior.....	1,094,525	1,051,380	1,076,423	-18,102

TITLE III - DEPARTMENT OF ENERGY

Energy Programs

Energy efficiency and renewable energy.....	1,825,641	3,200,053	1,825,000	-641
Rescission.....	-30,000	---	-9,909	+20,091
Subtotal.....	1,795,641	3,200,053	1,815,091	+19,450
Electricity delivery and energy reliability.....	144,710	237,717	139,500	-5,210
Rescission.....	-3,700	---	---	+3,700
Subtotal.....	141,010	237,717	139,500	-1,510
Nuclear energy.....	732,124	754,028	768,663	+36,539
Rescission.....	-6,300	---	---	+6,300
Subtotal.....	725,824	754,028	768,663	+42,839

DIVISION B: ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012  
HR 2055

(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
Fossil energy research and development.....	584,529	452,975	534,000	-50,529
Rescission.....	-140,000	---	-187,000	-47,000
Subtotal.....	444,529	452,975	347,000	-97,529
Naval Petroleum and Oil Shale Reserves.....	22,954	14,909	14,909	-8,045
Rescission.....	-2,100	---	---	+2,100
Subtotal.....	20,854	14,909	14,909	-5,945
Strategic petroleum reserve.....	209,441	192,704	192,704	-16,737
Rescission.....	-86,300	-71,000	---	+86,300
Subtotal.....	123,141	121,704	192,704	+69,563
SPR petroleum account.....	---	-250,000	---	---
Rescission.....	---	---	-500,000	-500,000
Subtotal.....	---	-250,000	-500,000	-500,000
Clean coal technology (rescission).....	-16,500	---	---	+16,500
Northeast home heating oil reserve.....	10,978	10,119	10,119	-859
Rescission.....	---	-100,000	-100,000	-100,000
Subtotal.....	10,978	-89,881	-89,881	-100,859
Energy Information Administration.....	95,409	123,957	105,000	+9,591



## DIVISION B: ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012

HR 2055

(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Loan volume rescission.....	-181,830	---	---	+181,830
Additional loan volume.....	11,830	360,000	---	-11,830
Federal participation in Title 17 loan guarantee projects.....	---	500,000	---	---
Additional subsidy cost.....	169,660	200,000	---	-169,660
Subtotal.....	-340	1,060,000	---	+340
Advanced technology vehicles manufacturing loans program.....	9,978	6,000	6,000	-3,978
Better buildings pilot loan guarantee initiative: Loan guarantees.....	---	100,000	---	---
Administrative costs.....	---	5,000	---	---
Subtotal.....	---	105,000	---	---
Departmental administration.....	250,139	240,623	237,623	-12,516
Miscellaneous revenues.....	-119,501	-111,883	-111,623	+7,878
Net appropriation.....	130,638	128,740	126,000	-4,638
Rescission.....	-81,900	---	---	+81,900
Subtotal.....	48,738	128,740	126,000	+77,262

## DIVISION B: ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012

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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
Office of the Inspector General.....	42,764	41,774	42,000	-764
Total, Energy programs.....	9,181,665	12,596,391	8,839,637	-342,028
Atomic Energy Defense Activities				
National Nuclear Security Administration				
Weapons activities.....	6,946,398	7,629,716	7,233,997	+287,599
Rescission.....	-50,000	-40,332	---	+50,000
Subtotal.....	6,896,398	7,589,384	7,233,997	+337,599
Defense nuclear nonproliferation.....	2,318,653	2,549,492	2,324,303	+5,650
Rescission.....	-45,000	-30,000	-21,000	+24,000
Subtotal.....	2,273,653	2,519,492	2,303,303	+29,650
Naval reactors.....	960,176	1,153,662	1,080,000	+119,824
Rescission.....	-1,000	---	---	+1,000
Subtotal.....	959,176	1,153,662	1,080,000	+120,824
Office of the Administrator.....	398,993	450,060	410,000	+11,007
Rescission.....	-5,700	---	---	+5,700
Subtotal.....	393,293	450,060	410,000	+16,707

## DIVISION B: ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012

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(Amounts in Thousands)

General Provision	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
-----				
Section 309 -- Contractor pay freeze:				
Security (rescission).....	---	---	-27,300	-27,300
-----				
Total, National Nuclear Security Administration.	10,522,520	11,712,598	11,000,000	+477,480
-----				
Environmental and Other Defense Activities				
Defense environmental cleanup.....	4,991,638	5,406,781	5,023,000	+31,362
(Transfer to Uranium enrichment decontamination				
and decommissioning fund).....	(-33,633)	---	---	(+33,633)
Rescission.....	-11,900	---	---	+11,900
-----				
Subtotal.....	4,979,738	5,406,781	5,023,000	+43,262
-----				
Other defense activities.....	788,420	859,952	823,364	+34,944
Rescission.....	-3,400	---	---	+3,400
-----				
Subtotal.....	785,020	859,952	823,364	+38,344
-----				
Total, Environmental and other defense				
activities.....	5,764,758	6,266,733	5,846,364	+81,606
-----				
Total, Atomic Energy Defense Activities.....	16,287,278	17,979,331	16,846,364	+559,086
-----				



DIVISION B: ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012  
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	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>Power Marketing Administrations /1</b>			
Operation and maintenance, Southeastern Power Administration.....	78,444	8,428	8,428
Offsetting collections.....	-78,444	-8,428	-8,428
Subtotal.....	---	---	---
Operation and maintenance, Southwestern Power Administration.....	82,918	45,010	45,010
Offsetting collection.....	-69,868	-33,118	-33,118
Subtotal.....	13,050	11,892	11,892
Construction, rehabilitation, operation and maintenance, Western Area Power Administration.....	610,179	285,900	285,900
Offsetting collections.....	-497,337	-189,932	-189,932
Offsetting collection Colorado River Dam Fund.....	-3,879	---	---
Subtotal.....	108,963	95,968	95,968
Falcon and Amistad operating and maintenance fund.....	2,568	4,169	4,169
Offsetting collections.....	-2,348	-3,949	-3,949
Subtotal.....	220	220	220
Total, Power Marketing Administrations.....	122,233	108,080	108,080
			-14,153

DIVISION B: ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012  
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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Federal Energy Regulatory Commission</b>				
Salaries and expenses.....	298,000	304,600	304,600	+6,600
Revenues applied.....	-298,000	-304,600	-304,600	-6,600
<b>General Provision</b>				
Section 309 -- Contractor pay freeze:				
Non security (rescission).....	---	---	-46,000	-46,000
Total, title III, Department of Energy.....	25,591,176	30,683,802	25,748,081	+156,905
Appropriations.....	(26,285,806)	(30,925,134)	(26,639,290)	(+353,484)
Rescissions.....	(-694,630)	(-241,332)	(-891,209)	(-196,579)
<b>TITLE IV - INDEPENDENT AGENCIES</b>				
Appalachian Regional Commission.....	68,263	76,000	68,263	---
Defense Nuclear Facilities Safety Board.....	23,203	29,130	29,130	+5,927
Delta Regional Authority.....	11,677	13,000	11,677	---
Denali Commission.....	10,679	11,965	10,679	---
Rescission.....	-15,000	---	---	+15,000
Subtotal.....	-4,321	11,965	10,679	+15,000
Northern Border Regional Commission.....	1,497	1,500	1,497	---
Southeast Crescent Regional Commission.....	250	---	250	---

DIVISION B: ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012  
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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Nuclear Regulatory Commission:</b>				
Salaries and expenses.....	1,043,208	1,027,240	1,027,240	-15,968
Revenues.....	-906,220	-899,726	-899,726	+6,494
Subtotal.....	136,988	127,514	127,514	-9,474
Office of Inspector General.....	10,858	10,860	10,860	+2
Revenues.....	-9,774	-9,774	-9,774	---
Subtotal.....	1,084	1,086	1,086	+2
Total, Nuclear Regulatory Commission.....	138,072	128,600	128,600	-9,472
<b>Nuclear Waste Technical Review Board.....</b>				
Office of the Federal Coordinator for Alaska natural gas transportation projects.....	3,883	3,400	3,400	-483
Total, title IV, Independent agencies.....	4,457	4,032	1,000	-3,457
Appropriations.....	246,981	267,627	254,496	+7,515
Rescissions.....	(261,981)	(267,627)	(254,496)	(-7,485)
	(-15,000)	---	---	(+15,000)
<b>Grand total.....</b>	<b>31,789,895</b>	<b>36,575,809</b>	<b>32,081,000</b>	<b>+291,105</b>
Appropriations.....	(32,697,525)	(36,875,141)	(32,972,209)	(+274,684)
Rescissions.....	(-907,630)	(-264,332)	(-891,209)	(+16,421)
Rescissions of emergency appropriations.....	---	(-35,000)	---	---

DIVISION B: ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012  
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(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
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1/ Totals adjusted to net out alternative financing costs, reimbursable agreement funding, and power purchase and wheeling expenditures. Offsetting collection totals only reflect funds collected for annual expenses, excluding power purchase wheeling.

**DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012**

References in this statement to the Senate bill are to the bill (S. 1573) as reported to the Senate by the Committee on Appropriations on September 15, 2011 (S. Rept. 112-79). References to the House bill are to the bill (H.R. 2434) as reported to the House by the Committee on Appropriations on July 7, 2011 (H. Rept. 112-136).

Language included in House Report 112-36 or Senate Report 112-79 that is not changed by this joint explanatory statement is approved by the committee of conference. This explanatory statement, while repeating some report language for emphasis, is not intended to negate the language in the referenced House and Senate committee reports unless expressly provided herein.

Where the House or Senate has directed submission of a report, that report is to be submitted to the Committees on Appropriations of both the House of Representatives and the Senate.

**TITLE I**

**DEPARTMENT OF THE TREASURY  
DEPARTMENTAL OFFICES  
SALARIES AND EXPENSES**

The conference agreement provides \$308,388,000 for departmental offices salaries and expenses, instead of \$185,749,000 as proposed by the House and \$306,388,000 as proposed by the Senate.

Within the amount provided under this heading, the conference agreement provides \$100,000,000 for the Office of Terrorism and Financial Intelligence and within that amount no more than \$26,608,000 for administrative expenses. The conference agreement also provides full funding for the Secretary's security and travel, both domestic and international (including civilian and military).

*Judgment Fund.*—The conferees adopt the House report language regarding the Judgment Fund, except that the first report is due within 180 days of enactment of this Act and annually thereafter.

*Volcker Rule.*—The conferees note that consistent with Public Law 111-203, the appropriate Federal banking regulators and the U.S. Securities and Exchange Commission proposed regulations implementing the "Volcker Rule," and the U.S. Commodity Futures Trading Commission is expected to propose a similar rule, that appropriately accommodates the business of insurance by permitting trading by a regulated insurance company for its general account. These accommodations are subject to subsections (d)(1)(F) and (d)(2)(A) of section 13 (or "sections 13(d)(1)(F) and 13(d)(2)(A)") of the Bank Holding Company Act of 1956.

*Economic Sanctions and Divestments.*—The conferees direct the Department to fully implement the sanctions and divestment measures applicable to North Korea, Burma, Belarus, Iran, Sudan, and Zimbabwe. The Department is further directed to promptly notify the Appropriations Committees of any resource constraints that adversely impact the implementation of these sanctions programs.

*Management of Capital Investments.*—The conferees reiterate the Senate report language regarding management of capital investments and direct the Department to continue improving the management of capital investments, specifically focusing on integrating all of the Department's bureaus into improvement efforts and institutionalizing improvements so that taxpayers will benefit from better management of future capital

projects. The conferees note that section 121 of this Act requires the Secretary of the Treasury to develop an annual Capital Investment Plan, to be submitted to the Committees on Appropriations of the Senate and the House of Representatives within 30 days following submission of the President's annual budget request. The conferees direct the Office of the Chief Information Officer to ensure that adequate resources are devoted both to projects in the capital phase and to proper maintenance and modernization of existing systems and to ensure that all projects are tracked properly and described completely in the annual Capital Investment Plan.

**OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES**

The conference agreement provides \$29,641,000 for the Office of Inspector General as proposed by the House and the Senate.

**TREASURY INSPECTOR GENERAL FOR TAX  
ADMINISTRATION  
SALARIES AND EXPENSES**

The conference agreement provides \$151,696,000 for salaries and expenses of the Treasury Inspector General for Tax Administration as proposed by the House and the Senate.

**SPECIAL INSPECTOR GENERAL FOR THE  
TROUBLED ASSET RELIEF PROGRAM  
SALARIES AND EXPENSES**

The conference agreement provides \$41,800,000 for salaries and expenses of the Office of the Special Inspector General for the Troubled Asset Relief Program (SIGTARP) as proposed by the Senate, instead of \$41,801,000 as proposed by the House.

**FINANCIAL CRIMES ENFORCEMENT NETWORK  
SALARIES AND EXPENSES**

The conference agreement provides \$110,788,000 for salaries and expenses of the Financial Crimes Enforcement Network (FinCEN), as proposed by the House and the Senate.

The conferees reiterate the House and Senate language rejecting the Administration's proposed \$3 million in reductions for State and local and intelligence community access to Bank Secrecy Act information and the Senate language rejecting the Administration's proposal to fund a portion of FinCEN's needs in fiscal year 2012 using proceeds from the Treasury Forfeiture Fund.

**TREASURY FORFEITURE FUND  
(RESCISSION)**

The conference agreement includes a rescission of \$950,000,000 of the unobligated balances in the Treasury Forfeiture Fund.

The funds collected, disbursed and rescinded out of the Treasury Forfeiture Fund (the Fund) are incidental to law enforcement priorities that led to the seizures and forfeitures. Disrupting and dismantling criminal organizations that pose the greatest threat to public safety and security is the highest priority of any law enforcement agency. The Fund can ensure resources are managed efficiently to cover the costs of an effective asset seizure and forfeiture program, including the costs of seizing, evaluating, inventorying, maintaining, protecting, advertising, forfeiting and disposing of property, but it must not be used to augment agency funding or to circumvent the appropriations process. Reliance on the Fund to offset the day-to-day operations, or to pay for new activities, creates an incentive to pursue cases suspected of high valued forfeitures rather than to target individuals or organizations that perpetrate the worst crimes against society.

In addition to the Department of Treasury, the Department of Homeland Security is the other primary participant in the Fund since it does not have the authority or expertise to operate its own forfeiture fund. In fiscal year 2010, the Department of Homeland Security activities resulted in approximately 30 percent of the collections to the Fund and accounted for approximately 50 percent of the costs incurred by the Fund. In recent years, the available balances in the Fund have increased as the Federal Government has taken enforcement actions against large banks, increasing the surplus funding available. This surplus funding can either be used to fund law enforcement expenses to enhance forfeiture capabilities, be held in reserve or be rescinded. In considering the allocation of super surplus balances or rescission of resources in the Fund, the conferees direct the Administration not to use a formulaic approach where agencies that conduct seizures automatically get to spend or rescind surplus balances. The resources in the Fund should not be considered a "bounty" for the collecting agencies. Future proposed rescissions and super surplus spending requests should be based on programmatic need and funding priorities not a predetermined formula. Using a formulaic approach, such as distributing super surplus funds and rescissions in proportion to an agency's collections, would distort the role of the Fund.

**FINANCIAL MANAGEMENT SERVICE  
SALARIES AND EXPENSES**

The conference agreement provides \$217,805,000 for salaries and expenses of the Financial Management Service as proposed by the Senate instead of \$216,617,000 as proposed by the House.

**ALCOHOL AND TOBACCO TAX AND TRADE  
BUREAU  
SALARIES AND EXPENSES**

The conference agreement provides \$99,878,000 for salaries and expenses of the Alcohol and Tobacco Tax and Trade Bureau as proposed by the Senate instead of \$96,899,000 as proposed by the House. Within this amount, \$2,000,000 is for the cost of special law enforcement agents to target tobacco smuggling and other criminal diversion activities.

**UNITED STATES MINT**

**UNITED STATES MINT PUBLIC ENTERPRISE FUND**

The conference agreement provides that not more than \$20,000,000 in new liabilities and obligations may be incurred during fiscal year 2012 for circulating coinage and protective service capital investments of the U.S. Mint, as proposed by the House and the Senate.

**BUREAU OF THE PUBLIC DEBT  
ADMINISTERING THE PUBLIC DEBT**

The conference agreement provides \$173,635,000 for costs associated with administering the public debt, as proposed by the Senate instead of the \$171,979,000 as proposed by the House. Within this amount, \$10,000,000 is available until September 30, 2014, to reduce improper payments. The conference agreement further directs that \$8,000,000 in user fees be used to offset the appropriated amounts.

**COMMUNITY DEVELOPMENT FINANCIAL  
INSTITUTIONS FUND PROGRAM ACCOUNT**

The conference agreement provides \$221,000,000 for the Community Development Financial Institutions (CDFI) Fund program.

The conference agreement waives the matching fund requirement for the Small and/or Emerging CDFI applicants (SECA)

and the Native Initiatives for only one year. SECAs are insured depository institutions and depository institution holding companies with total assets up to \$250 million, insured credit unions with total assets up to \$10 million, venture capital funds with total assets up to \$10 million, or other type of certified/certifiable CDFI with total assets up to \$5 million as of September 30, 2011, or began operations on or after January 1, 2008.

The conference agreement designates no funding for the Bank on USA Initiative.

#### INTERNAL REVENUE SERVICE TAXPAYER SERVICES

The conference agreement provides \$2,239,703,000 for Internal Revenue Service (IRS) Taxpayer Services. Within the overall amount, not less than \$9,750,000 is for low-income taxpayer clinic grants, and not less than \$5,600,000 is for the Tax Counseling for the Elderly program. Not less than \$205,000,000 is provided for operating expenses of the IRS Taxpayer Advocate Service.

In addition, within the overall amount provided, \$12,000,000, available until September 30, 2013, is included for the Community Volunteer Income Tax Assistance (VITA) matching grants program.

#### ENFORCEMENT

The conference agreement provides \$5,299,367,000 for Enforcement.

#### OPERATIONS SUPPORT

The conference agreement provides \$3,947,416,000 for Operations Support.

*Information Technology Reports.*—The conferees direct the IRS to submit quarterly reports to the Committees on Appropriations and the Government Accountability Office (GAO), with the first such report due no later than two weeks after March 31, 2012. The conferees expect the reports to include a detailed, plain English explanation of the cost and schedule for the previous three months and a description of the expected cost and schedule for the upcoming three months for the following major information technology project activities: IRS.gov; Returns Remittance Processing; EDAS/IPM; Information Returns and Document Matching; E-services; and other projects associated with significant changes in law. The conferees further direct GAO to review and provide an annual report to the Committees on the cost and schedule of activities of all major IRS information technology projects for the year, with particular focus on the projects about which the IRS is providing quarterly reports to the Committees.

#### BUSINESS SYSTEMS MODERNIZATION

The conference agreement provides \$330,210,000 for Business Systems Modernization (BSM).

*Information Technology Reports.*—The conferees direct the IRS to submit quarterly reports to the Committees on Appropriations and the Government Accountability Office (GAO), with the first such report due no later than two weeks after March 31, 2012. The conferees expect the reports to include a detailed, plain English explanation of the cost and schedule of CADE2 and MeF activities for the previous three months and a description of the expected cost and schedule for the upcoming three months. The conferees further direct GAO to review and provide an annual report to the Committees on the cost and schedule of CADE2 and MeF activities for the year.

#### ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

##### (INCLUDING TRANSFER OF FUNDS)

The conferees agree to the following provisions:

Section 101 provides transfer authority.

Section 102 requires the IRS to maintain training in taxpayer rights.

Section 103 requires the IRS to safeguard taxpayer information and to protect taxpayers against identity theft.

Section 104 permits funding for 1-800 help line services for taxpayers and directs the Commissioner to make improving phone service a priority.

#### ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

##### (INCLUDING TRANSFERS OF FUNDS)

The conferees agree to the following provisions:

Section 105 allows Treasury to use funds for certain specified expenses.

Section 106 allows for the transfer of up to 2 percent of funds between "Departmental Offices" and the various Treasury bureaus, except the IRS.

Section 107 allows for the transfer of up to 2 percent from the IRS accounts to TIGTA.

Section 108 directs that the purchase of vehicles be consistent with vehicle management principles.

Section 109 prohibits funding to redesign the \$1 note.

Section 110 allows for the transfer of funds from "Financial Management Service, Salaries and Expenses" to the Debt Collection Fund conditional on future reimbursement.

Section 111 extends a pay demonstration program for one year.

Section 112 prohibits funds to build a United States Mint museum without the approval of the House and Senate Committees on Appropriations and the authorizing committees of jurisdiction.

Section 113 prohibits funding for consolidating the functions of the United States Mint and the Bureau of Engraving and Printing without the approval of the House and Senate Committees on Appropriations and the authorizing committees of jurisdiction.

Section 114 specifies that funds for Treasury intelligence activities are deemed to be specifically authorized until enactment of the fiscal year 2012 intelligence authorization act.

Section 115 permits the Bureau of Engraving and Printing to use up to \$5,000 from the Industrial Revolving Fund for reception and representation expenses.

Section 116 removes the 4 year limit on currency paper contracts.

Section 117 requires persons who exchange \$10,000 or more in mutilated cash to provide the Bureau of Engraving and Printing with a taxpayer identification number.

Section 118 concerns disclosure prohibitions with regards to FinCEN activities.

Section 119 concerns disclosure of FinCEN activities.

Section 120 provides FinCEN with access to certain reports of cash payments that are only filed with the IRS.

Section 121 requires the Secretary to submit a Capital Investment Plan.

#### TITLE II

#### EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

##### COMPENSATION OF THE PRESIDENT

The conference agreement provides \$450,000 for compensation of the President as proposed by the Senate. The House proposed funding this mandatory cost as a general provision.

##### THE WHITE HOUSE

##### SALARIES AND EXPENSES

The conference agreement provides \$56,974,000 for the salaries and expenses of the

White House, instead of \$55,513,000 as proposed by the House and \$57,851,000 as proposed by the Senate.

The conferees note that a lengthy clearance process at the Executive Office of the President (EOP) often delays submission of information requested by the Committees on Appropriations. The conferees expect EOP to respond to such requests in a timely manner because such information is critical to the Committees' ability to make informed budgetary decisions. In that regard, the conferees have encountered particular difficulty in receiving timely and comprehensive responses to requests for information from the Office of National Drug Control Policy (ONDCP) and therefore, direct EOP to remedy this issue. Language has also been included on this topic in the ONDCP section.

#### EXECUTIVE RESIDENCE AT THE WHITE HOUSE

##### OPERATING EXPENSES

The conference agreement provides \$13,425,000 for the Executive Residence at the White House, instead of \$12,989,000 as proposed by the House and \$13,536,000 as proposed by the Senate.

#### WHITE HOUSE REPAIR AND RESTORATION

The conference agreement provides \$750,000 for repair, alteration and improvement of the Executive Residence at the White House, instead of \$1,000,000 as proposed by the House and \$990,000 as proposed by the Senate.

#### COUNCIL OF ECONOMIC ADVISERS

##### SALARIES AND EXPENSES

The conference agreement provides \$4,192,000 for the salaries and expenses of the Council of Economic Advisers as proposed by the Senate, instead of \$3,982,000 as proposed by the House.

#### NATIONAL SECURITY COUNCIL AND HOMELAND

##### SECURITY COUNCIL

##### SALARIES AND EXPENSES

The conference agreement provides \$13,048,000 for the salaries and expenses of the National Security Council and Homeland Security Council as proposed by the Senate, instead of \$12,396,000 as proposed by the House.

#### OFFICE OF ADMINISTRATION

##### SALARIES AND EXPENSES

The conference agreement provides \$112,952,000 for the salaries and expenses of the Office of Administration, instead of \$109,297,000 as proposed by the House and \$114,908,000 as proposed by the Senate. The conference agreement includes \$10,403,000, to remain available until expended, for information technology modernization.

#### OFFICE OF MANAGEMENT AND BUDGET

##### SALARIES AND EXPENSES

The conference agreement provides \$89,456,000 for the salaries and expenses of the Office of Management and Budget (OMB), instead of \$82,575,000 as proposed by the House and \$90,833,000 as proposed by the Senate.

The conferees direct OMB to submit a report to the Committee within 120 days of enactment of this Act detailing current capabilities of and deficiencies in the Federal Government's core budgeting system.

In light of increased efforts to identify government-wide efficiencies and anticipate the cost of major infrastructure projects, the Committee instructs OMB to examine Circular A-94. The Committee expects OMB's review of Circular A-94 to include an examination of the potential to incorporate lifecycle cost analysis. Moreover, this analysis should be as accurate, complete and reflective of the real costs and lifespans of materials as possible, including the use of material-specific discount rates and maintenance

scheduled cost. OMB is directed to report to the Committee within 180 days of enactment of this Act on the status of reviewing Circular A-94. OMB should include appropriate experts in the field of life-cycle cost analysis, as well as appropriate industry experts and research centers.

The conferees believe that agency staffing decisions should be based on agency workload and the level of funds made available, rather than pre-determined formulaic reductions. Decisions to backfill vacant positions should be based on the number of staff with the combination of skills and qualifications necessary to carry out the agency's mission within available funding levels. The OMB Director shall report in February annually to the House and Senate Appropriations Committees on any agencies not adhering to the policies mentioned above.

The conferees direct OMB to issue guidance, consistent with section 735 of division D of the Omnibus Appropriations Act, 2009, Public Law 111-8, and section 739(a)(1) of division D of the Consolidated Appropriations Act, 2008 (Public Law 110-161), and section 327 of the 2008 National Defense Authorization Act (Public Law 110-181), regarding use of direct conversions to contract out, in whole or in part, activities or functions last performed by Federal employees.

The conferees expect OMB to honor the terms and conditions of appropriations Acts by not only reviewing reprogramming requests submitted to the Committees on Appropriations pursuant to the reprogramming conditions of this or any other Act, but also by reviewing agency activities for compliance with reprogramming conditions. With regard to section 608 of this Act, the conferees find that reimbursable agreements and other similar funding mechanisms utilized for the purpose of reallocating funding shall be considered a reprogramming of funds under such section. When determining the applicability of section 608, OMB and the agencies should consult with the Committees on Appropriations.

#### OFFICE OF NATIONAL DRUG CONTROL POLICY SALARIES AND EXPENSES

The conference agreement provides \$24,500,000 for salaries and expenses of the Office of National Drug Control Policy (ONDCP), instead of \$23,000,000 as proposed by the House and \$26,125,000 as proposed by the Senate.

The conferees note that a lengthy clearance process at the Executive Office of the President (EOP) often delays submission of information requested by the Committees on Appropriations. The conferees have encountered particular difficulty in receiving timely and comprehensive responses to requests for information from ONDCP. The conferees expect ONDCP to respond to such requests in a timely manner because such information is critical to the Committees' ability to make informed budgetary decisions. The conferees expect EOP to remedy this issue and improve ONDCP's responsiveness. Language has also been included on this topic under the White House Office account.

#### FEDERAL DRUG CONTROL PROGRAMS HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$238,522,000 for the High Intensity Drug Trafficking Areas Program as proposed by the House and the Senate.

#### OTHER FEDERAL DRUG CONTROL PROGRAMS (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$105,550,000 for Other Federal Drug Control

Programs, instead of \$101,978,000 as proposed by the House and \$105,950,000 as proposed by the Senate. The agreement allocates funds among specific programs as follows:

National Youth Anti-Drug Media Campaign .....	\$0
Drug-Free Communities Program .....	92,000,000
(Training .....	2,000,000)
Drug court training and technical assistance .....	1,400,000
Anti-Doping activities .....	9,000,000
World Anti-Doping Agency (U.S. membership dues) .....	1,900,000
Discretionary Grants as authorized by PL 109-469, section 1105 .....	1,250,000
Performance Measures Development .....	0

The conference agreement provides no funding for the media campaign, as proposed by the House and the Senate. The conferees are supportive of a plan to preserve the substantial federal investment in anti-drug messaging and direct ONDCP to report to the Committees on Appropriations on the planned uses of the remaining unobligated balances for the media campaign not later than 180 days after enactment of this Act.

The conferees expect grant funding provided under ONDCP's Other Federal Drug Control Programs be awarded through a competitive process.

The conferees are troubled by ONDCP's decision-making in the management of unobligated balances. The President's budget proposed rescinding \$11,328,000 from the Counterdrug Technology Assessment Center. Despite this, ONDCP obligated \$6,083,361 of those balances. The conferees believe that ONDCP's decision to obligate funds that the President's budget proposed to rescind demonstrates an inability to effectively manage their funds.

#### INTEGRATED, EFFICIENT AND EFFECTIVE USES OF INFORMATION TECHNOLOGY (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$5,000,000 for this activity as proposed by the House, instead of no funds as proposed by the Senate. The conferees direct that information technology reform initiatives shall not be a substitute for consideration of agency requirements and the Executive Office of the President shall keep the Committees on Appropriations informed of changes in information technology spending plans.

#### UNANTICIPATED NEEDS

The conference agreement provides \$988,000 for unanticipated needs as proposed by the Senate. The House provided no funding for this activity.

#### SPECIAL ASSISTANCE TO THE PRESIDENT SALARIES AND EXPENSES

The conference agreement provides \$4,328,000 for salaries and expenses to enable the Vice President to provide special assistance to the President as proposed by the Senate, instead of \$4,322,000 as proposed by the House.

#### OFFICIAL RESIDENCE OF THE VICE PRESIDENT OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$307,000 for operating expenses for the official residence of the Vice President as proposed by the House and the Senate.

#### ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFERS OF FUNDS AND RESCISSIONS)

The conference agreement provides the following Administrative Provisions under this title:

Section 201 provides transfer authority among various Executive Office of the President accounts.

Section 202 requires OMB to submit a report on the implementation of Executive Order 13563 relating to improving regulation and regulatory review.

Section 203 requires OMB to report on the costs of implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203).

Section 204 requires a detailed narrative and financial plan for Office of National Drug Control Policy funds.

Section 205 provides transfer authority among Office of National Drug Control Policy accounts.

Section 206 governs reprogramming of Office of National Drug Control Policy funds.

Section 207 rescinds \$5,244,639 in unobligated prior year balances from the Counterdrug Technology Assessment Center.

Section 208 rescinds \$359,958 in unobligated prior year balances from Other Federal Drug Control Programs for a chronic users study and \$5,723,403 in unobligated prior year balances from Other Federal Drug Control Programs for a national youth anti-drug media campaign.

Section 209 extends the availability of funds under the Partnership Fund for Program Integrity Innovation. The conferees do not recommend additional funding for the Partnership Fund in fiscal year 2012 and direct the Administration to continue to leverage funds provided in fiscal year 2010 to continue the initiative during fiscal years 2012 and 2013.

#### TITLE III THE JUDICIARY

##### SUPREME COURT OF THE UNITED STATES SALARIES AND EXPENSES

The conference agreement provides \$74,819,000 for the salaries and expenses of the Supreme Court as proposed by the House and the Senate.

##### CARE OF THE BUILDING AND GROUNDS

The conference agreement provides \$8,159,000 for the care of the Supreme Court building and grounds as proposed by the House and the Senate.

##### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

##### SALARIES AND EXPENSES

The conference agreement provides \$32,511,000 for the salaries and expenses of the United States Court of Appeals for the Federal Circuit, instead of \$31,472,000 as proposed by the House and \$31,913,000 as proposed by the Senate.

##### UNITED STATES COURT OF INTERNATIONAL TRADE

##### SALARIES AND EXPENSES

The conference agreement provides \$21,447,000 for the salaries and expenses of the United States Court of International Trade, instead of \$20,628,000 as proposed by the House and \$20,968,000 as proposed by the Senate.

##### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

##### SALARIES AND EXPENSES

The conference agreement provides \$5,015,000,000 for the salaries and expenses of

the Courts of Appeals, District Courts, and Other Judicial Services, instead of \$4,790,855,000 as proposed by the House and \$4,970,646,000 as proposed by the Senate. In addition, the agreement provides \$5,000,000 from the Vaccine Injury Compensation Trust Fund, instead of \$4,775,000 as proposed by the House and the Senate.

#### DEFENDER SERVICES

The conference agreement provides \$1,031,000,000 for Defender Services, instead of \$1,050,000,000 as proposed by the House and \$1,034,182,000 as proposed by the Senate.

#### FEES OF JURORS AND COMMISSIONERS

The conference agreement provides \$51,908,000 for Fees of Jurors and Commissioners, instead of \$57,305,000 as proposed by the House and \$59,000,000 as proposed by the Senate.

#### COURT SECURITY

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$500,000,000 for court security, as proposed by the House and the Senate.

#### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

##### SALARIES AND EXPENSES

The conference agreement provides \$82,909,000 for the salaries and expenses of the Administrative Office of the United States Courts, instead of \$80,007,000 as proposed by the House and \$82,000,000 as proposed by the Senate.

#### FEDERAL JUDICIAL CENTER

##### SALARIES AND EXPENSES

The conference agreement provides \$27,000,000 for the salaries and expenses of the Federal Judicial Center, as proposed by the Senate, instead of \$26,318,000 as proposed by the House.

#### JUDICIAL RETIREMENT FUNDS

##### PAYMENT TO JUDICIARY TRUST FUNDS

The conference agreement provides \$103,768,000 for payments to the judiciary trust funds, as proposed by the Senate. The House proposed funding these mandatory costs in a general provision.

#### UNITED STATES SENTENCING COMMISSION

##### SALARIES AND EXPENSES

The conference agreement provides \$16,500,000 for the salaries and expenses of the United States Sentencing Commission, as proposed by the Senate, instead of \$16,215,000 as proposed by the House.

#### ADMINISTRATIVE PROVISIONS—THE JUDICIARY

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes the following administrative provisions:

Section 301 makes funds appropriated for salaries and expenses available for services authorized by 5 U.S.C. 3109.

Section 302 provides transfer authority among Judiciary appropriations.

Section 303 permits not more than \$11,000 to be used for official reception and representation expenses of the Judicial Conference.

Section 304 extends through fiscal year 2012 the delegation of authority to the Judiciary for contracts for repairs of less than \$100,000.

Section 305 continues a pilot program where the United States Marshals Service provides perimeter security services at selected courthouses.

Section 306 extends for one year the authorization of temporary district judgeships in Kansas and Hawaii.

#### TITLE IV

##### DISTRICT OF COLUMBIA

##### FEDERAL FUNDS FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

The conference agreement includes \$30,000,000 for District of Columbia resident tuition support as proposed by the House and the Senate.

##### FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

The conference agreement provides \$14,900,000 for emergency planning and security costs in the District of Columbia as proposed by the House and the Senate.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

The conference agreement provides \$232,841,000 for the District of Columbia Courts, instead of \$224,394,000 as proposed by the House and \$230,319,000 as proposed by the Senate. Within the amount provided, \$12,830,000 is for the District of Columbia Court of Appeals, \$114,209,000 is for the District of Columbia Superior Court, \$66,712,000 is for the District of Columbia Court System, and \$39,090,000 is for capital improvements to Court facilities.

For the District of Columbia Superior Court, the conference agreement provides \$114,209,000 instead of \$109,307,000 as proposed by the House and \$111,687,000 as proposed by the Senate. Increased funding is provided to address the Court's top priorities, including the Fathering Court Initiative and the Drop-In Center for Juvenile Girls.

The conference agreement does not continue bill language from prior years requiring the District of Columbia Courts to use GSA for payroll and financial services, as proposed by the House. While not excluding the use of GSA for these services, the conferees are aware this provision will allow the District of Columbia Courts greater flexibility in selecting and contracting for its payroll and financial services.

##### FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$55,000,000 for Defender Services in District of Columbia Courts as proposed by the Senate, instead of \$54,890,000 as proposed by the House.

The conference agreement does not continue bill language from prior years requiring the Defender Services in District of Columbia Courts to use GSA for payroll and financial services as proposed by the House. While not excluding the use of GSA for these services, the conferees are aware this provision will allow the Defender Services in District of Columbia Courts greater flexibility in selecting and contracting for its payroll and financial services.

##### FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

The conference agreement provides \$212,983,000 to the Court Services and Offender Supervision Agency for the District of Columbia as proposed by the House and the Senate. Within the amount provided, \$153,548,000 is for Community Supervision and Sex Offender Registration and \$59,435,000 is for the Pretrial Services Agency.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

The conference agreement provides \$37,241,000 for the Public Defender Service as proposed by the House and the Senate.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The conference agreement provides \$15,000,000 for the District of Columbia Water and Sewer Authority as proposed by the Senate instead of no funds as proposed by the House.

##### FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

The conference agreement provides \$1,800,000 for the Criminal Justice Coordinating Council as proposed by the Senate instead of \$1,796,000 as proposed by the House.

##### FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

The conference agreement provides \$500,000 for Judicial Commissions as proposed by the Senate instead of \$499,000 as proposed by the House. Within the amount provided, \$295,000 is for the Commission on Judicial Disabilities and Tenure, and \$205,000 is for the Judicial Nomination Commission.

##### FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

The conference agreement includes \$60,000,000 for school improvement in the District of Columbia as proposed by the House and the Senate. As authorized by the Scholarship for Opportunity and Results Act, funds are equally divided between District of Columbia Public Schools (\$20,000,000), District of Columbia Public Charter Schools (\$20,000,000) and District of Columbia Opportunity Scholarships (\$20,000,000). The conference agreement does not adopt the Senate requirement that the Secretary of Education perform an assessment of schools participating in the Opportunity Scholarships program.

##### FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

The conference agreement provides \$375,000 for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program as proposed by the House and the Senate.

##### FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

The conference agreement provides a \$5,000,000 Federal payment to the District of Columbia solely for the purpose of HIV/AIDS testing and treatment. No funds were provided for this activity in the House or the Senate.

##### DISTRICT OF COLUMBIA FUNDS

The conference agreement provides authority for the District of Columbia to spend its local funds in accordance with the Fiscal Year 2012 Budget Request Act of 2011 (DC Act 19-92), as modified as of the date of the enactment of this Act.

#### TITLE V

##### INDEPENDENT AGENCIES

##### ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

##### SALARIES AND EXPENSES

The conference agreement provides \$2,900,000, to remain available until September 30, 2013, for the Administrative Conference of the United States as proposed by the Senate, instead of \$2,608,000 as proposed by the House.

##### CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

##### SALARIES AND EXPENSES

The conference agreement provides \$450,000 for the Christopher Columbus Fellowship Foundation as proposed by the Senate, instead of no funds as proposed by the House.

##### CONSUMER PRODUCT SAFETY COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$114,500,000 for the Consumer Product Safety



Commission (CPSC) as proposed by the Senate, instead of \$111,288,000 as proposed by the House.

The conferees are aware that small, round, coin-shaped batteries, known as “button cell batteries” are increasingly present in consumer products, and pose a hazard—potentially fatal—to small children who ingest them. The conferees support efforts to ensure that these batteries are securely enclosed in products (like the existing Federal safety rules that require toys that use batteries to have such compartments), with accompanying warning labels.

CPSC has identified window coverings with cords as one of the top five hidden hazards in the home and CPSC is aware of 120 fatalities and 113 serious injuries related to corded window blinds since 1999. The conferees urge parties involved in the standards process to redouble efforts to address the strangulation risk posed by corded window coverings in a timely manner.

#### ADMINISTRATIVE PROVISIONS—CONSUMER PRODUCT SAFETY COMMISSION

The conference agreement includes the following administrative provisions for the Consumer Product Safety Commission:

Section 501 permits CPSC staff serving abroad to be eligible for benefits similar to those authorized for Foreign Service officials.

Section 502 includes language making technical corrections to the Virginia Graeme Baker Pool and Spa Safety Act.

Section 503 requires the Government Accountability Office (GAO) to study the potential risks associated with new and emerging consumer products.

Section 504 requires the GAO to study the efficacy of voluntary industry standards for consumer products.

#### ELECTION ASSISTANCE COMMISSION

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$11,500,000 for the salaries and expenses of the Election Assistance Commission (EAC), instead of \$6,858,000 as proposed by the House and \$14,750,000 as proposed by the Senate. This includes \$2,750,000 to be transferred to the National Institute of Standards and Technology and \$1,250,000 for the EAC Inspector General.

#### FEDERAL COMMUNICATIONS COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$339,844,000 for the salaries and expenses of the Federal Communications Commission (FCC), instead of \$319,004,000 as proposed by the House and \$354,181,000 as proposed by the Senate. This includes \$9,750,000 for the FCC Inspector General. The conference agreement provides that \$339,844,000 be derived from offsetting collections, resulting in no net appropriation.

The conferees note that the Fairness Doctrine was removed from the FCC’s rulebooks as of August 22, 2011.

#### ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

The conferees agree to the following administrative provisions for the Federal Communications Commission:

Section 510 extends an exemption for the Universal Service Fund.

Section 511 prohibits the Federal Communications Commission from changing rules governing the Universal Service Fund regarding single connection or primary line restrictions.

#### FEDERAL DEPOSIT INSURANCE CORPORATION OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides a transfer of \$45,261,000 to fund the Office of Inspector General (OIG) for the Federal Deposit Insurance Corporation as proposed by both the House and Senate. The OIG’s appropriations are derived from the Deposit Insurance Fund and the FSLIC Resolution Fund.

#### FEDERAL ELECTION COMMISSION

##### SALARIES AND EXPENSES

The conference agreement provides \$66,367,000 for the salaries and expenses of the Federal Election Commission as proposed by the House and Senate.

#### FEDERAL LABOR RELATIONS AUTHORITY

##### SALARIES AND EXPENSES

The conference agreement provides \$24,723,000 for the Federal Labor Relations Authority as proposed by the Senate, instead of \$24,105,000 as proposed by the House.

#### FEDERAL TRADE COMMISSION

##### SALARIES AND EXPENSES

The conference agreement provides \$311,563,000 for the salaries and expenses of the Federal Trade Commission (FTC) as proposed by the Senate, instead of \$284,067,000 as proposed by the House. This appropriation is partially offset by premerger filing fees estimated at \$108,000,000 and \$21,000,000 from fees to implement the Telemarketing Sales Rule.

The conference agreement does not adopt the Senate requirement that the FTC submit voluntary food marketing principles in a final report to the Committees.

#### GENERAL SERVICES ADMINISTRATION

##### REAL PROPERTY ACTIVITIES

##### FEDERAL BUILDINGS FUND

##### LIMITATIONS ON AVAILABILITY OF REVENUE

The conference agreement provides resources from the General Services Administration (GSA) Federal Buildings Fund totaling \$8,017,967,000, instead of \$7,223,801,000 as proposed by the House and \$8,144,967,000 as proposed by the Senate.

*Construction and Acquisition.*—The conference agreement provides \$50,000,000 for construction and acquisition, instead of \$0 as proposed by the House and \$65,000,000 as proposed by the Senate.

The conferees clarify the House report language about use of prior appropriations for projects and agree, unless GSA follows the reprogramming process in Section 608 that requires the approval of the Committees, that GSA is prohibited from using either funding appropriated for any construction project yet to be completed or the proceeds from the sale of land from the yet-to-be-completed project other than to address the need for space for which the construction project was intended.

*Repairs and Alterations.*—The conference agreement provides \$280,000,000 for repairs and alterations, as proposed by the House and Senate. Funds are provided in the amounts indicated:

Judiciary Capital Security Program .....	\$20,000,000
Basic Repairs and Alterations .....	\$260,000,000

*Energy Saving Lighting Technologies.*—The conference agreement adopts the House reporting requirement on LED lights and clarifies that LED lights are expected to be incorporated into GSA’s building specifications as appropriate.

*Installment Acquisition Payments.*—The conference agreement includes \$126,801,000 for

installment acquisition payments, as proposed by both the House and the Senate.

*Rental of Space.*—The conference agreement provides \$5,210,198,000 for rental of space, instead of \$4,700,000,000 as proposed by the House and \$5,285,198,000 as proposed by the Senate.

*Building Operations.*—The conference agreement provides \$2,350,968,000 for building operations, instead of \$2,117,000,000 as proposed by the House and \$2,387,968,000 as proposed by the Senate.

#### GENERAL ACTIVITIES

##### GOVERNMENT-WIDE POLICY

The conference agreement provides \$61,115,000 for GSA Government-wide policy activities, instead of \$64,826,000 as proposed by the House and \$61,750,000 as proposed by the Senate.

##### OPERATING EXPENSES

The conference agreement provides \$69,500,000 for operating expenses of GSA instead of \$68,135,000 as proposed by the House and \$70,000,000 as proposed by the Senate.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$58,000,000 for the Office of Inspector General as proposed by the Senate instead of \$58,882,000 as proposed by the House.

#### ELECTRONIC GOVERNMENT FUND (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$12,400,000 for the Electronic Government Fund. These funds may be transferred to other Federal agencies to carry out the purposes of the Electronic Government Fund, but only after a spending plan and explanation for each project has been submitted to the Committees on Appropriations.

#### ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

The conference agreement includes \$3,671,000 for allowances and staff for former Presidents, as proposed by both the House and the Senate.

#### FEDERAL CITIZEN SERVICES FUND

The conference agreement provides \$34,100,000 for deposit into the Federal Citizens Services Fund (the Fund) and authorizes use of appropriations, revenues and collections in the Fund in an aggregate amount not to exceed \$90,000,000.

#### ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

##### (INCLUDING TRANSFERS OF FUNDS AND RESCISSION)

The conferees agree to the following provisions:

Section 520 specifies that funds are available for hire of motor vehicles.

Section 521 authorizes transfers within the Federal Buildings Fund, with advance approval of the Committees on Appropriations.

Section 522 prohibits the use of funds to transmit a fiscal year 2013 request for courthouse construction unless the request meets design guide standards, reflects the priorities in the Judicial Conference 5-year construction plan, and includes a standardized courtroom utilization study.

Section 523 specifies that funds in this Act may not be used to increase the amount of occupiable space or provide services such as cleaning or security for any agency that does not pay the rental charges assessed by GSA.

Section 524 permits GSA to pay certain construction-related claims against the Federal Government from savings achieved in other projects.

Section 525 requires that the delineated area of procurement for leased space match

the approved prospectus, unless the Administrator provides an explanatory statement to the appropriate congressional committees.

Section 526 increases the permissible uses of the fees collected by the GSA Federal Acquisition Institute.

Section 527 rescinds \$4,600,000 from completed projects.

Section 528 directs GSA to submit a report within 120 days of enactment of this Act about programs funded by appropriations to GSA, but not under GSA control.

#### HARRY S TRUMAN SCHOLARSHIP FOUNDATION SALARIES AND EXPENSES

The conference agreement includes \$748,000 for a payment to the Harry S Truman Scholarship Foundation Trust Fund as proposed by the House instead of \$700,000 as proposed by the Senate.

#### MERIT SYSTEMS PROTECTION BOARD SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$42,603,000, to remain available until September 30, 2013, for the salaries and expenses of the Merit Systems Protection Board as proposed by the Senate, instead of \$41,761,000 as proposed by the House. Within the amount provided, \$40,258,000 is a direct appropriation and \$2,345,000 is a transfer from the Civil Service Retirement and Disability Fund to adjudicate retirement appeals.

#### MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

##### MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

The conference agreement includes \$2,200,000 for payment to the Morris K. Udall and Stewart L. Udall Trust Fund as proposed by the Senate.

#### ENVIRONMENTAL DISPUTE RESOLUTION FUND

The conference agreement includes \$3,792,000 for payment to the Environmental Dispute Resolution Fund as proposed by the Senate.

#### NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OPERATING EXPENSES (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$373,300,000 for the operating expenses of the National Archives and Records Administration (NARA), instead of \$360,969,000 as proposed by the House and \$378,845,000 as proposed by the Senate.

The conferees reiterate Senate language noting material weakness in the security of NARA's holdings. The conferees direct NARA to institute and enforce effective inventory controls and adequate levels of security within its facilities to reduce the risk of loss and damage to our Nation's documents and records.

In addition, the conferees direct NARA to continue to work with agencies on records management policies, especially those related to document destruction. The conferees believe it is critical for all agencies to be aware of the importance of these policies and to have proper systems in place for document retention and preservation.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$4,100,000 for NARA's Office of Inspector General as proposed by the House and the Senate.

#### REPAIRS AND RESTORATION

The conference agreement provides \$9,100,000 for repairs and restoration, instead

of \$8,693,000 as proposed by the House and \$9,659,000 as proposed by the Senate.

#### NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANTS PROGRAM

The conference agreement provides \$5,000,000 for the National Historical Publications and Records Commission grant program as proposed by the Senate, instead of \$1,000,000 as proposed by the House.

#### NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

The conference agreement limits administrative expenses to \$1,250,000 and provides for authorized lending, as proposed by the Senate.

#### COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

The conference agreement includes \$1,247,000 for the Community Development Revolving Loan Fund as proposed by the Senate, instead of \$500,000 as proposed by the House.

#### OFFICE OF GOVERNMENT ETHICS SALARIES AND EXPENSES

The conference agreement provides \$13,664,000 for salaries and expenses of the Office of Government Ethics as proposed by the Senate, instead of \$13,483,000 as proposed by the House.

#### OFFICE OF PERSONNEL MANAGEMENT SALARIES AND EXPENSES (INCLUDING TRANSFER OF TRUST FUNDS)

The conference agreement provides \$210,290,000 for salaries and expenses as proposed by both the House and the Senate. Within the amount provided, \$99,774,000 is a direct appropriation and \$112,516,000 is a transfer from Office of Personnel Management (OPM) trust funds.

#### OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES (INCLUDING TRANSFER OF TRUST FUNDS)

The conference agreement provides \$24,316,000 for salaries and expenses of the Office of Inspector General as proposed by the House and the Senate. Within the amount provided, \$3,142,000 is a direct appropriation and \$21,174,000 is a transfer from OPM trust funds.

#### GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

The conference agreement provides such sums as necessary for health benefits payments as proposed by the Senate. The House proposed funding these mandatory costs in a general provision.

#### GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

The conference agreement provides such sums as necessary for life insurance payments as proposed by the Senate. The House proposed funding these mandatory costs in a general provision.

#### PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement provides such sums as necessary for retirement and disability payments as proposed by the Senate. The House proposed funding these mandatory costs in a general provision.

#### OFFICE OF SPECIAL COUNSEL SALARIES AND EXPENSES

The conference agreement includes \$18,972,000 for the salaries and expenses of the Office of Special Counsel as proposed by the Senate, instead of \$17,997,000 as proposed by the House.

#### POSTAL REGULATORY COMMISSION SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$14,304,000 for the salaries and expenses of the Postal Regulatory Commission as proposed by the Senate, instead of \$13,946,000 as proposed by the House.

#### PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD SALARIES AND EXPENSES

The conference agreement provides \$900,000 for the salaries and expenses of the Privacy and Civil Liberties Oversight Board (PCLOB) instead of \$1,000,000 as proposed by the Senate and no funding as proposed by the House. The conferees are concerned that the Administration has not reconstituted the PCLOB as required by law. Section 618 rescinds \$998,000 of prior year unobligated balances.

#### RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD SALARIES AND EXPENSES

The conference agreement provides \$28,350,000, to remain available until September 30, 2013, for the salaries and expenses of the Recovery Accountability and Transparency Board, instead of \$25,000,000 as proposed by the House and \$28,400,000 as proposed by the Senate. The conferees note that funding provided for the Recovery Board may be used to develop and test information technology to enhance transparency and detect waste, fraud, and abuse in federal spending. Within 90 days of enactment of this Act, the conferees direct the Recovery Board to report to the Committees on Appropriations on their plan for such activities. The report shall include detailed descriptions and planned spending.

#### SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES

The conference agreement provides \$1,321,000,000 for the Securities and Exchange Commission (SEC), instead of \$1,185,000,000 as proposed by the House and \$1,407,483,130 as proposed by the Senate. The conference agreement provides that \$1,321,000,000 be derived from offsetting collections resulting in no net appropriation.

The conference agreement provides that the SEC Office of Inspector General shall receive no less than \$6,795,000 as proposed by the Senate, instead of \$6,790,000 as proposed by the House.

The conferees do not adopt the Senate designation of \$483,130 specifically for the strengthening of the acquisition workforce. However, while not designating funding, the Committee remains concerned about the SEC's acquisition processes and expects the SEC to dedicate sufficient resources to strengthening the agency's capacity and capabilities of the acquisition workforce.

The conferees remain seriously concerned with the SEC's lack of judgment in its past leasing practices, most notably the mismanagement of the agency's Constitution Center lease. The conferees are unconvinced that the SEC's efforts to reform their leasing practices have fully addressed the problems. The agency's leasing and budgetary recording practices over the last 20 years of independent leasing authority have led the SEC to experience budget deficiencies. The conferees consider this unacceptable and expect the SEC to carefully evaluate all prospective leases and renewals of existing leases going forward in relation to the budget resources. The conferees are aware of the SEC's arrangement with the General Services Administration, which the conferees believe is a

good first step. The conferees intend to closely monitor how the SEC exercises its leasing authority to ensure that the SEC has adequately reformed its leasing practices.

The conferees are also highly concerned about the unauthorized destruction of documents by the SEC which spanned a decade and remained ongoing even after the National Archives and Records Administration asked for an explanation. The preservation of agency documents is critical to the record keeping of every agency and Federal rules have been established in the interest of transparency and disclosure. As the agency tasked with monitoring companies' disclosures, this latest chapter of mismanagement at the SEC contravenes the agency's own mission and distracts SEC management from focusing on the critical work of protecting investors.

Due to the above concerns, the conferees direct the SEC to provide the House and Senate Appropriations Committees with corrective action reports, submitted to the SEC Inspector General, related to lease agreements and document destruction no later than 30 days after enactment of this Act.

#### SELECTIVE SERVICE SYSTEM SALARIES AND EXPENSES

The conference agreement provides \$23,984,000 for the salaries and expenses of the Selective Service System as proposed by the Senate, instead of \$23,620,000 as proposed by the House.

#### SMALL BUSINESS ADMINISTRATION SALARIES AND EXPENSES

The conference agreement includes \$417,348,000 for the salaries and expenses account of the Small Business Administration (SBA), instead of \$422,296,000 as proposed by the House and \$404,202,000 as proposed by the Senate.

Of the amount provided under this heading, \$245,000,000 is for the operating expenses of the SBA and \$172,348,000 is for non-credit programs.

The conferees direct that no less than the following amounts shall be dedicated to the following SBA non-credit programs:

Veterans Programs .....	\$2,500,000
7(j) Technical Assistance Programs .....	3,100,000
Small Business Development Centers ...	112,500,000
SCORE .....	7,000,000
Women's Business Centers .....	14,000,000
Women's Business Council .....	998,000
Native American Outreach .....	1,250,000
Microloan Technical Assistance .....	20,000,000
PRIME .....	3,500,000
HUBZone .....	2,500,000
Entrepreneurial Development Initiative	
(Clusters) .....	5,000,000
Total, non-credit programs .....	172,348,000

The conferees direct that the SBA shall not reduce these non-credit programs from the amounts specified above and the SBA shall not merge any of the non-credit programs without advance written approval from the Committees on Appropriations.

Although set aside funding for the Emerging Leaders program is not specified, the conferees note that in prior years SBA derived funds for the Emerging Leaders program from base resources in the Salaries and Expenses account.

The conferees adopt Senate report language regarding veterans' business outreach centers.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$16,267,000 for the Office of Inspector General

of the Small Business Administration as proposed by the House instead of \$16,267,400 as proposed by the Senate.

#### OFFICE OF ADVOCACY

The conference agreement provides \$9,120,000 for this account as proposed by the House and the Senate.

#### BUSINESS LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$358,736,000 for the Business Loans Program Account, instead of \$363,323,000 as proposed by the House and \$358,498,000 as proposed by the Senate. Of the amount provided, \$3,678,000 is for the cost of direct loans in the microloan program, \$207,100,000 is for the cost of guaranteed loans, and \$147,958,000 is for administrative expenses to carry out the direct and guaranteed loan programs and may be transferred to and merged with Salaries and Expenses.

#### DISASTER LOANS PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes \$117,300,000 for the administrative costs of the Disaster Loans Program Account, instead of \$167,300,000 as proposed by both the House and the Senate.

#### ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes the following administrative provisions for the Small Business Administration.

Section 530 concerns transfer authority and availability of funds.

Section 531 extends, for businesses that can obtain credit elsewhere, the length of time for repaying a disaster loan from three years to seven years.

Section 532 details the information to be provided in the SBA's annual budget request.

#### UNITED STATES POSTAL SERVICE

##### PAYMENT TO THE POSTAL SERVICE FUND

The conference agreement provides \$78,153,000 for a payment to the Postal Service Fund as proposed by the House and the Senate. This is an advance appropriation for fiscal year 2013 to continue free mail for the blind and overseas voting.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides up to \$241,468,000 for the Office of Inspector General as proposed by the Senate, instead of \$237,810,000 as proposed by the House.

#### UNITED STATES TAX COURT

##### SALARIES AND EXPENSES

The conference agreement provides \$51,079,000 for salaries and expenses of the United States Tax Court, instead of \$50,689,000 as proposed by the House and \$51,469,000 as proposed by the Senate.

#### TITLE VI

##### GENERAL PROVISIONS—THIS ACT

##### (INCLUDING RECISSIONS)

The conferees agree to the following provisions:

Section 601 prohibits paying expenses or otherwise compensating non-Federal parties in regulatory or adjudicatory proceedings funded in this Act.

Section 602 prohibits obligations beyond the current fiscal year and transfers of funds unless expressly so provided herein.

Section 603 limits consulting service expenditures to contracts where such expendi-

tures are a matter of public record, with exceptions.

Section 604 prohibits funds from being transferred to any department, agency, or instrumentality of the United States without express authority provided in this or any other appropriations Act.

Section 605 prohibits the use of funds to engage in activities that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

Section 606 prohibits funds from being expended unless the recipient agrees to comply with the Buy American Act.

Section 607 prohibits funding to a person or entity convicted of violating the Buy American Act.

Section 608 provides reprogramming authority and requires agencies to submit financial plans to the House and Senate Appropriations Committees.

Section 609 provides that not to exceed 50 percent of unobligated balances from salaries and expenses may remain available for certain purposes.

Section 610 prohibits funds for the Executive Office of the President to request any official background investigation from the Federal Bureau of Investigation unless the person has given consent or there are national security circumstances.

Section 611 requires that cost accounting standards not apply to a contract under the Federal Employees Health Benefits Program.

Section 612 permits the Office of Personnel Management to accept funds regarding the nonforeign area cost of living allowances.

Section 613 prohibits the expenditure of funds for abortions under the Federal Employees Health Benefits Program.

Section 614 provides an exemption from section 613 if the life of the mother is in danger or the pregnancy is a result of an act of rape or incest.

Section 615 waives restrictions on the purchase of non-domestic articles, materials, and supplies for information technology acquired by the Federal Government.

Section 616 prohibits the acceptance by any regulatory agency or commission funded by this Act, or by their officers or employees, of payment or reimbursement for travel, subsistence, or related expenses from any person or entity (or their representative) that engages in activities regulated by such agency or commission.

Section 617 provides authority for the Public Company Accounting Oversight Board to obligate funds for a scholarship program.

Section 618 rescinds \$998,000 in unobligated balances for the Privacy and Civil Liberties Oversight Board. The conferees note the Board has yet to be established.

Section 619 requires the President to transmit proposed deficiency and supplemental appropriations requests to Congress on behalf of the judicial and legislative branches as is presently done for the executive branch.

Section 620 permits the SEC and CFTC to fund a joint advisory committee to advise on emerging regulatory issues, notwithstanding section 708 of this Act.

Section 621 includes language regarding the Abraham Lincoln Commemorative Coin Act.

Section 622 allows the publication in the Federal Register of a reference to the Help America Vote Act State plans, rather than publication of the complete State plans.

Section 623 rescinds \$25,000,000 from the Securities and Exchange Commission Reserve Fund established by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Section 624 requires certain agencies to provide quarterly reports on unobligated prior year balances.

Section 625 requires agencies covered by this Act with independent leasing authority to consult with the General Services Administration before seeking new office space or making alterations to existing office space.

Section 626 prohibits funds for the FTC to complete the draft report on food marketed to children unless certain requirements are met.

Section 627 prohibits funds for certain positions.

Section 628 provides that no FCC funds may be used, or otherwise permitted, for certain commercial terrestrial operations.

Section 629 prohibits funding for hiring new Federal employees that are not verified through the E-Verify Program.

Section 630 prohibits funds to any corporation with certain unpaid Federal tax liabilities unless the agency has considered suspension or debarment of the corporation and made a determination that further action is not necessary to protect the interests of the Government.

Section 631 prohibits funds to any corporation that was convicted of a felony criminal violation within the preceding 24 months unless the agency has considered suspension or debarment of the corporation and made a determination that further action is not necessary to protect the interests of the Government.

Section 632 delays a statutory requirement for the United States Postal Service to make a payment to the Postal Service Retiree Health Benefit Fund until August 1, 2012.

#### TITLE VII

##### GENERAL PROVISIONS—GOVERNMENT-WIDE

##### DEPARTMENTS, AGENCIES, AND CORPORATIONS

The conferees agree to the following provisions:

Section 701 requires all agencies have a written policy for ensuring a drug-free workplace.

Section 702 sets specific limits on the cost of passenger vehicles with exceptions for police, heavy duty, electric hybrid and clean fuels vehicles.

Section 703 makes appropriations available for quarters/cost-of-living allowances.

Section 704 prohibits the use of appropriated funds to compensate officers or employees of the Federal government in the continental United States unless they are citizens of the United States or qualify under other specified exceptions.

Section 705 ensures that appropriations made available to any department or agency for space, services and rental charges shall also be available for payment to the General Services Administration.

Section 706 allows the use of receipts from the sale of materials for acquisition, waste reduction and prevention, environmental management programs and other Federal employee programs as appropriate.

Section 707 allows funds for administrative expenses of government corporations and certain agencies to also be available for rent in the District of Columbia, services under 5 U.S.C. 3109, and the objects specified under this head.

Section 708 prohibits funds for interagency financing of boards (with exception), commissions, councils, committees or similar groups to receive multi-agency funding without prior statutory approval.

Section 709 precludes funds for regulations which have been disapproved by joint resolution.

Section 710 limits the amount of funds that can be used for redecoration of offices under

certain circumstances to \$5,000, unless advance notice is transmitted to the House and Senate Committees on Appropriations.

Section 711 allows for interagency funding of national security and emergency preparedness telecommunications initiatives.

Section 712 requires agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 713 prohibits the salary payment of any employee who prohibits, threatens, prevents or otherwise penalizes another employee from communicating with Congress.

Section 714 prohibits Federal employee training not directly related to the performance of official duties.

Section 715 prevents funds from being used to implement or enforce non-disclosure agreement policies unless certain provisions are included, updates the Executive Order and other citations and makes provisions for nondisclosure agreements entered into before the effective date of any updated statutes of governance.

Section 716 prohibits executive branch agencies from using funds for propaganda or publicity purposes in support or defeat of legislative initiatives.

Section 717 prohibits any Federal agency from disclosing an employee's home address to any labor organization, absent employee authorization or court order.

Section 718 prohibits funds to be used to provide non-public information such as mailing or telephone lists to any person or organization outside the government without the approval of the House and Senate Committees on Appropriations.

Section 719 prohibits the use of funds for propaganda and publicity purposes not authorized by Congress.

Section 720 directs agency employees to use official time in an honest effort to perform official duties.

Section 721 authorizes the use of funds to finance an appropriate share of the Federal Accounting Standards Advisory Board administrative costs.

Section 722 authorizes the transfer of funds to the General Services Administration to finance an appropriate share of various government-wide boards and councils under certain conditions.

Section 723 permits breastfeeding in a Federal building or on Federal property if the woman and child are authorized to be there.

Section 724 permits interagency funding of the National Science and Technology Council and requires the Office of Management and Budget to provide a report to the House and Senate on the budget and resources of the National Science and Technology Council.

Section 725 requires that the Federal forms that are used in distributing Federal funds to a State must indicate the agency providing the funds, the Federal Domestic Assistance Number, and the amount provided.

Section 726 prohibits the use of funds to monitor personal information relating to the use of Federal Internet sites to collect, review, or create any aggregate list that includes personally identifiable information relating to access to or use of any Federal Internet site of such agency.

Section 727 requires health plans participating in the Federal Employees Health Benefits Program to provide contraceptive coverage and provides exemptions to certain religious plans.

Section 728 recognizes the United States is committed to ensuring the health of the Olympic, Pan American and Paralympic ath-

letes, and supports the strict adherence to antidoping in sport activities.

Section 729 allows funds for official travel to be used by departments and agencies, if consistent with OMB and Budget Circular A-126, to participate in the fractional aircraft ownership pilot program.

Section 730 prohibits funds for implementation of the Office of Personnel Management regulations limiting detailees to the Legislative Branch or implementing limitations on the Coast Guard Congressional Fellowship Program.

Section 731 restricts the use of funds for Federal law enforcement training facilities with an exception for the Federal Law Enforcement Training Center.

Section 732 prohibits funds for E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the House and Senate Committees on Appropriations and receipt of the Committees' approval to transfer funds. The section also prohibits funds for new E-Government initiatives without the explicit approval of the Committees.

Section 733 prohibits funds to begin or announce a study or public-private competition regarding conversion to contractor performance pursuant to OMB Circular A-76.

Section 734 prohibits executive branch agencies from creating prepackaged news stories that are broadcast or distributed in the United States unless the story includes a clear notification within the text or audio of that news story that the prepackaged news story was prepared or funded by that executive branch agency.

Section 735 prohibits funds from being used in contravention of the Privacy Act or associated regulations.

Section 736 requires agencies to evaluate the creditworthiness of an individual before issuing a government travel charge card and prohibits agencies from issuing a government travel charge card to individuals who have an unsatisfactory credit history.

Section 737 requires the Office of Management and Budget to submit a crosscut budget report on Great Lakes restoration activities not later than 45 days after the submission of the budget of the President to Congress.

Section 738 prohibits funds in this or any other Act to be used for Federal contracts with inverted domestic corporations, unless the contract preceded this Act or the Secretary grants a waiver in the interest of national security.

Section 739 prohibits agencies from using funds to implement regulations changing the competitive areas under reductions-in-force for Federal employees.

Section 740 makes changes to Section 743 of the Consolidated Appropriations Act of 2010 (Public Law 111-117) to require reporting on task orders.

Section 741 requires agencies to pay a fee to the Office of Personnel Management for processing retirements of employees who separate under Voluntary Early Retirement Authority or who receive Voluntary Separation Incentive payments.

Section 742 declares references to "this Act" contained in any title other than title IV or VIII shall not apply to such titles IV or VIII.

Section 743 prohibits funds to require any entity submitting an offer for a Federal contract to disclose political contributions.

Section 744 provides transfer authority for amounts made available to the Commodity Futures Trading Commission for information

technology investments under Public Law 112–55.

#### TITLE VIII

#### GENERAL PROVISIONS—DISTRICT OF COLUMBIA

##### (INCLUDING TRANSFER OF FUNDS)

The conferees agree to the following general provisions for the District of Columbia:

Section 801 allows the use of local funds for making refunds or paying judgments against the District of Columbia government.

Section 802 prohibits the use of Federal funds for publicity or propaganda designed to support or defeat legislation before Congress or any State legislature.

Section 803 establishes reprogramming procedures for Federal funds.

Section 804 prohibits the use of Federal funds for the salaries and expenses of a shadow U.S. Senator or U.S. Representative.

Section 805 places restrictions on the use of District of Columbia government vehicles.

Section 806 prohibits the use of Federal funds for a petition or civil action which seeks to require voting rights for the District of Columbia in Congress.

Section 807 Needles—prohibits the use of Federal funds in this Act to distribute, for the purpose of preventing the spread of blood borne pathogens, sterile needles or syringes in any location that has been determined by local public health officials or local law enforcement authorities to be inappropriate for such distribution.

Section 808 concerns a “conscience clause” on legislation that pertains to contraceptive coverage by health insurance plans.

Section 809 modifies and makes permanent a provision that requires the Mayor of the District of Columbia to submit annual reports on various indicators pertaining to the District of Columbia as proposed by the Senate.

Section 810 prohibits the use of Federal funds to legalize or reduce penalties associated with the possession, use or distribution of any schedule I substance under the Controlled Substances Act or any tetrahydrocannabinols derivative.

Section 811 prohibits the use of funds for abortion except in the cases of rape or incest or if necessary to save the life of the mother.

Section 812 requires the CFO to submit a revised operating budget no later than 30 cal-

endar days after the enactment of this Act for agencies the CFO certifies as requiring a reallocation in order to address unanticipated program needs.

Section 813 requires the CFO to submit a revised operating budget for the District of Columbia Public Schools, no later than 30 calendar days after the enactment of this Act, that aligns school budgets to actual enrollment.

Section 814 authorizes the transfer of local funds to capital and enterprise funds.

Section 815 permits the District of Columbia Public Defender Service to purchase professional liability insurance for its attorneys, staff and board members as proposed by the Senate.

Section 816 modifies the frequency of management evaluations by the Government Accountability Office of the District of Columbia’s chartering authority for public charter schools as proposed by the Senate.

Section 817 specifies that references to this Act in this title or title IV are treated as referring only to the provisions of this title and title IV.

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE TREASURY			
Departmental Offices			
Salaries and expenses.....	308,388	324,889	308,388
Department-wide systems and capital investments programs.....	3,982	---	---
Office of Inspector General.....	29,641	29,855	29,641
Treasury Inspector General for Tax Administration.....	151,698	157,831	151,698
Special Inspector General for TARP.....	36,227	47,374	41,800
Financial Crimes Enforcement Network.....	110,788	84,287	110,788
Treasury forfeiture fund (rescission).....	-400,000	-600,000	-850,000
Total, Departmental Offices.....	238,732	44,248	-307,687
Financial Management Service.....	232,788	218,805	217,805
Alcohol and Tobacco Tax and Trade Bureau.....	100,798	97,876	98,878
Bureau of the Public Debt.....	174,635	165,635	165,635
Community development financial institutions fund program account.....	226,546	227,259	221,000
Payment of government losses in shipment.....	2,000	2,000	2,000
Total, Department of the Treasury, non-IRS.....	875,497	755,823	398,631
			-576,866



DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
TITLE II - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT			
The White House			
Salaries and expenses.....	58,435	58,374	58,974
Compensation of the President.....	450	450	450
Subtotal.....	58,885	58,824	57,424
Executive Residence at the White House:			
Operating expenses.....	13,673	13,658	13,425
White House repair and restoration.....	2,001	1,000	750
Subtotal.....	15,674	14,658	14,175
Council of Economic Advisers.....	4,192	4,403	4,192
National Security Council and Homeland Security Council.....	13,048	13,074	13,048
Office of Administration.....	115,049	115,848	112,952
Total, The White House.....	206,848	206,807	201,791
Office of Management and Budget.....	91,750	91,660	89,456
Office of National Drug Control Policy			
Salaries and expenses.....	27,084	23,413	24,500
Rescission.....	---	-11,328	-11,328
			-2,584
			-11,328
			-5,057
			-2,294





DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H. R. 2055)  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
TITLE III - THE JUDICIARY				
Supreme Court of the United States				
Salaries and expenses:				
Salaries of justices.....	2,197	2,197	2,197	---
Other salaries and expenses.....	71,724	73,354	72,622	+898
Subtotal.....	73,921	75,551	74,819	+898
Care of the building and grounds.....	8,159	8,504	8,159	---
Total, Supreme Court of the United States.....	82,080	84,055	82,978	+898
United States Court of Appeals for the Federal Circuit				
Salaries and expenses:				
Salaries of judges.....	2,502	2,513	2,513	+11
Other salaries and expenses.....	30,009	32,626	29,998	-11
Total, United States Court of Appeals for the Federal Circuit.....	32,511	35,139	32,511	---

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H. R. 2055)  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>United States Court of International Trade</b>				
Salaries and expenses:				
Salaries of judges.....	1,851	1,718	1,718	-133
Other salaries and expenses.....	19,596	21,173	19,729	+133
Total, U.S. Court of International Trade.....	21,447	22,891	21,447	---
<b>Courts of Appeals, District Courts, and Other Judicial Services</b>				
Salaries and expenses:				
Salaries of judges and bankruptcy judges.....	332,565	327,707	327,707	-4,858
Other salaries and expenses.....	4,871,658	4,908,459	4,887,293	+15,637
Subtotal.....	5,004,221	5,236,166	5,015,000	+10,779
Vaccine Injury Compensation Trust Fund.....	4,775	5,011	5,000	+225
Defender services.....	1,025,893	1,098,745	1,031,000	+5,307
Fees of jurors and commissioners.....	52,305	59,727	51,908	-397
Court security.....	466,872	513,058	500,000	+33,328
Total, Courts of Appeals, District Courts, and Other Judicial Services.....	8,553,868	8,912,707	8,602,908	+49,242
<b>Administrative Office of the United States Courts</b>				
Salaries and expenses.....	82,909	88,455	82,909	---

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Federal Judicial Center</b>				
Salaries and expenses.....	27,273	29,029	27,000	-273
<b>Judicial Retirement Funds</b>				
Payment to judiciary trust funds.....	90,361	103,788	103,788	+13,407
<b>United States Sentencing Commission</b>				
Salaries and expenses.....	16,803	17,906	16,500	-303
<b>Total, title III, the Judiciary.....</b>	<b>6,907,050</b>	<b>7,293,950</b>	<b>6,970,021</b>	<b>+82,971</b>
(Mandatory).....	(429,476)	(437,903)	(437,903)	(+8,427)
(Discretionary).....	(8,477,574)	(6,856,047)	(6,532,118)	(+54,544)

TITLE IV - DISTRICT OF COLUMBIA

FEDERAL FUNDS

Federal payment for resident tuition support.....	35,030	35,100	30,000	-5,030
Federal payment for emergency planning and security costs in the District of Columbia.....	14,970	14,900	14,900	-70
Federal payment to the District of Columbia Courts....	242,933	229,088	232,841	-10,092
Federal payment for defender services in District of Columbia Courts.....	54,890	55,000	55,000	+110
Federal payment to the Court Services and Offender				

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H. R. 2055)  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Supervision Agency for the District of Columbia.....	211,983	218,848	212,983	+1,000
Federal payment to the District of Columbia Public Defender Service.....	37,241	41,486	37,241	---
Federal payment to the District of Columbia Water and Sewer Authority.....	11,476	25,000	15,000	+3,524
Federal payment to the Criminal Justice Coordinating Council.....	1,796	1,800	1,800	+4
Federal payment for judicial commissions.....	489	500	500	+1
Federal payment for school improvement.....	77,545	67,000	60,000	-17,545
Federal payment for the D.C. National Guard.....	375	2,000	375	---
Federal payment for housing for the homeless.....	9,980	---	---	-9,980
Federal payment for redevelopment of the St. Elizabeth's Hospital campus.....	---	18,000	---	---
Federal payment for HIV/AIDS prevention.....	---	5,000	5,000	+5,000
Federal payment for D.C. Commission on the Arts and Humanities grants.....	---	5,000	---	---
Total, Title IV, District of Columbia.....	696,718	716,700	685,640	-33,078

TITLE V - OTHER INDEPENDENT AGENCIES

Administrative Conference of the United States.....	2,744	3,200	2,900	+156
Christopher Columbus Fellowship Foundation.....	499	---	450	-49

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
<b>Civilian Property Realignment Board</b>				
Salaries and expenses.....	---	23,000	---	---
Asset Proceeds and Space Management Fund.....	---	65,000	---	---
Total, Civilian Property Realignment Board.....	---	88,000	---	---
Consumer Product Safety Commission.....	114,788	122,000	114,500	-288
<b>Election Assistance Commission</b>				
Salaries and expenses.....	16,267	13,716	11,500	-4,787
Election reform programs.....	---	---	---	---
Total, Election Assistance Commission.....	16,267	13,716	11,500	-4,787
<b>Federal Communications Commission</b>				
Salaries and expenses.....	335,794	358,801	338,844	+4,050
Offsetting fee collections - current year.....	-335,794	-358,801	-338,844	-4,050
Direct appropriation.....	---	---	---	---

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Federal Deposit Insurance Corporation: Office of Inspector General (by transfer).....	(42,942)	(45,261)	(45,261)	(+2,319)
Federal Election Commission.....	66,367	67,014	66,367	---
Federal Labor Relations Authority.....	24,723	26,440	24,723	---
<b>Federal Trade Commission</b>				
Salaries and expenses.....	291,363	326,000	311,563	+20,200
Offsetting fee collections - current year.....	-96,000	-108,000	-108,000	-12,000
Offsetting fee collections, telephone database.....	-21,000	-19,000	-21,000	---
<b>Direct appropriation.....</b>	<b>174,363</b>	<b>199,000</b>	<b>182,563</b>	<b>+8,200</b>
<b>General Services Administration</b>				
<b>Federal Buildings Fund</b>				
Limitations on availability of revenue:				
Construction and acquisition of facilities.....	82,000	839,642	50,000	-32,000
Repairs and alterations.....	280,000	868,902	280,000	---
Installment acquisition payments.....	135,540	128,801	128,801	-8,739
Rental of space.....	4,830,000	5,285,198	5,210,198	+380,198
Building operations.....	2,270,000	2,387,968	2,350,968	+80,968
<b>Subtotal, Limitations on availability of revenue.....</b>	<b>7,597,540</b>	<b>9,508,511</b>	<b>8,017,967</b>	<b>+420,427</b>

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H. R. 2055)  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
Repayment of debt.....	71,270	80,000	80,000	+8,730
Rental income to fund.....	-8,871,000	-9,303,000	-9,303,000	-432,000
Rescission.....	-25,000	---	---	+25,000
<b>Total, Federal Buildings Fund.....</b>	<b>-1,227,190</b>	<b>285,511</b>	<b>-1,205,033</b>	<b>+22,157</b>
Government-wide policy.....	86,488	105,140	81,115	-5,373
Operating expenses.....	69,882	70,022	69,500	-382
Office of Inspector General.....	58,882	62,358	58,000	-882
Electronic Government Fund.....	7,884	34,000	12,400	+4,416
Allowances and Office Staff for Former Presidents.....	3,792	3,671	3,671	-121
Federal acquisition workforce initiatives fund.....	---	16,900	---	---
Federal Citizen Services Fund.....	34,116	39,933	34,100	-16
Policy and operations (rescission).....	---	---	-4,600	-4,600
<b>Total, General Services Administration.....</b>	<b>-986,046</b>	<b>617,535</b>	<b>-970,847</b>	<b>+15,199</b>
Harry S Truman Scholarship Foundation.....	748	---	748	---
<b>Merit Systems Protection Board</b>				
Salaries and expenses.....	40,258	42,116	40,258	---
Limitation on administrative expenses.....	2,574	2,345	2,345	-229
<b>Total, Merit Systems Protection Board.....</b>	<b>42,832</b>	<b>44,461</b>	<b>42,803</b>	<b>-229</b>



DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H.R. 2055)				
(Amounts in thousands)				
	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Morris K. Udall and Stewart L. Udall Foundation				
Morris K. Udall and Stewart L. Udall Trust Fund.....	2,495	2,200	2,200	-295
Environmental Dispute Resolution Fund.....	3,792	3,800	3,792	---
Total, Morris K. Udall and Stewart L. Udall Foundation.....	6,287	6,000	5,992	-295
National Archives and Records Administration				
Operating expenses.....	339,080	403,742	373,300	+34,210
Reduction of debt.....	-14,000	-15,000	-15,000	-1,000
Subtotal.....	325,080	388,742	358,300	+33,210
Office of the Inspector General.....	4,241	4,100	4,100	-141
Electronic records archive.....	71,856	---	---	-71,856
Repairs and restoration.....	11,824	9,859	9,100	-2,724
Rescission.....	-3,198	---	---	+3,198
National Historical Publications and Records Commission: Grants program.....	6,986	5,000	5,000	-1,986
Total, National Archives and Records Admin.....	416,799	407,501	378,500	-40,299
National Credit Union Administration				
Community Development Revolving Loan Fund.....	1,247	2,000	1,247	---

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Office of Government Ethics.....	13,972	13,664	-308
Office of Personnel Management			
Salaries and expenses.....	97,774	100,027	97,774
Limitation on administrative expenses.....	112,516	132,523	112,516
Office of Inspector General.....	3,142	3,804	3,142
Limitation on administrative expenses.....	21,174	21,559	21,174
Govt Payment for Annuitants, Employees Health Benefits	10,487,000	10,862,000	10,862,000
Govt Payment for Annuitants, Employee Life Insurance...	50,000	52,000	52,000
Payment to Civil Svc Retirement and Disability Fund...	10,078,000	9,979,000	9,979,000
Total, Office of Personnel Management.....	20,827,606	21,150,913	21,127,606
Mandatory .....	(20,893,000)	(20,893,000)	(20,893,000)
Discretionary.....	(234,606)	(257,913)	(234,606)
Office of Special Counsel.....	18,458	19,488	18,972
Postal Regulatory Commission.....	14,304	14,450	14,304
Privacy and Civil Liberties Oversight Board.....	998	1,683	900
Rescission.....	-1,500	---	-998
Recovery and Accountability Transparency Board.....	---	31,543	28,350
Securities and Exchange Commission.....	1,185,000	1,407,483	1,321,000
Selective Service System.....	24,228	24,500	23,984
			-242

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>Small Business Administration</b>			
Salaries and expenses.....	432,571	427,296	417,348
Office of Inspector General.....	16,267	16,400	16,267
Office of Advocacy.....	---	9,120	9,120
<b>Business Loans Program Account:</b>			
Direct loans subsidy.....	2,994	3,765	3,678
Guaranteed loans subsidy.....	79,840	211,600	207,100
Administrative expenses.....	152,684	147,956	147,958
<b>Total, Business loans program account.....</b>	<b>235,528</b>	<b>363,323</b>	<b>358,736</b>
<b>Disaster Loans Program Account:</b>			
Administrative expenses.....	45,372	167,300	117,300
<b>Total, Small Business Administration.....</b>	<b>729,738</b>	<b>985,439</b>	<b>918,771</b>
<b>United States Postal Service</b>			
Payment to the Postal Service Fund.....	11,776	---	---
Advance appropriations.....	74,905	78,153	78,153
<b>Total, Payment to the Postal Service Fund.....</b>	<b>86,681</b>	<b>78,153</b>	<b>78,153</b>
Office of Inspector General.....	243,908	244,397	241,468
<b>Total, United States Postal Service.....</b>	<b>330,589</b>	<b>322,550</b>	<b>319,621</b>
			<b>-10,968</b>

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
United States Tax Court.....	51,989	59,996	51,079
	=====	=====	=====
Total, title V, Independent Agencies.....	23,076,998	25,828,574	23,896,499
Appropriations.....	(23,031,791)	(25,550,421)	(23,823,844)
Rescissions.....	(-29,698)	---	(-5,596)
Disaster relief category.....	---	---	---
Advances.....	(74,805)	(78,153)	(+3,248)
(by transfer).....	(42,942)	(45,261)	(+2,319)
(Mandatory).....	(20,593,000)	(20,893,000)	(+300,000)
(Discretionary).....	(2,480,274)	(4,709,391)	(+319,339)
	=====	=====	=====
Grand total.....	44,485,788	48,418,741	44,206,801
Appropriations.....	(44,845,581)	(48,951,916)	(+248,793)
Rescissions.....	(-434,898)	(-611,326)	(-532,228)
Advances.....	(74,805)	(78,153)	(+3,248)
(by transfer).....	(42,942)	(45,261)	(+2,319)
	=====	=====	=====
Discretionary total.....	21,747,730	25,683,140	21,528,000
	=====	=====	=====
			-279,187
			(+248,793)
			(-532,228)
			(+3,248)
			(+2,319)
			-----
			-221,730

# DIVISION D—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The following is an explanation of the effects of Division D, which makes appropriations for the Department of Homeland Security for fiscal year 2012. Unless otherwise noted, reference to the House and Senate reports are to House Report 112-91 and Senate Report 112-74, respectively. The language and allocations contained in House Report 112-91 and Senate Report 112-74 should be complied with and carry the same emphasis as the language included in the explanatory statement, unless specifically addressed to the contrary in the conference report or this explanatory statement. While repeating some report language for emphasis, this explanatory statement does not intend to negate the language referred to above unless expressly provided herein. When this explanatory statement refers to the Committees or the Committees on Appropriations, unless otherwise noted, this reference is to the House Subcommittee on Homeland Security and the Senate Subcommittee on the Department of Homeland Security. In cases where the explanatory statement directs the submission of a report, such report shall be provided to the Committees on Appropriations by February 15, 2012, unless otherwise directed. In cases where the explanatory statement directs a briefing, such briefing shall be provided to the Committees by February 15, 2012, unless otherwise directed.

This explanatory statement refers to the following laws and organizations as follows: Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-53, is referenced as the 9/11 Act; Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288 is referenced as the Stafford Act; Budget Control Act of 2011, Public Law 112-25, is referenced as the Budget Control Act (BCA); the Department of Homeland Security is referenced as DHS or the Department; the Government Accountability Office is referenced as GAO; and the Office of Inspector General of the Department of Homeland Security is referenced as OIG. In addition, any reference to “full-time equivalents” shall be referred to as FTE; any reference to “program, project, and activity” shall be referred to as PPA; and any reference to the Secretary shall be interpreted to mean the Secretary of Homeland Security.

## Classified Programs

Recommended adjustments to classified programs are addressed in a classified annex accompanying this explanatory statement.

## TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

A total of \$133,159,000 is provided for “Office of the Secretary and Executive Management.” Not to exceed \$51,000 of this funding shall be for official reception and representation expenses, including \$17,000 for the Office of Policy to support Visa Waiver Program negotiations in Washington, DC, and for other international activities. This Act also includes a provision requiring that funds made available for “Immediate Office of the Secretary” and “Immediate Office of the Deputy Secretary” shall be used to pay costs associated with use of government aircraft by DHS personnel in support of official travel of the Secretary and Deputy Secretary.

The amount provided for this appropriation by PPA is as follows:

Immediate Office of the Secretary .....	\$5,000,000
---	-------------

Immediate Office of the Deputy Secretary .....	1,918,000
Office of the Chief of Staff .....	2,300,000
Office of Counternarcotics Enforcement	1,800,000
Executive Secretary .....	8,100,000
Office of Policy .....	40,000,000
Office of Public Affairs .....	5,800,000
Office of Legislative Affairs .....	6,000,000
Office of Intergovernmental Affairs .....	2,650,000
Office of General Counsel .....	22,400,000
Office for Civil Rights and Civil Liberties .....	22,500,000
Citizenship and Immigration Services	
Ombudsman .....	6,200,000
Privacy Officer .....	8,491,000
.	
Total, Office of the Secretary and Executive Management .....	133,159,000

## Biometric Exit

Congress has long sought the Department’s determination on the path forward for implementing biometric exit, and the conferees have asked for a detailed plan to include costs. On October 17, 2011, the Secretary sent a letter to the chairmen and ranking members of relevant appropriations and authorization committees outlining general concerns about implementation, particularly the cost of such an undertaking, and proposing legislative changes to existing law. While the Secretary states, “DHS remains committed to introducing a biometric component to the exit process”, the letter does not constitute a detailed plan for implementation. Therefore, statutory language is included in this Act withholding funds from the Office of the Secretary until the plan is submitted, to include identifying associated costs.

## Office of Counternarcotics Enforcement

A total of \$1,800,000 is provided for “Office of Counternarcotics Enforcement” (CNE), which is available until March 30, 2012, to continue CNE operations while the Department conducts an orderly termination of the Office. This funding may be transferred to the Office of Policy, which is expected to assume policy development and coordination responsibilities currently assigned to CNE, and any such funds transferred will be available until September 30, 2012. The Assistant Secretary for Policy shall provide, as part of the requirement for an expenditure plan for the Office of Policy, a detailed description of any such transfers.

The termination of CNE reflects the need to streamline Executive Branch efforts to carry out the counternarcotics enforcement mission. Allowing the funds to be transferred to the Office of Policy will ensure the Department can integrate the existing CNE policy planning and coordination activities within the broader Department enforcement and security missions and make optimum use of the existing planning and operations elements of its key law enforcement agencies. It will also enable the Department, through the Office of Policy, to coordinate DHS policy and programs that are carried out with the Office of National Drug Control Policy and other Federal, State, local, and international government partners. As CNE will be terminated, the GAO is neither required to submit an assessment of progress in implementing OIG recommendations concerning CNE, nor to assess DHS counternarcotics coordination, as required in the House report.

## Expenditure Plans

The Department shall prepare expenditure plans for fiscal year 2012 for the agencies

funded under this appropriation as specified in the Senate report, with the exception of CNE which is being terminated. The plans shall be submitted to the Committees no later than March 30, 2012. The plan for the Office of Policy shall list planned projects for each sub-office within the Office of Policy, with their associated funding and staffing requirements. In addition, should the funds made available for either counternarcotics or risk management and analysis functions be transferred to the Office of Policy, as permitted by this Act, those resources should be delineated in the manner specified for each sub-office in the expenditure plan, including missions, planned expenditures, and activities. In addition to expenditure plans described above, the Act requires additional fiscal year 2012 expenditure plans, including a plan for TSA passenger screening and checked baggage technology programs, the Office of Infrastructure Protection and the National Cyber Security Division, the Office of Health Affairs, and the Federal Emergency Management Agency.

The Department has failed to deliver a number of statutorily required fiscal year 2011 expenditure plans, or has delivered them unacceptably late. The Department is expected to comply with Congressional direction and demonstrate the priority it places on these programs and submit required expenditure plans as directed and in accordance with the specified deadlines. The Department should already have these expenditure plans as part of its routine management activities; therefore, it is notable, and entirely inexcusable, that the Department did not, for example, submit fiscal year 2011 expenditure plans for the Office of Policy or US-VISIT—and it is well past the end of the fiscal year.

## Quarterly Reports

The Department is directed to continue submitting the quarterly Secure Border Initiative (SBI) reports, now to be called the Border Security Status Report. The new reports shall continue to include all performance metrics and resource data from past reports in their current format, with the exception that they no longer should include resource data on SBI total budget obligations and outlays and budget execution reports. That information already is contained in the annual Border Security Fencing, Infrastructure, and Technology expenditure plan. Additionally, the Department shall include the following in the report: (a) estimates of the impact of programs (such as Operation Streamline) that are intended to reduce the rate of recidivism of illegal border crossers; (b) for ports of entry, the maritime domain, and between the ports of entry: (1) estimates of total attempted border crossings; (2) the rate of apprehension of attempted border crossings; and (3) the inflow into the United States of illegal entrants that evade apprehension; and (c) data on the subsequent enforcement actions associated with Customs and Border Protection (CBP) apprehensions, such as voluntary return, expedited removal, transfer to Immigration and Customs Enforcement (ICE) custody, transfer for criminal prosecution, Mexican Interior Repatriation Program, and other categories necessary to provide an accurate accounting of such actions.

The Department is directed to submit quarterly reports on operations in a timely manner, including the overdue SBI Quarterly Status reports, the new Border Security Status Reports, the Secure Communities Quarterly Reports, and the Detention and Removal Operations Quarterly Reports. These

reports present critical operational statistics, readily available to the Department, which are necessary for appropriate oversight. However, in many instances, the Department has failed to provide these reports in accordance with specified deadlines, with submissions being so late that these reports limit the Committees' ability to ensure timely oversight.

#### Working Capital Fund

The Department shall include a separate justification in its fiscal year 2013 budget request for the Working Capital Fund (WCF), as specified in the House report. This justification shall identify and explain cross-cutting initiatives or activities that benefit multiple organizations and are not included in the WCF. The Department shall notify the Committees promptly of any changes made to the WCF during the fiscal year and should not use the WCF to support activities for which funding requests were previously disapproved by the Committees.

#### Official Reception and Representation Allowances

The Department is directed to submit quarterly reports to the Committees listing obligations for all DHS Reception and Representation Expenses by purpose and dollar amount, at a level of detail provided in fiscal year 2011, or in greater detail if that is required to explain how funds were used. The Department shall review the level of reception and representation allowances for its agencies and components to assure they align with missions and responsibilities and submit any proposed changes as part of the fiscal year 2013 budget request.

#### Coordination of Federal Chemical Security Efforts

The Department is expected to execute a Memorandum of Agreement between the National Protection and Programs Directorate and the Coast Guard regarding harmonization of chemical security responsibilities established by Chemical Facilities Anti-Terrorism Standards regulations and Maritime Transportation Security Act regulatory programs no later than March 30, 2012. The Deputy Secretary is directed to submit reports on chemical security efforts to the Committees on Appropriations as directed in the Senate report. However, the reports shall be submitted on a semi-annual basis instead of quarterly with the first report due no later than March 30, 2012.

#### Federally Funded Research and Development Centers

The Department is directed to report semi-annually to the Committees on Appropriations on projects tasked to Federally Funded Research and Development Centers as directed in the Senate report and to immediately submit reports for fiscal years 2010 and 2011, which are unacceptably late.

#### Cybersecurity

Both the Department of Homeland Security and the National Guard have capabilities, in conjunction with the private sector, to respond to issues related to cybersecurity. In an effort to improve coordination between the Federal government and the private sector and to exploit and enhance the capabilities of both sectors, the conferees direct the Deputy Secretary of DHS, jointly with the Deputy Secretary of Defense, to submit a report to the Committees no later than May 1, 2012, regarding the capabilities for a coordinated response to a cyber attack. The report shall evaluate the costs and benefits of deploying the National Guard, or other equivalent civilian teams, to supplement current

abilities to prevent and recover from a cyber attack. The report shall also include: a description of current activities of both DHS and the National Guard related to the deployment of teams to help prevent or recover from a cyber attack; the authorities of each Department, including the boundaries of such authorities and statutory changes that may be necessary to use joint authorities in a domestic response; a description of training and education efforts; and a discussion of how critical relationships can be established across the agencies to fulfill cybersecurity responsibilities.

#### Freedom of Information Act

The Privacy Officer is directed to report to the Committees on Appropriations no later than 30 days after the date of enactment of this Act on measures put in place to implement the OIG's recommendations to fix problems identified with the Department's Freedom of Information (FOIA) activities (OIG-11-67), including whether and how recent adjustments to DHS FOIA policies and procedures have improved the processing of inquiries, such as decreasing wait times for approval of significant requests.

#### Departmental Integrity Efforts

Since Congress initiated significant increases in funding for border security and immigration enforcement in 2005, CBP has hired more than 19,176 new employees, a 46 percent increase, and ICE has hired over 4,747 new personnel, a 31 percent increase. Since 2007, in an effort to reduce the potential for increased corruption, the Congress has provided over \$11,000,000 more than Presidents have requested for program integrity efforts. It is expected that the President will join Congress in the effort to get ahead of this problem by including increased resources in the fiscal year 2013 budget request.

#### OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

A total of \$235,587,000 is provided for "Office of the Under Secretary for Management," of which not to exceed \$2,500 shall be for official reception and representation expenses. Within this amount, \$5,000,000 shall be available until September 30, 2016, solely for costs of facilities alteration and improvement, tenant improvements, and relocations to consolidate DHS headquarters operations at the Nebraska Avenue Complex.

Pursuant to section 560, a total of \$55,979,000 is provided for "Office of the Under Secretary for Management" for costs associated with headquarters consolidation and mission support consolidation. These funds shall be prioritized towards the completion of phase I of the headquarters consolidation project at the St. Elizabeths site in order to avoid further increases to cost and schedule. The Under Secretary shall submit an expenditure plan no later than 90 days after the date of enactment of this Act detailing how these funds will be allocated, including a revised schedule and cost estimates for headquarters consolidation. Quarterly briefings are required on headquarters and mission support consolidation activities, including any deviation from the expenditure plan.

The amount provided for this appropriation by PPA is as follows:

Immediate Office of the Under Secretary for Management .....	\$2,550,000
Office of Security .....	70,000,000
Office of the Chief Procurement Officer .....	78,000,000
Office of the Chief Human Capital Officer:	

Salaries and Expenses .....	25,165,000
Human Resources Information Technology .....	14,172,000
Subtotal .....	39,337,000
Office of Chief Administrative Officer:	
Salaries and Expenses .....	40,700,000
Nebraska Avenue Complex .....	5,000,000
Subtotal .....	45,700,000
Total, Office of the Under Secretary for Management.....	235,587,000

#### Polar Icebreaker Program

None of the requested funding is provided for a new study of the need for Coast Guard icebreakers. Given the findings of previous reports and analyses of this issue, the Department is urged to develop a concept of operations and resource plan to meet national icebreaking needs, including leveraging expertise within the Coast Guard and Science and Technology Directorate. The Under Secretary shall brief the Committees on the status of this plan no later than 90 days after the date of enactment of this Act.

#### Comprehensive and Quarterly Acquisition Status Reports

Senate Report 111-31 directed the submission of quarterly acquisition reports for major acquisitions. The quarterly reports for fiscal year 2010 were not submitted to Congress at the end of each quarter as directed, but instead all four quarterly reports were combined into one report and submitted on April 12, 2011—over six months after the end of fiscal year 2010. This lack of responsiveness is unacceptable, especially since the information requested is already required by the Department as part of its own acquisition oversight process.

In order to obtain the information necessary for in-depth congressional oversight, statutory language is included in this Act under "Office of the Under Secretary for Management" that requires a Comprehensive Acquisition Status Report to be included as part of the submission of the President's fiscal year 2013 budget, with quarterly updates to be submitted 30 days after the completion of each quarter. The requirements for both reports are addressed below.

The Comprehensive Acquisition Status Report shall include programs identified for Major Acquisition Oversight as defined in the Department memorandum titled "Department of Homeland Security Major Acquisition Oversight List" dated January 25, 2011, and programs that have been classified for major acquisition oversight subsequent to the referenced memorandum.

The Comprehensive Acquisition Status Report shall include for each major acquisition:

1. A narrative description to include current gaps and shortfalls, the capabilities to be fielded, and the number of planned increments and/or units;
2. Acquisition Review Board (or other board designated to review the acquisition) status of each acquisition, including the current acquisition phase, the date of the last review and a listing of the required documents that have been reviewed with the dates reviewed and/or approved;
3. The most current approved Acquisition Program Baseline (to include project schedules and events);
4. A comparison of the original Acquisition Program Baseline, the current Acquisition Program Baseline, and the current estimate;

5. Whether or not an Independent Verification and Validation has been implemented, with an explanation for the decision and a summary of any findings;

6. A rating of cost risk, schedule risk, and technical risk associated with the program (including narrative descriptions and mitigation actions);

7. Contract status (to include earned value management data as applicable);

8. A life-cycle cost of the acquisition, and time basis for the estimate;

9. A planned procurement schedule, including the best estimate of the annual cost and increments/units to be procured annually until procurement is complete;

10. A table delineated by appropriation that provides (for prior years; past year; current year; budget year; budget year plus one; budget year plus two; budget year plus three; budget year plus four and beyond; and total cost) the actual or estimated appropriations, obligations, unobligated authority, and planned expenditures;

11. The reason for any significant changes (from the previous comprehensive report) in acquisition quantity, cost, or schedule;

12. Key Events/Milestones from the prior fiscal year; and

13. Key Events/Milestones for the current fiscal year.

Quarterly reports shall include:

1. An updated status report on any major acquisition for which there has been an approved or a new acquisition program baseline, a new acquisition decision memorandum, or where there has been significant deviation from the prior report with respect to acquisition cost, quantity, or schedule (a significant change is any deviation in cost or quantity that exceeds eight percent or any change in schedule that exceeds six months).

2. A table depicting the title of the program, quantity and cost based on the original Acquisition Program Baseline, quantity and cost based on the most current acquisition program baseline, the quantity and cost of the most current estimate, and the explanation for any change in quantity and cost from prior reports.

3. If applicable, a copy of the acquisition decision memorandum, together with a copy of the Letter of Assessment signed by the Director of Testing and Evaluation.

The requirements described under this heading shall replace those included in Senate Reports 111-31 and 112-74.

#### Office of the Chief Procurement Officer

A total of \$78,000,000 is provided for "Office of the Chief Procurement Officer" (OCPO), including an increase of \$3,403,000 to enhance DHS acquisition capabilities.

OCPO shall brief the Committees no later than February 15, 2012, on its acquisition workforce initiative, as directed in the House and Senate reports, including: a baseline analysis of its workforce and requirements used in defining the gaps in DHS acquisition capacity and determining the skill sets and positions needed to fill those gaps; risks of not filling needed positions; and the long-term strategy to close competency gaps. In cases where component requests for the Federal Acquisition Workforce Initiative were not funded at the requested amount, components should use existing appropriations and fee authority to hire and train highly qualified acquisition personnel for which there are clearly defined requirements.

#### Office of the Chief Human Capital Officer

A total of \$39,337,000 is provided for "Office of the Chief Human Capital Officer"

(OCHCO), including an increase of \$688,000 for salaries and expenses to enhance the Balanced Workforce Program Office, workforce training, and leadership development. A total of \$14,172,000 is included for the Human Resources Information Technology program.

#### Secretary's Efficiency Review and the Balanced Workforce Initiative

The Under Secretary for Management and the Chief Human Capital Officer are directed to brief the Committees on Appropriations no later than February 15, 2012, on the results of the Secretary's Efficiency Review and the ongoing Balanced Workforce Initiative. The briefing should cover, by priority, efficiencies identified through the Review and progress in implementing them; components and specific procurements where additional oversight personnel are required and where they are being or are planned to be deployed; and how reforms in headquarters structure and function are improving support and management for Department field operations. The briefing should cover the status of the ongoing Balanced Workforce Initiative; provide the most current list of positions DHS plans to convert from contractor to Federal positions, and progress against that list; and discuss estimated savings from that effort and the methodology used to calculate those savings.

The Department is directed to arrange for an independent evaluation of its efficiency review and provide the results to the Committees on Appropriations no later than 30 days after its completion.

#### OFFICE OF THE CHIEF FINANCIAL OFFICER

A total of \$50,860,000 is provided for "Office of the Chief Financial Officer." The amount provided includes a decrease from the budget request of \$11,000,000 for the Transformation and Systems Consolidation (TASC) project due to the Department's decision to cancel acquisition plans for TASC.

#### Annual Budget Justifications

Both Senate and House reports call for improvements in the content, detail, and format of annual Congressional Budget Justifications submitted by the Department and its components. It is essential to the work of Congress that such information be timely, accurate, concise, and organized in such a way that facilitates the comparison of current with proposed appropriations for programs, projects, and activities. Developing comprehensive and clear justifications not only disciplines the planning and resource allocation process but could also reduce the need for ancillary budget explanations and program and project expenditure plans and the associated withholding of funding necessitated by the Department's failure to submit these in a complete or timely manner.

Current budget presentation materials, while lengthy and containing a wide range of program data, do not uniformly provide the information the Committees need to assess the impact of the funding being proposed, how it compares to prior year actual appropriations and funded FTE levels, or to evaluate activities proposed to be continued, terminated, or initiated. Terminology is sometimes ambiguous, or used inconsistently, including terms such as interagency transfers or "transfers" between PPAs; adjustments to base; "authorized" rather than "funded" position and FTE levels; or unspecified references to "technical adjustments" or "administrative savings."

Current services descriptions of agency activity and accomplishments, while providing a context for agency operations and budgets, should be consolidated and presented sepa-

ately from the core justification for appropriations.

To address the concerns described above, the Chief Financial Officer is directed to ensure that fiscal year 2013 budget justifications for classified and unclassified budgets of all Department components are submitted on February 6, 2012, concurrent with the President's budget submission to Congress. The justifications shall include:

1. Detailed data and explanatory descriptions for each appropriations request, and for each PPA reflected in the table accompanying this statement, including offices that have been identified as PPAs. Information regarding actual and planned accomplishments should be in quantifiable terms and demonstrate a direct relationship to funding;

2. Tables that reflect actual and estimated funding by PPA for fiscal years 2011 and 2012; identify each increase, decrease, transfer, and staffing change proposed in fiscal year 2013; and explain such year-to-year changes in terms that are clear and unambiguous, and exclude nonspecific terms such as "technical adjustment" or "administrative savings" unless accompanied by a detailed explanation. To establish a common baseline reference, the fiscal year 2012 discretionary data shall tie to the fiscal year 2012 discretionary total in the table accompanying this statement or have a table identifying each change. Explanations of adjustments to base funding, whether increases or decreases, should be specific, and programmatic changes and initiatives should be clearly identified and justified;

3. For each PPA that is comprised of acquisition and procurement activity, the justification should address all proposed spending using a zero-based budget description;

4. Information by appropriations account and PPA on all reimbursable agreements and significant uses of the Economy Act for each fiscal year;

5. A detailed table identifying the last year that authorizing legislation was enacted into law for each PPA, including the amount of the authorization and the appropriation in the last year of authorization;

6. The text and citation of all Department appropriations provisions enacted to date that are permanent law;

7. Explanations and justifications for all proposed legislative language changes, whether they are new or amend existing law, whether they are substantive or technical in nature, with an annotated comparison of proposed versus existing language; and

8. A report on the status of overdue Committee reports, plans, and briefings for each of fiscal years 2011 and 2012.

Consistent with section 874 of Public Law 107-296, the Department shall submit a Future Years Homeland Security Program budget as part of the fiscal year 2013 budget justification, reflecting anticipated spending for fiscal years 2013-2017. It shall be in unclassified form so as to be accessible to the general public.

#### Financial Management Improvement

The Office of the Chief Financial Officer is directed to keep the Committees fully informed on financial management improvement plans for the Department, as required in the House and Senate reports, including any centralized or decentralized solutions that would fulfill the objectives originally set for the TASC project and any plans for integrating the Department's remaining management systems for acquisitions and assets. Balances remain available for TASC from prior-year appropriations, which may

be obligated for TASC closeout costs or obligated for additional financial management plans in fiscal year 2012 if a new strategy is approved by the DHS Acquisition Review Board and if the Department completes an independent evaluation to validate that strategy prior to obligation of any of these funds. In order to maintain other Department-wide management initiatives, \$5,000,000 is rescinded from unobligated balances related to this effort. This rescission is from funds appropriated in fiscal years 2005 and 2006.

#### Nuclear Detection Technology Acquisition

The Office of Program Analysis and Evaluation is directed to undertake an evaluation of the Department's current approach to acquisition of technology and systems for its nuclear detection mission, which is presently conducted through the Domestic Nuclear Detection Office, and an analysis of alternative approaches, including assigning acquisition responsibilities and resources to component agencies that own and operate the technology. The evaluation shall include a cost-benefit analysis of the relevant options. The results of this review shall be submitted to the Committees no later than 120 days after the date of enactment of this Act.

#### User Fees

The Department is directed to continue submitting user fee collections and balances on a semi-annual basis rather than quarterly, including steps taken to mitigate any shortfalls in collections.

#### OFFICE OF THE CHIEF INFORMATION OFFICER

A total of \$257,300,000 is provided for "Office of the Chief Information Officer."

The amount provided for this appropriation by PPA is as follows:

Salaries and Expenses .....	\$105,500,000
Information Technology Services .....	38,800,000
Infrastructure and Security Activities .....	69,000,000
Homeland Secure Data Network .....	44,000,000

Total, Office of the Chief Information Officer .....

Salaries and Expenses

A total of \$105,500,000 is provided for "Salaries and Expenses." Within the funding provided for this appropriation, \$253,000 is provided to strengthen acquisition workforce capabilities.

#### Infrastructure and Security Activities

A total of \$69,000,000 is provided for "Infrastructure and Security Activities." The multi-year investment and management plan shall include details on how the activities under this heading are to be funded.

#### Data Center Migration

Section 556 provides \$70,000,000 for data center migration. The CIO shall notify the Committees on the initial allocation of this funding within 45 days after the date of enactment of this Act. The CIO shall continue to provide quarterly briefings to the Committees on the progress of data center development and migration. Given that component data center migration schedules may shift during the course of the fiscal year based on changing circumstances and priorities the general provision includes authority for the Secretary to transfer funds made available for data center migration, as necessary, among components based on revised schedules and priorities with 15 days prior notice to the Committees.

#### ANALYSIS AND OPERATIONS

A total of \$338,068,000 is provided for "Analysis and Operations," of which \$141,521,000

shall remain available until September 30, 2013. No funding is provided for the C2 Gap Filler Technology initiative. The Department's Chief Intelligence Officer is directed to submit an expenditure plan no later than 60 days after the date of enactment of this Act to the Committees, as required in the Senate report. Additional information on funding levels and reporting requirements are detailed in the classified annex accompanying this statement.

#### State and Local Fusion Center Program

The Office of Intelligence and Analysis (I&A) is directed to develop robust programmatic justification to better identify and quantify the Federal benefit and return on investment from the State and Local Fusion Center (SLFC) program. I&A shall submit such justification at the time the President's fiscal year 2013 budget is submitted and provide semi-annual briefings on the fusion center program, in lieu of a quarterly reporting requirement in the House report and quarterly briefing requirements in the Senate report. The first briefing shall occur no later than February 15, 2012, conform to the requirements outlined in the Senate report, and include metrics to judge the success of the SLFC program.

#### Office of Inspector General

A total of \$141,000,000 is provided for "Office of Inspector General," including \$117,000,000 in direct appropriations and \$24,000,000 transferred from the Disaster Relief Fund (DRF) for audits and investigations related to that funding. The OIG is directed to submit a plan for expenditure of all funds no later than 30 days after the date of enactment of this Act, in lieu of the 90 day requirement in the Senate report. The Office is further directed to notify the Committees of all transfers from the DRF by including them in the Department of Homeland Security Chief Financial Officer's monthly budget execution reports submitted to the Committees, in lieu of the 15-day advance notification required in the Senate report. These reports shall satisfy the requirements for notification of DRF transfers under section 503 of this Act.

#### Integrity Investigations

Within the funding provided for this appropriation, an increase of no less than \$4,000,000 is provided for integrity investigations. In lieu of the 45-day requirement in the Senate report OIG is directed to submit, no later than 30 days after the date of enactment of this Act, a plan for expenditure of integrity oversight funds in coordination with CBP and ICE. This plan shall be submitted along with the overall expenditure plan for OIG.

#### TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

##### U.S. CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES

A total of \$8,680,118,000 is provided for "Salaries and Expenses." The request for Headquarters, Management, and Administration is reduced by \$3,452,000 for the Acquisition Workforce Initiative, the data center migration funds, and \$10,400,000 in additional administrative savings. Data center migration is funded through a general provision. The funding level also reflects an additional \$5,000,000 for integrity programs.

Border Security Inspections and Trade Facilitation is funded at \$2,484,235,000, including the following for requested initiatives: \$44,407,000 for the adjustment for law enforcement journeyman pay costs; \$86,109,000 for prior year annualization of 963 CBP officers; \$20,692,000 for an additional 300 CBP of-

ficers at new and expanded ports of entry; \$2,212,000 for additional canine units at ports of entry; and \$7,499,000 to expand the Immigration Advisory Program to four additional locations. Funds provided for the following critical operations include increases above the request:

\$74,557,000 for International Cargo Screening, including \$3,287,000 for the Secure Freight Initiative and \$71,270,000 for the Container Security Initiative;

\$41,400,000 for Automated Targeting Systems which will enable enhancements to one of the Department's most effective counterterrorism and security capabilities;

\$51,950,000 for the National Targeting Center, including the requested increase of \$16,400,000 for 45 new CBP officers and 20 new analysts, as well as an additional \$5,000,000 to ensure operations are appropriately staffed; and

\$151,298,000 for trade compliance and enforcement efforts in the Office of Trade, including an increase of \$5,000,000 for personnel, enhanced targeting, and strategy development.

The enacted funding level has been adjusted to reflect the passage of Public Law 112-42, which removed the exemption from COBRA fee collections for certain travelers. This will result in additional revenue of \$110,000,000 annually and \$83,000,000 in fiscal year 2012, to support CBP inspection services. Such revenue is to directly support 21,186 CBP officers.

Border Security and Control between Ports of Entry is funded at \$3,619,604,000, which reflects an increase of \$191,459,000 for prior year annualization of 1,000 additional agents along with support personnel funded in the fiscal year 2010 Border Security Supplemental, as well as \$184,717,000 for the adjustment for law enforcement journeyman pay costs, as requested. This overall level will support a Border Patrol agent force of 21,370 (compared to 12,349 in fiscal year 2006), including 2,212 deployed to the Northern Border and 18,415 deployed to the Southwest Border.

The amount provided for this appropriation by PPA is as follows:

Headquarters, Management, and Administration:	
Management and Administration, Border Security Inspections and Trade Facilitation .....	\$667,794,000
Management and Administration, Border Security and Control between Ports of Entry ...	717,309,000
Rent .....	483,749,000

Subtotal, Headquarters Management and Administration .....	1,868,852,000
Border Security Inspections and Trade Facilitation:	
Inspections, Trade, and Travel Facilitation at Ports of Entry .....	2,484,235,000
Harbor Maintenance Fee Collection (Trust Fund) International Cargo Screening .....	3,274,000
Other international programs .....	74,557,000
Customs-Trade Partnership Against Terrorism (C-TPAT) .....	10,684,000
Trusted Traveler Programs .....	44,979,000
Inspection and Detection Technology Investments .....	6,311,000
	148,537,000



Automated Targeting Systems .....	41,400,000
National Targeting Center .....	51,950,000
Training .....	37,834,000
Subtotal, Border Security Inspections and Trade Facilitation ....	2,903,761,000
Border Security and Control between Ports of Entry:	
Border Security and Control .....	3,530,994,000
Training .....	88,610,000
Subtotal, Border Security and Control between POEs .....	3,619,604,000
Air and Marine Operations .....	287,901,000
Total, CBP Salaries and Expenses .....	\$8,680,118,000
Revised Budget Structure	

CBP is directed to propose a subdivision of the Inspections, Trade, and Travel Facilitation at Ports PPA and the Border Security and Control PPA within the "Salaries and Expenses" appropriation in conjunction with the budget submission for fiscal year 2013. At funding levels of \$2,484,235,000 and \$3,530,994,000, respectively, the PPAs and the accompanying budget justifications have not provided adequate detail for appropriate oversight of these funds. CBP shall brief the Committees on its proposed structure prior to submission of its budget request. For instance, each PPA could be subdivided into budget activities, such as: officer or agent pay, civilian pay, equipment, operations and maintenance, and procurement. CBP should provide a crosswalk from the 2012 budget structure to the new 2013 budget structure so that the Committees can easily compare funding levels for the activities within these new PPAs.

Further, CBP is directed to comply with the direction included under the heading "Office of Chief Financial Officer" with respect to improved budget justifications.

#### Financial Plan by Office Requirements

CBP is directed to provide the financial plan by office as required by the Senate report. In addition, CBP shall include its estimate by office with the budget justification material for fiscal year 2013.

#### Staffing and Fees Supporting CBP Port of Entry Operations

CBP is directed to submit its staffing model for Field Operations no later than February 15, 2012. In addition, CBP shall address the reporting requirements related to manpower and innovation in the House report and considerations related to the staffing model in the Senate report.

#### Outbound Inspections

CBP shall brief the Committees no later than February 15, 2012, on its plans for outbound operations, as outlined in the House report, and its 3-year strategy to improve and deploy technology for outbound inspections, as discussed in the Senate report.

#### Entry Process Improvements for Travelers

CBP shall submit a report no later than February 15, 2012, on actions taken to improve the entry process, as discussed in the Senate report.

#### Trusted Traveler Programs

The Department shall brief the Committees on all DHS trusted traveler programs, as discussed in the Senate report, no later than February 15, 2012.

#### Cargo Screening Activities

As discussed in the House and Senate reports, CBP shall brief the Committees no later than February 15, 2012, on its guidelines regarding low risk shipments and how it is improving trade processing and coordination.

#### Non-Intrusive Inspection and Radiation Detection Equipment

CBP is required to provide an investment and management plan for CBP's Non-Intrusive Inspection and Radiation Detection Equipment needs. The plan shall address all funds from all sources, not just the Inspection and Detection Technology PPA, including funding within the Domestic Nuclear Detection Office "Systems Acquisition" appropriation.

#### Automated Targeting Systems and National Targeting Center

CBP shall brief the Committees no later than January 13, 2012, on the use of the additional funds provided for these critical activities.

#### Maritime Supply Chain Security

No funds are provided for the 100 percent scanning pilots proposed in the President's budget request. DHS has failed to provide any details or plans regarding how the proposed \$7,500,000 would be used. Furthermore, while the Administration has been working on a supply chain security strategy to address this mandate, it has still not been submitted to the Committees. For that reason, these funds have been applied to address shortfalls in the request for the Container Security Initiative, a key supply chain security layer.

#### Border Patrol and Border Security between Ports of Entry

CBP shall submit a report to the Committees no later than 90 days after the date of enactment of this Act on its five-year staffing and deployment plan for the Border Patrol. In addition, the budget justification for fiscal year 2013 shall include a plan detailing staffing and funding for the Northern Border. CBP and ICE shall provide semi-annual briefings on assaults on personnel, threats to the border, and progress made on addressing the threats as required in the Senate report, with the first briefing no later than February 15, 2012. At the first briefing, CBP also shall brief on funds allocated for the health, welfare, and safety of Border Patrol agents, as directed in the House report.

#### Access to Federal Lands

As provided in the House report, the Departments of Homeland Security, Agriculture, and Interior are directed to brief the Committees no later than February 15, 2012, on their plan to address the Border Patrol's access to Federal lands, as appropriate and necessary, to ensure the border security of the United States. DHS shall also brief the Committees no later than February 15, 2012, on its implementation of GAO's recommendations for border security coordination on Southwest Federal lands contained in GAO-11-38 and GAO-11-177.

#### Joint Field Command Structure

While CBP allocated funds within its budget for the Joint Field Command (JFC), it is important to understand the cost-benefit for establishing the JFC and whether CBP intends to establish this concept in other areas along the border. As discussed in the House and Senate reports, CBP is directed to brief the Committees no later than February 15, 2012.

#### Integrity Programs

An additional \$5,000,000 above the amount requested is provided for CBP's integrity

programs, for a total of \$165,681,000. CBP is directed to provide the briefing required in the House report by January 13, 2012.

#### Detention Statistics

CBP is directed to review how it collects and manages information about individuals arrested and detained in CBP custody for less than 72 hours, including the facilities used for detaining such individuals. The review shall include ways to address data quality, standardize definitions, and utilize current reporting systems to routinely report on short-term detention. In a briefing to occur no later than 120 days after the date of enactment of this Act, CBP shall brief the Committees on its review and on its policies and procedures relating to conditions of facilities and what standards govern the conditions and duration of custody.

#### Trade Compliance and Enforcement

An additional \$5,000,000 above the amount requested is provided for trade compliance and enforcement efforts. CBP is directed to submit to the Committees the reports specified in the Senate report, including the 3-year trade compliance strategy and the antidumping and countervailing duty reports, within the timeframes detailed in that report. In addition, CBP shall submit the reports under the headings "Textile Transshipment Enforcement" and "Circumvention of Customs Duties—Imports from China," as discussed in the House report, within the timeframes detailed in that report.

#### MULTI-YEAR INVESTMENT AND MANAGEMENT PLANS

As provided in section 568, CBP is required to submit a multi-year investment and management plan with the congressional budget justification materials for all appropriated funds from all sources executed by the Office of Information Technology (OIT) to provide a full picture of CBP's information technology activities. It is expected that the acquisition program baselines for Level I and II programs under OIT will be provided as part of the comprehensive acquisition status reports provided by the under Secretary for management.

A similar requirement is also included for funds in the "Border Security Fencing, Infrastructure, and Technology" (BSFIT) appropriation.

#### Transportation of Aliens

In response to OIG inquiries and OIG 11-27, CBP has taken great strides to streamline its costs associated with transportation and removal of aliens between Field Operations and Border Patrol. ICE has also made progress in analyzing and more efficiently managing its transportation costs. The next step, however, has not been taken in a comprehensive manner—exploring options for coordination of transportation locally, regionally, and nationally, or sharing of transportation resources between CBP and ICE given constrained resources across DHS. CBP and ICE are directed to brief the Committees no later than 180 days after the date of enactment of this Act on the results of their joint efforts to take advantage of such efficiencies.

#### OFFICE OF TECHNOLOGY INNOVATION AND ACQUISITION

There is no clear plan for the Office of Technology Innovation and Acquisition (OTIA), including staffing and financing. CBP does not have authority to use funds provided to the "Automation Modernization" or the BSFIT appropriations for OTIA expenses. If additional funding from appropriations outside of "Salaries and Expenses"

can be justified, a transfer request must be submitted pursuant to section 503 of this Act. All funds for OTIA shall be requested within the "Salaries and Expenses" appropriation for fiscal year 2013.

#### Invasive Species

CBP is directed to fund activities associated with control of invasive species, such as Carrizo cane, from within the BSFIT appropriation.

#### AUTOMATION MODERNIZATION

A total of \$334,275,000 is provided for "Automation Modernization." Of that amount, not less than \$140,000,000 is for the Automated Commercial Environment (ACE). As provided in a general provision, CBP is required to submit a multi-year investment and management plan with the congressional budget justification materials for all funds executed by OIT to provide a full picture of CBP's information technology activities.

#### ACE and International Trade Data System

CBP shall brief the Committees on a quarterly basis on ACE progress, including the same information they have previously provided in quarterly reports. CBP shall use funds as necessary for the International Trade Data System (ITDS). Furthermore, prior year balances for ITDS are available for other priorities, such as ensuring completion of Cargo Release as planned. At the second quarterly briefing of fiscal year 2012, CBP shall provide its plans for use of these prior year balances.

#### TECS

CBP and ICE are directed to jointly brief the Committees on the status of modernization efforts, including their progress and plans forward, on a semi-annual basis.

#### BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

A total of \$400,000,000 is provided for BSFIT. Within the total provided under this heading, \$20,000,000 is for Northern Border technology, \$40,000,000 is for tactical communications, and \$3,000,000 is for environmental assessment and mitigation, as requested. When the amount made available under this heading is combined with unobligated balances, a total of \$774,874,359 is available for this function in fiscal year 2012.

While it is clear that the Border Patrol requires additional tools and technology to execute its critical mission, concerns remain about the proposed Arizona Border Technology Plan and the administration's slow execution of funds provided in this appropriation. The prolonged delay in procurements, particularly for purchase and upgrade of Remote Video Surveillance Systems, is extremely concerning. Further, the fact that the President's request includes a plan to procure three off-the-shelf integrated fixed tower systems after the Secretary's decision to terminate SBInet, despite the benefits now being realized by the Border Patrol from the system, raises questions. Under the best of circumstances, the contract for two of these towers would not be awarded until the summer of 2012, delaying the execution of the associated funds into fiscal year 2013. As a result, \$60,000,000 is withheld for obligation from this appropriation until a detailed expenditure plan is provided to the Committees, no later than 90 days after the date of enactment of this Act. The expenditure plan shall clearly specify how DHS proposes to allocate funds among the BSFIT PPAs.

#### Multi-Year Investment and Management Plan

A new multi-year investment and management plan for BSFIT funds is required to be

submitted by the Commissioner with the fiscal year 2013 budget request. To the extent possible, CBP is encouraged to incorporate requirements from the multi-year investment and management plan into the fiscal year 2012 expenditure plan.

#### Invasive Species

CBP is directed to fund activities associated with control of invasive species, such as Carrizo cane from within the BSFIT appropriation.

#### Review of Contracts and Task Orders

The Inspector General is no longer required to review contracts and task orders on SBInet pursuant to conference report 109-699 accompanying P.L. 109-295.

#### Communications Along the Border

DHS is encouraged to explore the establishment of public-private partnerships with cellular carriers, residents, and State and local governments to extend mobile communications capabilities in isolated border areas with limited cellular coverage for the purposes of public safety.

#### AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

A total of \$503,966,000 is provided for "Air and Marine Interdiction, Operations, Maintenance, and Procurement." The funding includes \$365,087,000 for operations and maintenance and \$138,879,000 for procurement. The procurement funds include an additional \$6,900,000 for UH-60 Black Hawk conversions (to ensure completion of two conversions) and \$22,500,000 for purchase of an additional multi-enforcement aircraft (a high priority for CBP, particularly important given the increasing aircraft retirements CBP expects). Given the increasing reliance by CBP on unmanned aircraft systems (UAS) for patrolling our borders, \$4,000,000 is provided above the request for UAS operations and maintenance. It is imperative that sufficient funds be included in the fiscal year 2013 budget to operate and sustain these systems over multiple shifts.

#### Civil Air Patrol

As directed in the House report, the Comptroller General shall provide a report regarding the functions and capabilities of the civil air patrol in homeland security. The report shall be submitted no later than November 1, 2012.

#### Aircraft Upgrades

CBP is required to update its 5-year strategic recapitalization plan, which should also include direction outlined in the Senate report. Strong support for CBP's service life extension program (SLEP) for the P-3 fleet is reiterated. Further, CBP is directed to brief the Committees on its decision regarding the inclusion of the last two P-3's in the SLEP no later than the submission of the President's fiscal year 2013 budget request.

#### Unmanned Aircraft Operations

CBP is directed to brief the Committees on its efforts with the Department of Defense and the Federal Aviation Administration on ways to increase effective use of CBP air assets, including UAS. Further, the briefing shall include information regarding any restrictions on UAS operations related to availability of air traffic control.

#### CONSTRUCTION AND FACILITIES MANAGEMENT

A total of \$236,596,000 is provided for "Construction and Facilities Management." The funding includes \$182,500,000 for Facilities Construction and Sustainment and \$54,096,000 for Program Oversight and Management. Statutory language is included directing the

Commissioner to submit annually a real property inventory and requiring submission with the budget request of an annually-updated 5-year plan for all port of entry projects.

#### Future Land Border Port of Entry Requirements

As detailed in the Senate report, the Department shall work with the General Services Administration and the Office of Management and Budget on a multi-year strategy to address land border port of entry construction requirements and financing options, including the use of public-private partnerships.

#### U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

##### SALARIES AND EXPENSES

A total of \$5,528,874,000 is provided for "Salaries and Expenses" to ensure robust enforcement of our Nation's immigration laws. Within this amount, no less than \$1,600,000,000 is allocated to finance ICE's various efforts to identify aliens with criminal records who are incarcerated or at-large, and to remove those who are deportable. Of this amount, \$189,064,000 is provided for continued expansion of the Secure Communities program, \$5,000,000 above the President's budget request, to digitize paper fingerprint cards and enroll them into DHS's Automated Biometric Identification System (IDENT). An additional \$4,400,000 is provided for the Visa Security Program above the request to support expansion. The request for Headquarters, Management, and Administration was reduced by \$3,591,000 for the Acquisition Workforce Initiative, the data center migration funds, and \$1,000,000 in additional administrative savings. Data center migration is funded through a general provision.

In addition, ICE is directed to comply with the direction included under the heading "Office of Chief Financial Officer" with respect to improved budget justifications.

The amount provided for this appropriation by PPA is as follows:

Headquarters Management and Administration:	
Personnel, Compensation and Benefits, Services and Other Costs .....	\$233,251,000
Headquarters-Managed IT Investments .....	184,227,000
Subtotal, Headquarters Management and Administration .....	417,478,000
Legal Proceedings .....	215,935,000
Investigations:	
Domestic Investigations ....	1,725,234,000
International Investigations:	
International Operations .....	114,928,000
Visa Security Program ...	33,889,000
Subtotal, International Investigations .....	148,817,000
Subtotal, Investigations .....	1,874,051,000
Intelligence .....	81,503,000
Detention and Removal Operations:	
Custody Operations .....	2,050,545,000
Fugitive Operations .....	154,597,000
Criminal Alien Program .....	196,696,000
Alternatives to Detention .....	72,373,000

Transportation and Removal Program .....	276,632,000
Subtotal, Detention and Removal Operations .....	2,750,843,000
Secure Communities .....	189,064,000
Total, ICE Salaries and Expenses .....	5,528,874,000
ICE Domestic Investigations	

For ICE Domestic Investigations, \$1,725,234,000 is provided. ICE is directed to continue to provide quarterly data on investigative activities and expenditures on a timely basis. Of the funds above the request, \$4,000,000 is for enhancing investigations of antidumping/countervailing duty (AD/CVD) violations, intellectual property rights (IPR) investigations, and severe forms of human trafficking and smuggling activities. ICE is directed to submit to the Committees a plan for expenditure of these additional, targeted resources within 90 days after the date of enactment of this Act. The conferees also direct ICE to submit by February 13, 2012, a 3-year strategy to improve AD/CVD enforcement, per the Senate report, and the information required on the National IPR Coordination Center in the House report.

#### Improving Immigration Enforcement Activities

A total of \$12,000,000 above the request is provided to improve immigration enforcement activities, of which \$5,000,000 is included in Secure Communities for digitization of paper fingerprint cards from legacy immigration files. Both the House and Senate reports outlined areas for focus, such as: Developing a comprehensive strategy to address the visa overstay problem, modernizing the Alien Criminal Response Information Management System (ACRIME) to support the identification of criminal aliens and individuals attempting to overstay a visa, enhancing ICE capabilities for law enforcement support for immigration-related inquiries from State and local law enforcement, and digitizing old fingerprint records. ICE is directed to brief the Committees, with US-VISIT and other DHS components as appropriate, on its plan for utilization of these funds, no later than 60 days after the date of enactment of this Act. ICE is also directed, in conjunction with US-VISIT and United States Citizenship and Immigration Services (USCIS), to report to the Committees no later than 120 days after the date of enactment of this Act on the methodology of prioritizing files for the digitization effort as well as the overall projected cost of the project to ensure electronic availability of appropriate biometrics in IDENT.

#### Law Enforcement Support Center

The Law Enforcement Support Center (LESC) is the national entity which provides, among other things, immigration status information about individuals encountered by State and local law enforcement agencies. The significant expansion of Secure Communities has increased the status inquiries submitted by law enforcement. Recently, the LESO has been reorganized and the functions split between the Office of Investigations and Detention and Removal Operations. Prior to the reorganization, the LESO had the flexibility to move personnel between the functions depending on workload, but it now appears that flexibility has been lost. Additionally, as Secure Communities has matured, some of the early resource allocation decisions would benefit

from further review, specifically regarding the creation of the Interoperability Response Centers. ICE is directed to review the separation of LESO functions and the requirements of the Interoperability Response Centers and brief the Committees 90 days after the date of enactment of this Act. In addition, concerns have been raised about the progress of modernization of the information technology systems that sustain the Law Enforcement Support Center, such as ACRIME. ICE is directed to brief the Committees no later than 30 days after the date of enactment of this Act on the current status of ACRIME modernization and any revised development timelines.

#### Visa Security Program

A total of \$33,889,000 is provided for the ICE Visa Security Program, an increase of \$4,400,000 above the amount requested for expansion of the program to two additional overseas consular posts. ICE is directed to brief the Committees in a classified format no later than 60 days after the date of enactment of this Act on its plan for utilizing these additional funds.

#### Investigative Resources

ICE is directed to brief the Committees no later than February 15, 2012, on its efforts throughout the Caribbean basin, as outlined in the House report.

#### Intelligence

ICE is encouraged to ensure the Office of Intelligence supports investigations into AD/CVD violations, IPR violations, and human trafficking and smuggling organizations.

#### Detention and Removal Operations

A total of \$2,750,843,000 is provided for ICE Detention and Removal Operations, \$26,718,000 more than the request to raise the minimum number of detention bed spaces that ICE must maintain on a daily basis to 34,000. ICE is directed to intensify its enforcement efforts, fully use these resources, and manage detention and removal costs as efficiently as possible. As outlined in the House report, ICE is directed to provide comprehensive, regular briefings to the Committees on all steps being taken to reduce the costs of detention and removal, including: strategies to minimize transportation costs and house detainees at the lowest cost facilities; working with the Executive Office of Immigration Review (EOIR) to speed processing consistent with due process; continuing to review contracts to ensure maximum flexibility and lowest cost to ICE; and considering the cost-benefits of public and private providers for all services, including food and medical services. As required in the House and Senate reports, ICE is directed to brief the Committees on its detention bed space funding model, providing details on its bed space costs across the country and on the components of those costs, including food, medical, mental health, dental, pharmacy, and electronic health record services by location, and whether these components are provided by public agencies or private contract services. Such services must be aligned to humanitarian needs and should be provided in a cost-effective manner. The first comprehensive briefing shall take place no later than 30 days after the date of enactment of this Act.

Additionally, ICE is encouraged to look at ways to increase the short-term detention capacity in certain regions of the United States while minimizing the loss of existing detention capacity, personnel, and contracts at other facilities. ICE shall brief the Committees semi-annually on its efforts regard-

ing detention space alternatives, as discussed in the Senate report.

#### Secure Communities

A total of \$189,064,000 is provided to continue implementation of the Secure Communities program. ICE is directed to continue quarterly reports on the Secure Communities program, submit those reports within 45 days of the close of the quarter, and provide briefings within 45 days of the close of the quarter. Further, ICE is directed to develop analyses, for inclusion in these reports, to track the effect Secure Communities is having on ICE detention facilities, the EOIR docket, and the speed with which ICE is able to remove criminal aliens and high-risk detainees from the country once they are judged deportable. The reports shall also provide statistics on results of the program, including the number of individuals administratively arrested by ICE in each jurisdiction by the crime for which they are charged and the crime for which they have been convicted (if applicable); the number of individuals whom ICE identifies each quarter and intends to administratively arrest but must await the adjudication of the individual's criminal charges and/or the completion of a sentence as well as identify the crimes for which they are charged and crimes for which they have been convicted (if applicable); and the number of removals achieved as a result of the program, as outlined in the Senate report. Additionally, the briefings shall include quarterly data on the number of instances in which Secure Communities identifies when someone who is arrested is in this country illegally, the number of times ICE issues a detainer on such individuals (delineated by categories stipulating the reasons why a decision is made to issue or not issue a detainer), and the number actually deported.

Secure Communities is an effective and significant law enforcement tool; its deployment and use should not be hampered by any jurisdiction or official. It is important to remember that Secure Communities is applied to everyone booked into a jail. All individuals are treated the same, and no profiling occurs. Through the use of biometrics, ICE is able to determine not only an individual's immigration status, but also if the individual has committed more serious crimes in the past.

ICE is directed to brief the Committees no later than February 15, 2012, on any considerations associated with realigning the Secure Communities program under the Criminal Alien Program after interoperability has been accomplished.

#### ICE Support to State and Local Law Enforcement

ICE is directed to update the Committees on its progress toward closing all OIG recommendations on the 287(g) program no later than January 13, 2012. The Department is directed to immediately provide the status of all pending memoranda of agreement for 287(g) participation.

#### Hiring and Staffing Reports

ICE shall submit quarterly staffing and hiring reports. Further, as directed in the House report, ICE shall brief the Committees on appropriate staffing levels.

#### Worksite Enforcement

Of the funds provided for Domestic Investigations, \$134,626,000 is for worksite enforcement activities, as requested. ICE is directed to brief the Committees quarterly on how it is meeting this level of effort no later than 30 days after the end of each quarter. Further, ICE shall provide an annual report on

worksite enforcement activities as directed in the Senate report.

#### Detention and Removal Reporting

Statutory language is included, as requested, ensuring that all illegally present or otherwise removable aliens encountered when enforcing our immigration laws are apprehended. However, the Department does not collect or report comprehensive statistics on all of its encounters with inadmissible and deportable aliens by source as well as the disposition of all such encounters. For that reason, ICE, in conjunction with CBP and USCIS, is directed to develop a methodology and a means of collecting and reporting such information on a quarterly basis for fiscal year 2013. In the most transparent, concise manner possible, the reporting should cover all actions in the reporting period for all stages of the immigration enforcement process: encounters by identification source (i.e., Fugitive Operations, Criminal Alien Program, Border Patrol Southwest border between ports); subsequent enforcement action by agency (i.e., expedited removal, arrest, detention, release); detention/non-detention by program (i.e., ICE detention, bond, alternatives to detention); and processing/removal outcome (i.e., deferred action, relief, removal, administrative closing). The reporting shall clearly provide the number of aliens who received deferred action, including a renewal or extension of previously-granted deferred action. ICE, CBP, and USCIS shall brief the Committees no later than 120 days after the date of enactment of this Act on the developed methodology and means of collecting and reporting, including any information technology issues. Additionally, the agencies shall note where this comprehensive reporting could supersede other reports currently provided.

For fiscal year 2012, ICE is directed to continue reporting quarterly on detention and removal, including the number of deportation, exclusion, and removal orders sought and obtained by ICE. The first fiscal year 2012 quarterly report is to be submitted no later than February 15, 2012. ICE shall include "policy closure" reporting subdivided to clearly report where deferred action has been granted.

#### Personnel Recovery Units

ICE is directed to brief the Committees no later than February 15, 2012, on its interest in establishing a trained unit to handle abduction or evacuation of ICE personnel.

#### Multi-Year Investment and Management Plan

As provided in Section 568, ICE is required to submit a multi-year investment and management plan with the congressional budget justification materials for all funds executed by the Office of Information Technology (OIT) to provide a full picture of ICE's information technology activities. It is expected that the acquisition program baselines for Level I and II programs under OIT will be provided as part of the comprehensive acquisition status reports provided by the under Secretary for Management.

#### Transportation of Aliens

In response to OIG inquiries and OIG Report 11-27, CBP has taken great strides to streamline its costs associated with transportation and removal of aliens between Field Operations and Border Patrol. ICE has also made progress in analyzing and more efficiently managing its transportation costs. The next step, however, has not been taken in a comprehensive manner—exploring options for coordination of transportation lo-

cally, regionally, and nationally, or sharing of transportation resources between CBP and ICE given constrained resources across DHS. CBP and ICE are directed to brief the Committees no later than 180 days after the date of enactment of this Act on the results of their joint efforts to take advantage of such efficiencies.

#### Unexpended Construction Balances

ICE is directed to brief the Committees no later than February 15, 2012, on the unexpended balances in the ICE Construction appropriation.

#### AUTOMATION MODERNIZATION

A total of \$21,710,000 is provided for "Automation Modernization." CBP and ICE are directed to jointly brief the Committees on the status of TECS modernization efforts, including their progress and plans forward, on a semi-annual basis.

#### TRANSPORTATION SECURITY ADMINISTRATION

##### AVIATION SECURITY

A total of \$5,253,956,000 is provided for "Aviation Security." In addition to the amounts appropriated, a mandatory appropriation totaling \$250,000,000 is available through the Aviation Security Capital Fund. Statutory language reflects the collection of \$2,030,000,000 from aviation security fees, as authorized.

The amount provided for this appropriation by PPA is as follows:

Screening Operations:	
Screener Workforce:	
Privatized Screening ...	\$144,193,000
Screener Personnel, Compensation, and Benefits .....	3,025,771,000
Subtotal, Screener Workforce .....	3,169,964,000
Screener Training and Other .....	249,796,000
Checkpoint Support .....	204,768,000
EDS/ETD Systems:	
EDS Procurement and Installation .....	222,738,000
Screening Technology Maintenance and Utilities .....	320,365,000
Subtotal, EDS/ETD Systems .....	543,103,000
Subtotal, Screening Operations .....	4,167,631,000
Aviation Security Direction and Enforcement:	
Aviation Regulation and Other Enforcement .....	369,984,000
Airport Management and Support .....	570,226,000
Federal Flight Deck Officer and Flight Crew Training .....	25,461,000
Air Cargo .....	120,654,000
Subtotal, Aviation Security Direction and Enforcement .....	1,086,325,000
Total, Aviation Security ...	\$5,253,956,000

#### Impact of Checked Baggage Fees

As noted in the Senate report, TSA checkpoint screening costs have risen significantly as a result of the growth in the volume of carry-on baggage transported by passengers in response to the imposition of checked baggage fees by most airlines. This increase in checkpoint screening costs, however, comes at the expense of other TSA security programs, and none of the air carrier revenue collected from the checked baggage fees has

been used to offset the additional TSA workload. The Department is encouraged to work with the relevant authorizing Committees to find ways to recoup these costs, and ensure the best alignment between resources needed to achieve and sustain both security and efficient checkpoint operations.

#### Privatized Screening

A total of \$144,193,000 is provided for "Privatized Screening." TSA is to give full and fair consideration to applicants for participation in the Screening Partnership Program that can demonstrate their capacity to undertake passenger and baggage screening in a manner more cost effective than TSA and to provide a level of security comparable to that of Federal screening. If TSA approves the applications, it is authorized, and expected, to finance the transition to privatized operations using funding within "Screening Operations".

#### Screener Personnel and Training

A total of \$3,025,771,000 is provided for the "Screener Personnel, Compensation, and Benefits" PPA, and a total of \$249,796,000 is included for the "Screener Training and Other" PPA. Language is included that limits TSA's use of funds to recruit or hire more than 46,000 full-time equivalent screeners. The limitation does not apply to screeners hired as part-time employees. Statutory language is included that requires the Secretary to submit to the Committees no later than 90 days after the date of enactment of this Act a detailed report on how DHS is using its resources to develop more capable and cost-effective screening technology. The report shall also detail how it is deploying its existing workforce to optimize screening operations, their effectiveness, and labor savings from improved technology deployment, including how such savings are employed or reinvested. Funding is included to staff 250 new advanced imaging technology (AIT) systems, with the expectation that hiring for those positions will occur later than assumed in the request due to procurement delays. As directed in the Senate report, TSA is to work in coordination with airlines, airports, and cross-disability/medical organizations to design education and outreach programs that ensure access to the Nation's aviation system is available to everyone. TSA shall also work with airports to expand mock boarding events, such as those held for families with autistic children, and shall continue to improve the screening process for young passengers, as directed in the Senate report. TSA is to brief the Committees no later than 90 days after the date of enactment of this Act on its efforts in these areas.

#### Behavioral Detection Officers

Funding is included for 145 new behavioral detection officers (BDO). TSA is directed to brief the Committees no later than 90 days after the date of enactment of this Act on its plans and actions to implement recommendations rising from the study of Screening of Passengers by Observation Techniques (SPOT) that was sponsored by the Science and Technology Directorate. In addition, the briefing should cover how TSA is addressing issues raised in recent Government Accountability Office reviews of the program. These include validation, management, and communications issues identified in GAO-10-763 and recommendations for approaches to BDO assignment and cost-benefit analysis included in GAO-11-461T and GAO-10-157. Finally, the briefing should describe what TSA is doing to ensure its standardization testing of the SPOT program is carried out at airports with a frequency that will

support consistent program execution and optimal BDO training.

#### Checkpoint Support

A total of \$204,768,000 is provided for "Checkpoint Support," including funding for 250 new AIT systems and other security technology requested and listed in the Senate report. This excludes \$39,200,000 requested for explosives trace detection systems funded in fiscal year 2011, and an additional \$4,000,000 due to other acquisition delays. TSA is directed, as detailed in the Senate report, to brief the Committees no later than 30 days after the date of enactment of this Act on AIT procurement and deployment details and on progress in developing and deploying additional automated target recognition capability. In addition, TSA is directed to include a five-year budget estimate with each annual Congressional budget justification, beginning with its fiscal year 2013 submission, that projects funding for each passenger screening technology acquisition as specified in the Senate report.

#### Facilitating Passenger Screening and Reducing Wait Times

TSA is directed to brief the Committees no later than 90 days after the date of enactment of this Act on its efforts to meet a goal of keeping average passenger wait times below 10 minutes at screening checkpoints. Once TSA has begun deploying new automated wait time technology funded by this Act, TSA is directed to provide quarterly briefings to the Committees on wait times at screening checkpoints where such technology is in place.

#### Exit Lane Security

The TSA Administrator shall submit a report to the Committees no later than 180 days after the date of enactment of this Act making recommendations for improving security at each airport location where passengers exit the sterile area, as specified in the Senate report.

#### Explosives Detection Systems

A total of \$472,738,000 is provided for "Explosives Detection Systems (EDS) Procurement and Installation," including \$250,000,000 in mandatory funding from the Aviation Security Capital Fund and \$222,738,000 in discretionary funding. Not less than 10 percent of the funds provided shall be available for the purchase and installation of certified EDS at medium- and small-sized airports. Allocation of this funding between new projects, recapitalization, advanced surveillance systems, and payroll shall be detailed in the fiscal year 2012 EDS expenditure plan. In addition, the expenditure plan is to address the issue of eligible EDS costs incurred by airports that were not recipients of funding agreements, as specified in the Senate report.

#### Screening Technology Maintenance and Utilities

A total of \$320,365,000 is provided for the "Screening Technology Maintenance and Utilities" PPA, which reflects downward adjustments in estimates for the cost of maintenance warranties.

#### AVIATION REGULATION AND OTHER ENFORCEMENT

A total of \$369,984,000 is provided for the "Aviation Regulation and Other Enforcement" PPA, including an increase of \$3,500,000 above the request for international security enhancements related to air cargo security; \$5,000,000 above the request for 20 new canine teams; and \$11,755,000 for 12 new Visible Intermodal Prevention and Response

(VIPR) teams, with the assumption that personnel for the teams will not be hired until late in fiscal year 2012. TSA shall provide an expenditure plan to the Committees no later than 60 days after the date of enactment of this Act detailing where and how new VIPR teams will be deployed.

#### Air Cargo

A total of \$120,654,000 is provided for the "Air Cargo" PPA, \$6,000,000 above the request for international security enhancements to air cargo security. In combination with an additional \$3,500,000 provided under Aviation Regulation and Other Enforcement, this funding will support enhanced air cargo inspection and other security oversight and improvements, with the expectation that this will help TSA meet its statutory requirement of 100 percent system-wide screening of air cargo on passenger aircraft, including those originating overseas, and to enhance inspection, investigation, and monitoring efforts on all-cargo flights, including through additional international air cargo inspectors and transportation security specialists to assess all-cargo airports and increase inspection visits at high-risk airports. TSA is to continue working with U.S. Customs and Border Protection, in furtherance of TSA's mission, on the application of the Automated Targeting System to screen air cargo bound for the United States on all-cargo and passenger flights. The air cargo expenditure plan shall include progress on these ongoing efforts.

#### SURFACE TRANSPORTATION SECURITY

A total of \$134,748,000 is provided for "Surface Transportation Security." TSA is directed to submit a report no later than six months after the date of enactment of this Act on passenger and mass transit rail tunnel security, as specified in the Senate report.

#### TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

A total of \$204,274,000 is provided for "Transportation Threat Assessment and Credentialing." This includes \$27,800,000 for TTAC Infrastructure Modernization (TIM) in recognition of scheduling delays in the modernization contract and an increase of \$10,000,000 to support risk-based screening.

TSA is directed to brief the Committees no later than 30 days after the date of enactment of this Act on developments in the TIM program, as specified in the House report.

The amount provided for this appropriation by PPA is as follows:

Secure Flight .....	\$92,414,000
Crew and Other Vetting Programs .....	71,540,000

Subtotal, Direct Appropriations .....	163,954,000
TWIC Fees .....	8,300,000
Hazardous Materials Fees .....	12,000,000
Alien Flight School Fees ...	4,000,000
Certified Cargo Screening Program .....	5,200,000
Large Aircraft Security Program .....	1,200,000
Secure Identification Display Area Checks .....	8,000,000
Other Security Threat Assessments .....	100,000
General Aviation at DCA ..	100,000
Indirect Air Cargo .....	1,400,000
Sensitive Security Information (SSI) fees .....	20,000
Subtotal, Fee Collections .....	\$40,320,000

#### Risk-Based Screening

A total of \$10,000,000 is provided to support risk-based screening efforts, including: the

development of systems architecture; the procurement of hardware and software; testing and implementation of new capabilities to expand known-traveler populations; and increases in the effectiveness, security, and efficiency of passenger screening. TSA is directed to report to the Committees no later than 90 days after the date of enactment of this Act on the status of its efforts, including current and planned pilots to develop such a known traveler program, funding requirements, and any legal or resource obstacles to implementation.

#### Universal Enrollment Centers

TSA is directed to expand the number of Universal Enrollment Centers to achieve at least a 50 percent increase in the number of TWIC enrollment sites and to brief the Committees no later than 180 days after the date of enactment of this Act as specified in the Senate report, on resource needs, security impacts, and prospects for direct shipment of TWIC cards to participants.

#### TRANSPORTATION SECURITY SUPPORT

A total of \$1,031,926,000 is provided for "Transportation Security Support."

The amount provided for this appropriation by PPA is as follows:

Headquarters Administration .....	\$292,334,000
Information Technology ....	447,200,000
Human Capital Services ....	249,400,000
Intelligence .....	42,992,000

Total, Transportation Security Support .....	\$1,031,926,000
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#### Expenditure Plans

Statutory language is included withholding \$20,000,000 from obligation for "Headquarters Administration" until the Administrator submits detailed expenditure plans to the Committees on air cargo security; checkpoint support; and EDS procurement, refurbishment, and installation on an airport-by-airport basis for fiscal year 2012. These plans should include details on technologies purchased, timelines for deployment, obligation schedules, and actual and anticipated unobligated balances at the close of the fiscal year. TSA shall brief the Committees on a quarterly basis with updates on performance against the expenditure plan.

In fiscal years 2010 and 2011, the Department and TSA failed to comply with statutory direction to provide expenditure plans for checkpoint and EDS activity. For fiscal year 2010, the required plan was submitted April 20, 2011—almost seven months into the next fiscal year. Similarly, TSA has not submitted its plan for fiscal year 2011. Such delays reflect either an inability to compile and transmit information about ongoing and planned activities, or disregard for Congress' oversight role. For fiscal year 2012, TSA is expected to act expeditiously to deliver the required expenditure plans.

#### Headquarters Administration

A total of \$292,334,000 is provided for the "Headquarters Administration" PPA, including \$1,998,000 for enhanced acquisition management, as requested, and \$2,000,000 above the request for the TSA Office of Professional Responsibility. In lieu of the Senate briefing requirement related to administrative savings, TSA is directed to clearly delineate assumed savings from reductions to administrative and support functions and assumed efficiencies in its budget justification, as directed in this statement under Departmental Management and Operations "Office of the Chief Financial Officer" heading.

#### Availability of Appropriations

TSA is directed to brief the Committees no later than February 15, 2012, on a proposed

PPA structure that reflects one-year availability of appropriations for salaries and expenses.

#### Passenger Complaints

TSA is directed to make every effort to ensure members of the traveling public are aware of the procedures and process for making complaints about passenger screening. GAO is directed to complete a review no later than nine months after the date of enactment of this Act on TSA policies and procedures for resolving passenger complaints, including an assessment of the organizational independence of the office.

#### FEDERAL AIR MARSHALS

A total of \$966,115,000 is provided for "Federal Air Marshals" (FAMS), including \$842,500,000 for Management and Administration and \$123,615,000 for Travel and Training. TSA shall continue to provide quarterly reports on the FAMS mission coverage, staffing levels, and hiring rates as directed in previous appropriations Acts and in the classified annex to this statement.

In light of the significant increase in sustained, enhanced flight coverage since the Christmas Day bombing attempt, TSA is directed to brief the Committees no later than 120 days after the date of enactment of this Act on its analysis of the optimal staffing, scheduling, and resource requirements for FAMS in light of the full range of security capabilities that TSA and the Department can use to complement FAMS operations. This analysis should include an independent assessment of the definitions of flights that present "high-security risks" and whether that review validates the current risk assessment model being used by the FAMS, or whether changes may be required that could warrant adjustments in current staffing levels.

#### COAST GUARD

##### OPERATING EXPENSES

A total of \$7,051,054,000 is provided for "Operating Expenses," including \$24,500,000 from the Oil Spill Liability Trust Fund, and including \$598,000,000 for defense activities, of which \$258,000,000 is designated as being for the global war on terrorism and overseas contingency operations. Funds provided in support of the global war on terrorism and overseas contingency operations under this heading may be allocated notwithstanding section 503 of this Act. The Coast Guard is directed to brief the Committees no later than 30 days after the date of enactment of this Act on any changes expected to funding for the global war on terrorism and overseas contingency operations during fiscal year 2012 or projected transition costs expected in fiscal year 2013.

Within the funding provided for this appropriation, the following amounts are provided for requested initiatives: \$10,666,000 for enhancements to marine safety; \$11,485,000 for enhancements to marine environmental response; \$9,300,000 for enhancements to military family childcare; \$39,000,000 for restoration of polar operations funding; \$8,600,000 for network security upgrades; and \$6,300,000 for the Distress Alerting Satellite System.

The amount provided for this appropriation includes the following reductions from the budget request: a decrease of \$8,000,000 in the costs of data center migration; a decrease of \$18,000,000 in technical adjustments; a decrease of \$12,000,000 in unneeded health care costs; a decrease of \$9,000,000 in unneeded permanent change of station costs; and a decrease in unneeded surface and air asset follow-on operational costs resulting from procurement delays totaling \$7,451,000.

The amount provided for this appropriation includes the following increases above the budget request: an additional \$3,700,000 to annualize fiscal year 2011 funding for marine environmental response capabilities; an additional \$20,300,000 to address unfunded depot level maintenance priorities; and an additional \$4,000,000 for small boat tactical training.

A total of \$75,000,000 is withheld from obligation for Headquarters Directorates until a future-years capital investment plan for fiscal years 2013-2017, as specified in statutory language under the Coast Guard "Acquisition, Construction, and Improvements" heading is submitted to the Committees.

Issues pertaining to the Coast Guard's classified and sensitive programs are addressed in the classified annex accompanying this statement.

The amount provided for this appropriation by PPA is as follows:

Military Pay and Allowances .....	\$3,413,061,000
Civilian Pay and Benefits ..	784,256,000
Training and Recruiting ....	213,321,000
Operating Funds and Unit Level Maintenance .....	1,109,623,000
Centrally Managed Accounts .....	336,653,000
Intermediate and Depot Level Maintenance .....	936,140,000
Global War on Terrorism Overseas Contingency Operations .....	258,000,000
<b>Total, Operating Expenses .....</b>	<b>\$7,051,054,000</b>

##### Depot Level Maintenance

An additional \$20,300,000 above the amount requested is provided to partially address the backlog of critical, but unfunded depot maintenance activities, as proposed by both the House and the Senate. In lieu of the specified subdivision of this funding enhancement contained in the House report, the Coast Guard is directed to provide the Committees within 30 days after the date of enactment of this Act a plan for expenditure of these additional funds. Furthermore, the Coast Guard is directed to apply a portion of these funds to the most urgent, but unfunded maintenance projects pertaining to the improvement of crew habitability aboard legacy cutters. Funds allocated toward crew habitability improvements shall be clearly delineated in the required expenditure plan.

##### Administrative Savings, Efficiencies, and Reductions to Support Functions

The Coast Guard is directed to clearly delineate assumed savings from reductions to administrative and support functions and assumed efficiencies in its annual budget justification, as directed by both the House and Senate, and as directed in this statement under the Departmental Management and Operations "Office of the Chief Financial Officer" heading.

##### Performance Metrics

The Coast Guard shall continue to include performance metrics, with particular emphasis on measures of operational proficiency, as well as all Government Performance and Results Act reporting requirements within its annual budget justification in lieu of the direction regarding a distinct submittal contained in the House report.

##### Financial Management

In lieu of the direction contained in the House and Senate reports, the Coast Guard is directed to semi-annually brief the Committees on its efforts to address material weaknesses in financial management. These brief-

ings shall include, but not be limited to: the progress towards achievement of obtaining an unqualified opinion with respect to unauditable balances; progress towards implementation of the Financial Strategy for Transformation and Audit Readiness plan; and detailed explanations of how the Coast Guard is working with the DHS Office of the Chief Financial Officer on such efforts. The first of these semi-annual briefings shall occur no later than March 15, 2012.

##### Maritime Surveillance

The Coast Guard is directed to submit the two reports regarding maritime surveillance hours no later than February 15, 2012, as required in the House report.

##### Marine Safety and Marine Environmental Protection

A total of \$15,185,000 is provided for marine environmental response enhancements, including an additional \$3,700,000 to annualize fiscal year 2011 costs. In addition, \$10,666,000 is provided for marine safety enhancements, as requested. Within 45 days after the date of enactment of this Act, the Coast Guard is directed to submit to the Committees the following: the updated Marine Safety Performance Plan, as directed in the Senate report; the Marine Environmental Response Mission Performance Plan, as directed in the House report, to include the specified reporting requirements delineated in the Senate report; and a 5-year strategic plan, including comprehensive funding estimates, to implement marine environmental protection mission requirements, as specified in the Senate report.

##### Gulf of Mexico Oil Spill Response

The Coast Guard is directed to submit a plan no later than 90 days after the date of enactment of this Act for addressing the recommendations contained in the Incident Specific Preparedness Review that was issued following the sinking and subsequent oil outflow from the Mobile Offshore Drilling Unit Deepwater Horizon, as required in the Senate report.

##### Military Family Childcare and Housing

As requested, \$9,300,000 is provided for enhancements to military family childcare activities. Funding and oversight regarding military housing is addressed under the, Coast Guard "Acquisition, Construction, and Improvements" heading.

##### Stem-to-Stern Review

The Coast Guard is directed to brief the Committees no later than 60 days after the date of enactment of this Act on efforts to implement the findings from the Commandant's stem-to-stern review.

##### Coast Guard Yard

The Coast Guard Yard located at Curtis Bay, Maryland, is recognized as a critical component of the Coast Guard's core logistics capability which directly supports fleet readiness. The Yard has been a vital part of the Coast Guard's readiness and infrastructure for more than 100 years and the Committees believe sufficient industrial work should be assigned to the Yard to maintain this capability.

##### Command and Control Aircraft

The Coast Guard shall include in its annual budget justification a detailed explanation, including cost implications, of any plans to alter the capabilities of command and control aircraft.

##### ENVIRONMENTAL COMPLIANCE AND RESTORATION

A total of \$13,500,000 is provided for "Environmental Compliance and Restoration".

The Coast Guard is directed to include within its annual budget justification a listing of the activities projected to be funded by the amount requested under this heading and an updated backlog report for Environmental Compliance and Restoration projects, with an explanation of how the amount requested will impact this documented backlog. The Coast Guard is further directed to assess environmental remediation costs for LORAN sites and brief the Committees no later than February 15, 2012, on its plans for such assessments, as specified in the Senate report.

#### RESERVE TRAINING

A total of \$134,278,000 is provided for "Reserve Training".

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

A total of \$1,403,924,000 is provided for "Acquisition, Construction, and Improvements".

#### THE AMOUNT PROVIDED FOR THIS

#### APPROPRIATION BY PPA IS AS FOLLOWS:

#### Vessels:

Survey and Design-Vessels and Boats .....	\$6,000,000
Response Boat-Medium ..	110,000,000
In-Service Cutters	
Sustainment .....	14,000,000
National Security Cutter	77,000,000
Offshore Patrol Cutter ...	25,000,000
Fast Response Cutter ....	358,000,000
Cutter small boats .....	5,000,000
Medium Endurance Cutter Sustainment .....	47,000,000
Subtotal, Vessels .....	642,000,000

#### Aircraft:

Airframe Replacement (CGNR 6017) .....	18,300,000
Maritime Patrol Aircraft HH-60 conversion projects .....	56,100,000
Long Range Surveillance Aircraft .....	62,000,000
HH-65 conversion/sustainment projects ...	24,000,000
Subtotal, Aircraft .....	289,900,000

#### Other Acquisition Programs:

Program Oversight and Management .....	26,000,000
Systems Engineering and Integration .....	17,140,000
C4ISR .....	38,500,000
Coast Guard—Logistics Information Management System .....	6,500,000
Nationwide Automatic Identification System .....	5,000,000
Rescue 21 .....	65,000,000
Interagency Operations Centers .....	3,000,000
Subtotal, Other Acquisition Programs .....	161,140,000

#### Shore Facilities and Aids to Navigation:

Major Construction: Housing; ATON; and Survey & Design .....	92,900,000
Major Acquisition Systems Infrastructure ....	81,500,000
Minor Shore .....	6,292,000

Subtotal, Shore Facilities and Aids to Navigation .....	180,692,000
Military Housing .....	20,000,000
Personnel and Related Support	
Direct Personnel Costs ...	109,592,000

Core Acquisition Costs ...	600,000
Subtotal, Personnel and Related Support	110,192,000
Total, Acquisition, Construction, and Improvements .....	\$1,403,924,000
Comprehensive and Quarterly Acquisition Status Reports	

To strengthen oversight for all Departmental acquisition programs, a statutory requirement is included for the Department of Homeland Security Under Secretary for Management to submit to the Committees a comprehensive acquisition status report in tandem with the fiscal year 2013 budget request with quarterly updates on any deviations. Because the Department-wide comprehensive report will encompass Coast Guard acquisition data, a duplicative effort to submit Coast Guard specific quarterly reports is no longer necessary or required. In addition, acquisition specific information is required in the Coast Guard Capital Investment Plan (CIP), which has been expanded for the purpose of in-depth oversight. GAO shall review the CIP and brief the Committees on the results of the review.

In lieu of separate briefings on individual acquisitions, as required in the Senate report, the Coast Guard shall brief the Committees quarterly on all major acquisitions. These briefings shall include: the objective for operational hours the Coast Guard expects to achieve; the gap between that objective, current capabilities, and stated mission requirements; and how the acquisition of the specific asset closes the gap. The information presented at these required briefings shall also include a discussion of how the Coast Guard calculated the operational hours, an explanation on risks to mission performance associated with the current shortfall, and the operational strategy to mitigate such risks.

#### Fleet Mix Analysis

The Coast Guard is directed to submit to the Committees phases one and two of the Fleet Mix Analysis and the Cutter Fleet Mix Analysis, as specified by the Senate report.

#### National Security Cutter

A total of \$77,000,000 is repurposed from the budget request and provided for the acquisition of long-lead time materials necessary for production of the sixth National Security Cutter (NSC). In addition, statutory language specifies immediate availability of these funds, notwithstanding the availability of funds for production costs or post-production activities. The funding to support long-lead time materials along with the statutory direction is intended to enable a contract award approximately 90 days after the date of enactment of this Act. As noted in both the House and Senate reports, the Committees disagree with the Administration's current acquisition policy towards the NSC since it will result in substantially higher costs to the Coast Guard and the taxpayer, extension of the NSC acquisition program baseline, significant engineering inefficiencies, and an increased strain on the Coast Guard's legacy assets, including escalation of maintenance costs. By contrast, the funding of long-lead time materials in fiscal year 2012 will accelerate NSC production and result in not only direct savings of \$45,000,000 to \$60,000,000 per cutter, but also expedite completion of the NSC acquisition program baseline of eight NSCs. The conferees strongly support the acquisition of the planned eight NSCs in the most cost effective manner

within the guidelines of proper program oversight and governance.

#### Offshore Patrol Cutter

Notwithstanding the direction of the Senate report, the Coast Guard is directed to include updated information on the acquisition of the Offshore Patrol Cutter within the required comprehensive and quarterly acquisition status reports, as described in this statement under the Departmental Management and Operations "Under Secretary for Management" heading.

#### Fast Response Cutter

As requested, a total of \$358,000,000 is provided for the acquisition of six Fast Response Cutters (FRCs) and the re-procurement data and licensing rights package (RDL). Funding for six cutters is provided to maximize production capabilities and to realize a total savings of \$30,000,000, or \$5,000,000 per FRC. Funds provided for the RDL should sustain the acquisition program baseline and enable the planned re-competition of the next FRC contract award.

#### Response Boat-Medium

As requested, \$110,000,000 is provided to acquire 40 Response Boat-Mediums (RB-Ms). The acquisition of 40 RB-Ms will enable the Coast Guard to complete the RB-M acquisition program baseline one year ahead of schedule and achieve programmatic savings of approximately \$6,000,000.

#### C4ISR

An additional \$4,000,000 above the amount requested is provided to support the costs of installation of modernized communications systems on legacy cutters. The Coast Guard shall notify the Committees no later than February 15, 2012, on the planned expenditure of these additional funds as well as its deployment plan for C4ISR upgrades to the NSC fleet.

#### In-Service Sustainment

The Coast Guard shall develop a long-term plan of investments to address its in-service cutter sustainment requirements, as described in the Senate report.

#### Rotary Wing Aircraft Reset

As requested, \$18,300,000 is provided for a replacement HH-60 helicopter.

#### Long-Range Surveillance Aircraft

A new PPA combining HC-130J acquisition and HC-130H refurbishment is established, as directed by the House, in order to allow the Coast Guard to leverage its limited funding for the most cost effective budgeting for Long Range Surveillance Aircraft. The Coast Guard is directed to brief the Committees by February 15, 2012, on its evaluation of options presented in the recently completed Naval Air Systems Command business case analysis of the optimal mix of refurbished HC-130Hs and new HC-130Js.

#### Unmanned Aircraft Systems

Funding for unmanned aircraft systems is addressed under the Coast Guard "Research, Development, Testing, and Evaluation" heading and is not provided in this appropriation.

#### Program Oversight and Management

A total of \$26,000,000 is provided for Program Oversight and Management, a reduction of \$9,000,000 from the request due to budgetary constraints. This PPA is renamed from, "Government Program Management" to more accurately reflect the nature of the activities supported by the funding provided. The Coast Guard shall provide a more detailed budget justification, by activity, for this PPA in the fiscal year 2013 budget justification materials.



#### MAJOR SHORE CONSTRUCTION, AIDS TO NAVIGATION, AND SURVEY AND DESIGN

As requested, \$92,900,000 is provided for Major Shore Construction, Aids to Navigation, and Survey and Design. The Coast Guard is directed to submit a prioritized list of shore construction projects, as directed in the Senate report, which includes all unfunded and backlogged projects, to the Committees no later than 45 days after the date of enactment of this Act.

#### Infrastructure Improvement Plan for the Coast Guard Training Center

The Coast Guard shall submit to the Committees a plan to upgrade the barracks at the Coast Guard Training Center to include fire suppression systems and gender-equivalent facilities, as specified in the Senate report.

#### Major Acquisition Systems Infrastructure

A total of \$81,500,000 is provided for Major Acquisition Systems Infrastructure, a reduction of \$13,000,000 from the amount requested due to revised cost estimates. The Coast Guard is directed to submit a current expenditure plan on selected homeports to the Committees no later than 45 days after the date of enactment of this Act. Furthermore, the Coast Guard is directed to include within its annual budget justification materials the associated infrastructure costs of each operational asset proposed to be acquired.

#### Military Housing

As requested, \$20,000,000 is provided for military housing. The Coast Guard is directed to provide an exhaustive, prioritized listing of all military housing needs to the Committees no later than 45 days after the date of enactment of this Act.

#### Acquisition Personnel

A total of \$110,192,000 is provided for the direct costs of acquisition personnel. However, these funds do not support the costs of the requested enhancement to acquisition staffing due to: (1) an inadequate budget justification that does not fully explain baseline capabilities and how existing gaps in skills and capabilities will be addressed by the requested enhancement; and (2) the fact that the Coast Guard has not adequately budgeted to support the existing acquisition workforce. Therefore, the funds provided are intended to annualize the full costs of supporting acquisition personnel and related support to include resources that were reprogrammed at the request of the Coast Guard in fiscal year 2011. The Coast Guard is directed to brief the Committees on acquisition personnel management, as required by the Senate report, no later than February 15, 2012. This briefing shall also include a proposal for incorporating funding for acquisition staffing within the Coast Guard "Operating Expenses" appropriation and a method for tracking the budget for this function if it were to be merged with the funds that currently support personnel within the "Operating Expenses" appropriation.

#### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

A total of \$27,779,000 is provided for "Research, Development, Test, and Evaluation" (RDT&E). The Coast Guard is directed to revise its annual budget justification for this function, as per the standards and direction contained in this statement under the Departmental Management and Operations "Office of the Chief Financial Officer" heading. This revised justification shall also include a prioritized listing of planned RDT&E activities relative to stated mission needs and goals.

#### Unmanned Aircraft Systems

Within the amount provided under this heading, \$8,000,000 is provided for cutter-based unmanned aircraft systems (UAS). This funding, in addition to amounts previously appropriated, is provided for the purposes of procurement of shipboard integration equipment and to support an advanced concept technology demonstration.

#### RETIRED PAY

A total of \$1,440,157,000 is provided for "Retired Pay". The Coast Guard's "Retired Pay" appropriation is a mandatory budgetary activity.

#### UNITED STATES SECRET SERVICE

##### SALARIES AND EXPENSES

A total of \$1,661,237,000 is provided for "Salaries and Expenses." Within this total, the following amounts are provided for requested initiatives: \$57,300,000 for Operational Mission Support enhancements (within "Protection of Persons and Facilities"); \$113,462,000 for 2012 Presidential Campaign costs; \$19,307,000 for "National Special Security Events"; \$371,000 for enhanced acquisition management support; and \$43,843,000 for "Information Integration and Technology Transformation" (IITT). Of the funds provided for IITT, \$20,000,000 is withheld from obligation for the purchase or installation of information technology equipment until the DHS Chief Information Officer submits a report to the Committees certifying that all plans for integration and transformation are consistent with the Department's data center migration and enterprise architecture requirements. In addition, the Secret Service is directed to submit an updated, prioritized plan for the execution of Operational Mission Support that reflects the funding provided.

The amount provided for this appropriation by PPA is as follows:

<b>Protection:</b>	
Protection of Persons and Facilities .....	\$832,463,000
Protective Intelligence Activities .....	68,125,000
National Special Security Events .....	19,307,000
Presidential Candidate Nominee Protection ....	113,462,000
White House Mail Screening .....	18,472,000
Subtotal, Protection ...	1,051,829,000
<b>Investigations:</b>	
Domestic Field Operations .....	223,991,000
International Field Office Administration, Operations and Training .....	32,971,000
Electronic Crimes Special Agent Program and Electronic Crimes Task Forces .....	53,051,000
Support for Missing and Exploited Children .....	8,366,000
Subtotal, Investigations .....	318,379,000
Headquarters, Management and Administration .....	191,588,000
Rowley Training Center ....	55,598,000
Information Integration and Technology Transformation .....	43,843,000
Total, Salaries and Expenses .....	\$1,661,237,000
<b>Account Structure</b>	

The current PPA structure does not provide visibility into the management of fund-

ing provided for information technology and system investments, or identify costs associated with the site-specific, critical protective physical infrastructure, which merits ongoing investment and refreshment. The Secret Service is directed to adjust its PPA structure to align to the tables at the end of this statement and to build this revised structure into its fiscal year 2013 budget request. Costs associated with protective mission operations and support, including those based on unit cost elements for staffing and operational activities, excluding facilities and significant infrastructure investments, should continue to be reflected in the existing PPA for protection of persons and facilities. However, the Secret Service is directed to include a new PPA in its fiscal year 2013 budget submission which better captures the costs associated with investment and sustainment requirements for protective infrastructure, for which a substantial increase in funding was requested for fiscal year 2012 under "Protection of Persons and Facilities."

#### Overseas Offices

Within the funding provided for this appropriation, \$2,000,000 above the request is provided for the Secret Service to open and staff a new office in Lima, Peru. In lieu of the briefings on field operations required in the House and Senate reports, the Secret Service is directed to provide a briefing on the establishment of the office in Lima, Peru, as well as current and future funding requirements for a permanent office in Beijing, China, no later than February 15, 2012.

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

A total of \$5,380,000 is provided for "Acquisition, Construction, Improvements, and Related Expenses."

#### TITLE III—PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

##### NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

##### MANAGEMENT AND ADMINISTRATION

A total of \$50,695,000 is provided for Management and Administration of the National Protection and Programs Directorate (NPPD).

This includes \$7,326,000 for management, planning, and administration activities in the Office of the Assistant Secretary for Infrastructure Protection and \$5,494,000 for the Office of the Assistant Secretary for Cybersecurity and Communications that were previously funded in "Infrastructure Protection and Information Security".

As discussed under Departmental Management and Operations, "Office of the Chief Financial Officer," NPPD shall provide, with the submission of the fiscal year 2013 budget request, a fully justified budget by PPA and line item. Further, the budget request shall be submitted in the PPA structure provided in this statement. The budget justification shall also include a full explanation of any funds that are requested with availability in excess of one year including a program description, the reason for the additional required availability, and a schedule for execution of the funding.

#### Risk Management and Analysis

A recent National Academy of Sciences (NAS) report highlighted several shortcomings in the NPPD Office of Risk Management and Analysis (RMA) program. While the NAS study concluded that the basic risk framework used by RMA is a sound approach to assessing risk, it identified other significant deficiencies in the Office's risk analysis



approach, limiting the level of confidence with which it can be used to support DHS decision-making. The NAS recommended major reforms to the current approach, but to date the Department has not submitted a plan to reform RMA. Such lack of needed reforms is unacceptable in the current fiscally constrained environment. Therefore, the Secretary has been provided the authority to transfer up to \$4,241,000 to the DHS Office of Policy, subject to notification, in order to reform and improve oversight of the Department's risk management and analysis functions. A transfer is also designed to elevate the importance of a strong risk modeling, analysis, and strategic planning function within the Department. If the Secretary does not submit a notification to transfer the risk management function to the Office of Policy, the funds shall be used to effect the orderly termination of RMA by March 30, 2012.

The Committees must receive the notification for such a transfer no later than 90 days after the date of enactment of this Act. Further, no later than the date upon which the notification is submitted, the Secretary shall provide to the Committees a plan identifying and justifying the specific risk modeling, analysis, and strategic planning functions of value and use to the Department and its individual components. The plan is to include the funding and personnel being allocated to each function and any reforms being made, including those undertaken in response to the NAS findings.

#### INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

A total of \$888,243,000 is provided for "Infrastructure Protection and Information Security" (IPIS), of which \$200,000,000 is available until September 30, 2013. A total of \$93,348,000 is provided for Infrastructure Security Compliance. This amount combined with the carryover balance of \$19,705,120 provides \$113,053,120 for program implementation in fiscal year 2012.

Statutory language is included requiring expenditure plans for the Office of Infrastructure Protection and the National Cyber Security Division. The plans shall include a description by PPA and line item with the associated costs subdivided by quarter. The plan shall provide sufficient detail on the items and services procured and the outcomes of those services or items. As requested in the President's budget, \$28,927,000 is included for Control Systems Security; \$14,876,000 is included for cyber education; and \$8,012,000 is included for cybersecurity outreach and awareness. Any funding used for acquisition workforce improvements shall be clearly identified. Funding levels for all Information, Sharing and Analysis Centers, the National Infrastructure Simulation and Analysis Center, and for vulnerability assessments shall also be clearly identified.

A provision that requires an investment and management plan is not included for the National Cybersecurity Protection System as directed in the House report. Additionally, a separate report for Next Generation Network Priority Services is not required as directed in the Senate report. NPPD shall instead comply with the requirements for the Comprehensive and Quarterly Acquisition Status Reports in Departmental Management and Operations under the heading "Under Secretary for Management."

With respect to sector cooperation, the Under Secretary for NPPD is to provide a report regarding the results of a review to streamline the processes for coordination and information sharing with industry partners, and GAO is to conduct an evaluation of the effort, as directed in the Senate report.

The Under Secretary is directed to provide a report that details the Department's definition of inherently safer technology as it relates to chemical facilities under the purview of the Chemical Facility Anti-Terrorism Standards program.

The amount provided for this appropriation by PPA is as follows:

Infrastructure Protection:	
Infrastructure Analysis & Planning .....	\$70,518,000
Sector Management & Governance .....	74,219,000
Regional Field Operations .....	57,367,000
Infrastructure Security Compliance .....	93,348,000
Subtotal, Infrastructure Protection .....	295,452,000
Cybersecurity and Communications:	
Cybersecurity:	
Cybersecurity Coordination .....	4,500,000
US-Computer Emergency Readiness Team (US-CERT) Operations .....	79,116,000
Federal Network Security .....	35,000,000
Network Security Deployment .....	229,000,000
Global Cybersecurity Management .....	23,992,000
Critical Infrastructure Cyber Protection & Awareness .....	60,000,000
Business Operations .....	11,568,000
Subtotal, Cybersecurity .....	443,176,000
Communications:	
Office of Emergency Communications .....	43,495,000
Priority Telecommunications Services .....	56,074,000
Next Generation Networks .....	25,253,000
Programs to Study and Enhance Telecommunications .....	13,441,000
Critical Infrastructure Protection Programs .....	11,352,000
Subtotal, Communications .....	149,615,000
Subtotal, Cybersecurity and Communications .....	592,791,000
Total, Infrastructure Protection and Information Security .....	\$888,243,000
FEDERAL PROTECTIVE SERVICE	

A total of \$1,261,537,000 is provided for the "Federal Protective Service" (FPS), as requested, for fiscal year 2012. This amount is fully offset by collections of security fees. A provision is included requiring the Secretary and the Director of the Office of Management and Budget to certify, no later than December 31, 2011, that FPS will collect a sufficient amount in fees to cover the total number of FTE requested in the budget, or adjust the fee to cover all costs.

The Director of FPS shall provide an expenditure plan by PPA for fiscal year 2012 no later than 60 days after the date of enactment of this Act. The plan shall include a description by line item and distinct activity with the expenditures subdivided quarterly. With the submission of the fiscal year 2013 budget, the Director of FPS shall comply

with the requirements as detailed in Departmental Management and Operations, "Office of the Chief Financial Officer" with respect to fiscal year 2013 budget justifications. The justification provided in fiscal year 2013 shall include all funding sources, including reimbursables.

FPS is directed to provide a strategic human capital plan and a plan to assume security and protection responsibilities from agencies that currently hold delegated authority to the Committees and GAO as directed in the Senate report. Further, GAO is directed to comply with the directions with respect to reviewing such plans.

#### UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

A total of \$306,802,000 is provided for US-VISIT. No funds are included for the Acquisition Workforce Initiative. Statutory language is included to require a multi-year investment and management plan. In addition, US-VISIT is directed to comply with the direction included under the heading "Office of the Chief Financial Officer" with respect to improved budget justifications.

#### Overstay Backlog Elimination

Given the current budgetary environment, security requirements that must be met immediately, and the lack of an implementation plan for biometric air exit, unobligated balances from US-VISIT are rescinded for distribution to other security priorities across the Department for which funds can be more quickly executed. An increase of \$9,400,000 is provided for US-VISIT to prepare a comprehensive plan for implementation of biometric air exit, as well as for improvement of biographic entry-exit matching capabilities and to prevent future overstay backlogs. DHS is encouraged to identify additional funds to enhance funding for its biographic efforts. The Department is directed to brief the Committees no later than January 13, 2012, on its plan for use of these funds, to include elimination of the backlog of "unvetted" overstay records and the prevention of reoccurrence of backlogs.

#### Semi-Annual Briefings

US-VISIT shall continue to provide briefings to the Committees on biometric exit planning; interoperability in conjunction with its interagency counterparts; hirings and conversions; and other operations. The briefings will be on a semi-annual rather than a quarterly basis.

#### Identity Management and Screening Services

As required in the House report, US-VISIT shall brief the Committees quarterly on its workload and service levels, including any backlogs that may result from an influx of transactions or new users.

#### US-VISIT 1.0

Funds are not provided for "US-VISIT 1.0" due to insufficient justification regarding the use of such funds. US-VISIT is encouraged to continue planning efforts for modernization of IDENT, including ensuring that it can operate efficiently to meet the growing and evolving needs of its users and provide the critical capabilities necessary for our Nation's security. IDENT modernization should be outlined in the US-VISIT investment and management plan.

#### OFFICE OF HEALTH AFFAIRS

A total of \$167,449,000 is provided for the Office of Health Affairs (OHA). The Assistant Secretary for the OHA is directed to provide an expenditure plan that includes a description by line item and distinct activity, with

the expenditures subdivided by quarter, within 60 days after the date of enactment of this Act. Further, OHA is directed to comply with the direction included in Departmental Management and Operations, "Office of the Chief Financial Officer" with respect to improved budget justifications.

A total of \$12,013,000 is provided for the National Biosurveillance Integration System (NBIS), \$5,000,000 above the budget request, including funds to diversify DHS's biosurveillance capabilities. OHA is not required to collocate the National Biosurveillance Integration Center as directed in the Senate report.

A total of \$5,439,000 is provided for the Chemical Defense Program, of which \$3,000,000 is provided above the request for at least two additional demonstration projects, to be competitively selected.

#### FEDERAL EMERGENCY MANAGEMENT AGENCY SALARIES AND EXPENSES

A total of \$895,350,000 is provided for Salaries and Expenses under what was formerly called "Management and Administration." When combined with amounts available from other accounts, a total of \$1,031,378,000 is available for Salaries and Expenses including grant program execution.

The amount provided for this appropriation by PPA is as follows:

Administrative and Regional Offices .....	\$110,495,000
Office of National Capital Region Coordination .....	(5,493,000)
Preparedness and Protection .....	109,873,000
Response .....	226,228,000
Urban search and rescue response system .....	(41,250,000)
Recovery .....	78,373,000
Mitigation .....	43,675,000
Mission Support .....	219,433,000
Centrally Managed Accounts .....	107,273,000

Total, Salaries and Expenses .....

\$895,350,000

FEMA shall provide an expenditure plan no later than 90 days after the date of enactment of this Act. The plan shall be detailed by the PPA structure as detailed in this statement and by office. It shall include actual funding from the prior year, the current fiscal year, and deviations between the two years. Each year shall include the number of positions, the number of FTE, the amount for salaries and benefits, and the amount for the program, showing all sources of funding. Specific information regarding the transfer of funding from other appropriations should be included, with the same level of detail currently provided to the Committees.

For fiscal year 2013, the budget request for FEMA shall comply with the direction included in Departmental Management and Operations under the "Office of the Chief Financial Officer" with respect to improved budget justifications. Further, the budget request shall be detailed by office and under the new PPA structure provided and submitted in the same format as the required expenditure plan for fiscal year 2012.

FEMA is directed to study the feasibility to, on a quarterly basis, post on the FEMA website a summary of the financial status of funds appropriated under "State and Local Programs."

FEMA is provided the authority to reprogram funds within "Salaries and Expenses," notwithstanding the requirements of section 503 of this Act. This temporary authority shall expire on April 16, 2012.

A provision is included requiring the Administrator to submit the National Preparedness Report and a comprehensive plan to implement a system to measure the effectiveness of grants to State and local communities to the Committees in fiscal year 2012. Further, \$1,400,000, 25 percent of the funds for the Office of the Administrator, is withheld from obligation until the Report and the plan are submitted.

Within 90 days of the date of the enactment of this Act, the Administrator of FEMA, in consultation with the Commander of the U.S. Army Corps of Engineers (USACE), shall provide a report on the cost of debris removal. Specifically, the report shall address the disparity between the cost factors for the USACE as compared to other options communities have for debris removal services.

#### Program, Project, and Activity Restructuring

In order to provide additional visibility, the FEMA "Salaries and Expenses" account, formerly the "Management and Administration" account, has been subdivided into PPA lines. The Administrative and Regional Offices PPA includes the Office of the Administrator, Office of Policy and Program Analysis, Office of External Affairs, Disability Integration and Coordination, Office of Equal Rights, Office of Chief Counsel, Office of the Chief Financial Officer, Office of National Capital Region Coordination, Regional Operations, Federal Coordinating Officers, and Evaluations and Assessments. The Preparedness and Protection PPA includes the Office of Preparedness and National Protection, National Continuity, National Preparedness Directorate, Grants Programs Directorate, and Technical Assistance. The Response PPA includes the Office of Response and Recovery, Response Programs, and Logistics Programs. The Recovery PPA includes Recovery Programs. The Mitigation PPA includes Mitigation Programs. The Mission Support PPA includes the Office of the Associate Administrator, Chief Administrative Officer, Chief Security Officer, Chief Information Officer, Chief Human Capital Officer, Chief Procurement Officer, and Regional Support. The Centrally Managed Accounts PPA includes centrally managed functions in the Office of the Chief Financial Officer as well as the Enterprise Operations in the Office of the Chief Administrative Officer, Chief Information Officer, and Chief Security Officer. The Emergency Management Institute is funded under the "State and Local Programs" account.

#### Technical Assistance and Evaluations and Assessments

Funding for activities under Technical Assistance and Evaluations and Assessments has been provided under this heading instead of under the "State and Local Programs" account as in previous years. A total of \$10,000,000 is provided for Technical Assistance within the new Preparedness and Protection PPA, and \$10,000,000 is provided for Evaluations and Assessments within the new Administrative and Regional Offices PPA.

#### Facilities Management

A total of \$12,000,000 is provided for capital improvements at Mount Weather, as requested. Additionally, \$5,000,000 above the requested amount is provided to address unfunded repairs and capital improvement on priority projects across FEMA. None of these funds may be obligated until five days after the Chief Financial Officer (CFO) of FEMA briefs the Committees on an execution plan for these funds.

#### Automation Modernization

A total of \$13,662,000 is provided for FEMA to address automation modernization requirements. None of these funds may be obligated until five days after the CFO and the Chief Information Officer (CIO) of FEMA brief the Committees on the execution plan for these funds. A provision is included requiring FEMA to provide a strategic plan within 180 days after the date of enactment of this Act to modernize its automation and information systems. As noted in both the Senate and House reports, a recent OIG report (OIG-11-69) highlighted a systemic information management and systems problem within FEMA which leaves the Agency less able to efficiently and effectively accomplish its mission. FEMA relies on a time consuming and manual process to estimate its needs for disaster relief funding. Further, FEMA has been unable to quantify National preparedness capabilities, and gaps in capabilities, despite Congress's call to do so since before 2007. Lastly, FEMA is unable to efficiently work with partners in homeland security and emergency management due to a lack of comparable technology capability.

The lack of a comprehensive approach and needed investments to modernize systems has also left FEMA less able to integrate the preparedness, prevention, response, mitigation, and recovery missions with which it is charged. The funding and planning requirement established in the Act is to provide the means and the direction for FEMA to modernize for better performance and future cost savings. FEMA shall include the DHS CIO in planning efforts to ensure compatibility with DHS systems where practicable. Further, the needs of the Office of National Capital Region Coordination (ONCRC) shall be considered in the automation and information systems strategy. The Deputy Administrator is directed to brief the Committees within 45 days after the date of the enactment of this Act regarding the implementation of the findings of OIG report OIG-11-69, and the initial effort to formulate the modernization plan for each major component within FEMA. These requirements are in lieu of separate requirements addressed in Senate and House reports with respect to the information technology and modernization within the CIO, Preparedness and Protection, Recovery, Mission Support, and the ONCRC.

Funding for data center migration is not included in this account but is instead addressed under General Provisions in Title V. Disaster Relief Fund Financial Management Policy

Within 90 days after the date of the enactment of this Act, the Administrator and the CFO of FEMA shall develop a policy and issue guidance on the implementation of the restriction to immediate needs funding, or any other spending restrictions administratively imposed in the Disaster Relief Fund (DRF). This policy shall include thresholds for when a restriction will be implemented and identify which programs are impacted under the restriction. FEMA shall brief the Committees within 90 days after the date of the enactment of this Act on the completed policy. Further, FEMA is directed to notify the Committees no later than 15 days prior to the implementation of immediate needs funding restrictions, to the extent practicable.

To improve the validity and veracity of requests for disaster relief funding in future budgets, the Administrator and the CFO of FEMA shall develop policy and guidance that defines the methodology used to formulate the budget estimate for the DRF. The

policy shall be consistent with the Budget and Control Act and shall include a clear description of the data used as a basis for the request, the office responsible for providing the data, and the source(s) of data used. The Office of the Administrator and the CFO of FEMA shall brief the Committees within 90 days of the date of the enactment of this Act on the proposed policy and guidance. Using this policy and guidance, the CFO of FEMA shall work with a qualified third party organization to review the methodology and create estimating tools that will enable rigorous and more consistent forecasting of the requirements for the Disaster Relief Fund. Up to \$500,000 is provided for this effort. The Committees shall be regularly briefed by the CFO on the status of the project.

Further, to improve the management of the DRF and assistance programs, FEMA needs to improve the quality and timeliness of project worksheets for public assistance grants, as well as the process for sharing that information with regional offices, FEMA headquarters, and the Office of Management and Budget (OMB). Therefore, FEMA shall work with the Homeland Security Studies and Analysis Institute, or an independent organization with expertise in grants management, to review the project worksheet process and flow of information, and provide a report to the Committees no later than May 1, 2012. The organization shall provide recommendations to FEMA and the Committees on how to improve the collection and sharing of grant information between the regions, FEMA headquarters, and OMB. The review shall include a delineation of the time an application, or an application appeal, currently spends at each office and stage of the process including the joint field office, FEMA regional office, FEMA headquarters, DHS, and OMB; and ways to streamline the information and reduce the time needed to adjudicate applications.

#### Office of the National Capital Region Coordination

A total of \$5,493,000 is provided for the ONCRC. The ONCRC was created to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region. Strides have been made in coordinating efforts, especially among the State and local partners, however, there is much more to do, especially in regard to coordination and communication among Federal entities in the area. The Office of the Administrator of FEMA, in conjunction with ONCRC, shall provide a briefing within 60 days after the date of enactment of this Act, on a clear strategy and an action plan to ensure that ONCRC activities are focused in the most efficient and effective manner. The briefing shall provide an understanding of specific outcomes of the ONCRC for fiscal year 2012, and the timeframe in which they will be completed. Further, the Administrator of FEMA is directed to comply with section 882 of the Homeland Security Act of 2002 with respect to the submission of the ONCRC annual report. The annual report shall be submitted within 60 days of the date of enactment of this Act.

A provision is continued requiring the inclusion of the Governors of the State of West Virginia and the Commonwealth of Pennsylvania in the National Capital Region decision-making and planning process for mass evacuation.

#### Urban Search and Rescue

A total of \$41,250,000 is for the Urban Search and Rescue Response System, an in-

crease of \$6,070,000 over fiscal year 2011. The increase provides for updating the chemical, biological, radiological, nuclear, or explosives equipment for existing teams and to add an additional team, if warranted, to ensure adequate response times and coverage across the Nation. None of the additional funds provided may be obligated until five days after FEMA briefs the Committees on the requirements and justification for the expenditure of funds. FEMA is directed to provide the details of the complete review of the System without delay.

#### Unaccompanied Minors Registry

A total of no less than \$500,000 is provided to automate the unaccompanied minors registry and call center as directed in the Senate report.

#### Presidential Policy Directive—8

The Conferees are pleased the National Preparedness Goal was submitted this past September, in accordance with the Presidential Policy Directive—8, and expect to receive a report describing the National Preparedness System before January 2012. Within 15 days after receiving the report, FEMA shall brief the Committees on the recommendations of the report, timelines for their implementation, and their budgetary impacts.

#### STATE AND LOCAL PROGRAMS (INCLUDING TRANSFER OF FUNDS)

A total of \$1,349,681,000 is provided for State and Local programs. The amount provided for this appropriation by PPA is as follows:

State and Local Programs	
Grants .....	\$1,118,000,000
Education, Training, and Exercises:	
Emergency Management Institute .....	16,181,000
Center for Domestic Preparedness .....	62,500,000
National Domestic Preparedness Consortium .....	93,000,000
National Exercise Program .....	34,000,000
Continuing Training .....	26,000,000
Subtotal, Education, Training, and Exercises .....	231,681,000
Total, State and Local Programs .....	\$1,349,681,000

The funds provided for State and Local Program grants are to be allocated according to threat, vulnerability, and consequence to assist high-risk urban areas, States, local and Tribal governments, and other homeland security partners in preventing, preparing for, protecting against, and responding to acts of terrorism. Congress has appropriated over \$34,000,000,000 to homeland security grants to date to build first responder capabilities and secure infrastructure. Given the current fiscal climate, the Department should work with the appropriate Committees of jurisdiction to clearly define the Federal role and reassess the most effective delivery of support and resources to sustain and improve homeland security capabilities.

The Secretary and the Administrator of FEMA are directed to study the current grant programs in order to make them the most effective and to reduce impediments to the timely expenditure of homeland security grant funds. The results of such study shall be provided to the Committees in conjunction with the required comprehensive plan to implement a system to measure the effectiveness of grants.

Several provisions are included related to grant administration. Grant guidance shall be issued within 60 days, applicants shall apply within 80 days, and award decisions shall be made within 65 days. Grantees may not use more than 5 percent of a grant for grant administration and shall provide reports on the use of funds as determined necessary by the Secretary. The installation of communications towers is not considered construction under State Homeland Security Grants and the Urban Area Security Initiative.

A provision is included allowing the Center for Domestic Preparedness to train certain emergency personnel provided it does not interfere with the primary mission to train state and local emergency response providers.

Funding for the Emergency Management Institute is provided under this heading, instead of under "Salaries and Expenses" (formerly "Management and Administration") as in previous years.

The Department shall brief the Committees on steps taken to ensure community leaders and grantees have the same threat, vulnerability, and consequence information that is available to the Department to ensure applications reflect true risk.

The GAO is no longer required to monitor the development of any system to measure the effectiveness of the grant programs as directed in the House report.

FEMA is required to provide a report on the accomplishments of the Regional Catastrophic Preparedness Grant Program, including how successes can be transitioned to and sustained through future catastrophic planning efforts.

As addressed in both the Senate and House reports, the continued slow expenditure of funds is concerning. FEMA is directed to brief the Committees no later than 90 days after the date of enactment of this Act on plans to expedite the expenditure of funds for interoperable emergency communications, port security, and transit security grants. Particular attention should be placed on funds that were appropriated prior to fiscal year 2008.

#### FIREFIGHTER ASSISTANCE GRANTS

A total of \$675,000,000 is provided for Firefighter Assistance Grants including \$337,500,000 for firefighter assistance grants and \$337,500,000 for firefighter staffing grants. FEMA is directed to continue the present practice of funding applications according to local priorities and those established by the United States Fire Administration, to maintain an all-hazards focus, and to grant funds for eligible activities in accordance with the authorizing statute. FEMA is required to continue the current grant application and review process as specified in the House report.

#### EMERGENCY MANAGEMENT PERFORMANCE GRANTS

A total of \$350,000,000 is provided for Emergency Management Performance Grants.

#### RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

Statutory language is included providing for the receipt and expenditure of fees collected, as authorized by P.L. 105-276.

#### UNITED STATES FIRE ADMINISTRATION

A total of \$44,038,000 is provided for the United States Fire Administration.

#### DISASTER RELIEF FUND

#### (INCLUDING TRANSFER OF FUNDS)

A total of \$7,000,000,000 is provided in this conference agreement for the Disaster Relief

Fund formerly called “Disaster Relief.” The conferees anticipate that an additional \$6,400,000,000 that is designated for major disasters pursuant to 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 will be provided in legislation that is being considered in parallel to this conference agreement. Therefore, a total amount of \$7,100,000,000 will be provided for the Disaster Relief Fund for fiscal year 2012 consistent with estimates provided by the Director of the Office of Management and Budget in a letter dated October 19, 2011, and by the Secretary of Homeland Security in the report titled “Disaster Relief Funding Requirements” dated October 21, 2011, pursuant to the legislative requirement in Section 125 of H.R. 2017 (Public Law 112–36). Of the funds provided in this conference agreement, \$24,000,000 shall be transferred to the DHS OIG for audits and investigations related to disasters.

A provision is included amending Public Law 110–161 which exempts FEMA from the permanent requirement to submit a monthly “Disaster Relief” report. A new provision is included updating the timeframes and information which FEMA must report to the Committees on the Disaster Relief Fund. This provision reduces the burden of reporting by FEMA and allows for better oversight of funding requirements by the Committees. There are several previous reporting requirements which are deleted altogether. FEMA is cautioned that such data could be required in the future after a catastrophic event, and FEMA should therefore not lose the capacity to track and provide such information including: Mission Assignment obligations and expenditures by Federal agency; credit card costs and purchases by DHS agencies; and sole source contracts.

A report on the expenditure of funds for disaster readiness and support, including quarterly updates, is required, as in previous years.

A requirement is included in this statement under FEMA Salaries and Expenses to improve DRF budget estimates.

#### DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

A total of \$295,000 is provided for the cost of direct loans.

#### FLOOD HAZARD MAPPING AND RISK ANALYSIS

A total of \$97,712,000 is provided for flood hazard mapping and risk analysis.

FEMA is directed to provide no less than 20 percent of the funds provided under this heading for map updates and maintenance conducted by Cooperating Technical Partners (CTPs) that provide at least a 25 percent cash match and have a strong record of working effectively with FEMA on floodplain mapping activities.

#### NATIONAL FLOOD INSURANCE FUND

A total of \$22,000,000 is provided for salaries and expenses and \$149,000,000 for flood plain management and mapping. Further, \$10,000,000 is provided for the severe repetitive loss program.

#### NATIONAL PREDISASTER MITIGATION FUND

A total of \$35,500,000 is provided for National Predisaster Mitigation Fund. The unobligated balance from previous years is \$173,259,000.

#### EMERGENCY FOOD AND SHELTER

A total of \$120,000,000 is provided for the Emergency Food and Shelter program.

### TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

#### UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

A total of \$102,424,000 is provided in discretionary appropriations for USCIS for E-Verify.

#### FEE FUNDED PROGRAMS

USCIS operations that have been funded through fee revenue should continue to be funded in that manner, including the processing of refugee and asylum claims, Systematic Alien Verification for Entitlements (SAVE), and immigrant integration activities. USCIS is directed to include these costs in its revised fee schedule in recognition of the fact that no additional appropriations will be available to cover the costs of these activities. Further, the table at the end of this statement is updated to reflect these activities as funded through fee collections and includes new projections from USCIS. The requirement in the House report regarding quarterly briefings on fee revenues and obligations is incorporated into the user fee report requirement addressed in this statement under the heading “Office of the Chief Financial Officer.”

#### DIGITIZATION EFFORTS

USCIS, ICE, and the Executive Office of Immigration Review are directed to brief the Committees on use of digitized records, as required in the House report, no later than March 1, 2012. USCIS is also directed to provide no less than \$29,000,000 to continue conversion of immigration records to digital format.

#### SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS

Due to current budgetary constraints, the SAVE program must continue to be funded through user fees and other USCIS fee revenues. USCIS shall explore all opportunities to reduce the burden on State and local benefits agencies that serve as a disincentive to participation. Additionally, USCIS shall ensure that improvements to the Verification Information System benefit both E-Verify and SAVE users.

#### REAL ID

The Department is directed to brief the Committees no later than April 13, 2012, on the steps being taken to encourage the States to draw down these funds, the progress on draw down, and the specific reasons by jurisdiction for the delay in draw down, as directed in the House report.

#### IMMIGRANT INTEGRATION GRANTS

Section 551 is included providing \$10,000,000 for immigrant integration grants from fee revenue. No more than five percent of the amount of funds utilized for immigrant integration grants can be used to administer the program.

#### FEDERAL LAW ENFORCEMENT TRAINING CENTER

#### SALARIES AND EXPENSES

A total of \$238,957,000 is provided for “Salaries and Expenses,” as requested. Within the funds provided, \$29,716,000 is for Management and Administration and \$1,304,000 is for the Federal Law Enforcement Training Accreditation Board.

#### ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

A total of \$32,456,000 is provided for “Acquisitions, Construction, Improvements, and Related Expenses.”

#### SCIENCE AND TECHNOLOGY

#### MANAGEMENT AND ADMINISTRATION

A total of \$135,000,000 is provided for “Management and Administration,” including not

to exceed \$8,500 for official reception and representation expenses.

#### RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

A total of \$533,000,000 is provided for “Research, Development, Acquisition, and Operations,” including \$265,783,000 for a new consolidated “Research, Development, and Innovation” (RDI) PPA in lieu of the previous, more detailed program areas. Funding is available for three years, except Laboratory Facilities funding, which is available for five years.

The amount provided for this appropriation by PPA is as follows:

Research, Development, and Innovation .....	\$265,783,000
Laboratory Facilities (Operations and Construction) .....	176,500,000
Acquisition and Operations Support .....	54,154,000
University Programs .....	36,563,000

Total, Research, Development, Acquisition and Operations .....

\$533,000,000

#### RESEARCH, DEVELOPMENT, AND INNOVATION

The new PPA for RDI will enable S&T to more quickly shift resources, if necessary, between research activities without formal reprogramming or transfer actions. In some instances, research activity may straddle several different missions and thrust areas. S&T and the Department must prioritize this consolidated research budget, which is substantially reduced from recent fiscal years, to focus on areas with the greatest promise for delivering material improvements or tangible contributions to homeland security missions in the near term. This flexibility in funding should facilitate that effort and partially offset the impact of an overall funding reduction.

However, it remains important for accountability and visibility into the S&T research program that a more detailed reporting of research activity be available. Therefore, S&T is directed to submit to the Committees a detailed breakout of RDI funding by research thrust areas and by project, based on the categories presented in the budget justification materials, no later than 30 days after the date of enactment of this Act, and to submit quarterly updates thereafter.

#### APEX RESEARCH PROJECTS

The Apex initiative focuses on high-priority, high-value projects expected to produce results to solve a homeland security challenge in the near term. To provide the best oversight over these programs, S&T is directed to brief the Committees before initiating any new Apex projects, as specified in the House report. S&T and the Secret Service shall brief the Committees no later than 60 days after the date of enactment of this Act on the protective technology project, to include a progress report and a schedule for test and evaluation under operational conditions.

#### RESILIENCE AND CYBERSECURITY

S&T is encouraged to continue to support competitively awarded research into disaster resilience with universities and Federal research centers, as well as cybersecurity research and development, as discussed in the Senate report.

#### LABORATORY FACILITIES (OPERATIONS AND CONSTRUCTION)

A total of \$176,500,000 is provided for Laboratory Facilities (Operations and Construction), of which \$50,000,000 shall be to support

the construction of the National Bio- and Agro-defense Facility (NBAF), and of which \$18,200,000 shall be for infrastructure upgrades at the Transportation Security Laboratory as requested. Section 550 in the Act restricts funds appropriated in this Act for NBAF construction until the Department of Homeland Security completes 50 percent design planning for the NBAF, submits a revised site-specific biosafety and biosecurity mitigation risk assessment, and submits the National Academy of Sciences' review of the revised risk assessment. In addition, the revised site-specific biosafety and biosecurity mitigation risk assessment is to include a plan for expenditure of funds related to NBAF construction and a revised estimate of the total construction costs to complete the facility.

#### NUCLEAR AND RADIOLOGICAL RESPONSE AND RECOVERY

While funding for general transformational research and development of nuclear and radiological threat detection is funded within the Domestic Nuclear Detection Office (DNDO), S&T is directed as part of its fiscal year 2013 budget to give priority to research and development of technology for response and recovery from nuclear or radiological attacks or disasters, as part of its broader support of homeland security response and recovery requirements.

#### ACQUISITION AND OPERATIONS SUPPORT

A total of \$54,154,000 is provided for "Acquisition and Operations Support." S&T is directed to provide no less than \$6,641,000, as requested, for the establishment of policies and procedures for test and evaluation activities and to monitor and coordinate them across the Department's acquisition framework.

#### DOMESTIC NUCLEAR DETECTION OFFICE MANAGEMENT AND ADMINISTRATION

A total of \$38,000,000 is provided for "Management and Administration." the Secretary is directed to submit to the Committees no later than 180 days after the date of enactment of this Act a strategic plan of investments necessary to implement the Department's responsibilities under the domestic component of the Global Nuclear Detection Architecture (GNDA), as required by this Act.

#### RESEARCH, DEVELOPMENT, AND OPERATIONS

A total of \$215,000,000 is provided for "Research, Development, and Operations."

The amount provided for this appropriation by PPA is as follows:

Systems Engineering and Architecture .....	\$30,000,000
Systems Development .....	51,000,000
Transformational Research and Development .....	40,000,000
Assessments .....	38,000,000
Operations Support .....	33,000,000
National Technical Nuclear Forensics Center ....	23,000,000
<b>Total, Research, Development, and Operations .....</b>	<b>\$215,000,000</b>

#### SEMI-ANNUAL BRIEFINGS

In lieu of quarterly briefings, as directed in the House and Senate reports, DNDO is directed to brief the Committees semi-annually on program updates and to provide periodic updates on any new threats, research, and studies and assessments related to the GNDA. Semi-annual program briefings shall also cover emergent technology solutions being explored by DNDO, such as the human portable tripwire program; cargo scanning technologies for air, land, and sea ports of

entry; long-range detection; small vessel standoff detection; and related programs. Briefings shall include available test and evaluation results.

#### SYSTEMS ENGINEERING AND ARCHITECTURE

Funding for DNDO's proposed Mission Critical Messaging program is provided to enhance situational awareness of the GNDA.

#### SYSTEMS DEVELOPMENT

In lieu of the requirement for an evaluation of DNDO's acquisitions funding and the appropriateness of consolidating DNDO's "Systems Development" and "Test and Evaluation Infrastructure Operations" activities within the Department's Science and Technology Directorate, language is included under the "Office of the Chief Financial Officer" heading in this statement regarding an assessment of the Department's acquisition organization and performance in support of its nuclear detection mission.

#### TRANSFORMATIONAL RESEARCH AND DEVELOPMENT

The Department's request to transfer radiological and nuclear research and development from DNDO to the Department's Science and Technology Directorate is denied. Instead, a total of \$40,000,000 is provided for Transformational Research and Development (R&D).

The conferees recognize that transformational R&D is funded at a substantially reduced level when compared to prior fiscal years and urge DNDO to leverage partnerships within the Department and the inter-agency community to realize the Office's radiological and nuclear research objectives. DNDO is directed to provide a detailed breakout no later than 60 days after the date of enactment of this Act of how it intends to fund transformational R&D activities at the reduced appropriations level, as directed in the House report.

#### SYSTEMS ACQUISITION

A total of \$37,000,000 is provided for "Systems Acquisition."

The amount provided for this appropriation by PPA is as follows:

Radiation Portal Monitor Program .....	\$7,000,000
Securing the Cities .....	22,000,000
Human Portable Radiation Detection System .....	8,000,000
<b>Total, Systems Acquisition .....</b>	<b>\$37,000,000</b>

#### RADIATION PORTAL MONITOR PROGRAM

A total of \$7,000,000 is provided for the Radiation Portal Monitor (RPM) program. Reductions from the request are made in light of the Secretary's decision to cancel the Advanced Spectroscopic Portal (ASP) program as communicated in the Secretary's letter of October 3, 2011, to the Committees. As a result of the Secretary's decision, bill language restricting deployment of ASP is not included. If a successor program is initiated by the Department, the Committees are to be notified.

#### SECURING THE CITIES

A total of \$22,000,000 is provided for the Securing the Cities (STC) program, which includes \$2,000,000 for a new STC location beyond the New York pilot. In lieu of the reports required by the House and Senate on the STC program, DNDO is directed to provide a report, before committing funds to a new STC location, that: (1) Provides an evaluation of the New York STC pilot, including lessons learned for future STC sites and corrective actions that are being taken, or will be taken, to reconcile deficiencies identified

in exercises and reviews; (2) details efforts to establish a model for STC lifecycle costs; (3) delineates performance measures that will be used to evaluate STC sites; and (4) outlines plans for a Federal transition strategy for the existing and new STC location.

In lieu of quarterly briefings, as directed in the House report, DNDO is directed to provide periodic briefings on the Securing the Cities program, with the first briefing to be scheduled after the Committees receive the report assessing the 2011 STC exercise in New York City.

#### TITLE V—GENERAL PROVISIONS

Section 501. A provision proposed by the House and Senate is continued that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. A provision proposed by the House and Senate is continued that unexpended balances of prior appropriations may be merged with new appropriation accounts and used for the same purpose, subject to reprogramming guidelines.

Section 503. A provision proposed by the Senate is continued that provides authority to reprogram appropriations within an account and to transfer up to 5 percent between appropriations accounts with 15-day advance notification to the Committees. The House proposed a similar provision. A detailed funding table identifying programs, projects, and activities is included at the end of this statement. This table along with funding levels specified in the report shall serve as the control level for all reprogrammings. These reprogramming guidelines shall be complied with by all agencies funded by this Act.

The Department shall submit reprogramming requests on a timely basis and provide complete explanations of the reallocations proposed, including detailed justifications of the increases and offsets, and any specific impact the proposed changes will have on the budget request for the following fiscal year and future-year appropriations requirements. Each request submitted to the Committees should include a detailed table showing the proposed revisions at the account, program, project, and activity level to the funding and staffing (full-time equivalent position) levels for the current fiscal year and to the levels requested in the President's budget for the following fiscal year.

The Department shall manage its programs and activities within the levels appropriated. The Department should only submit reprogramming or transfer requests in the case of an unforeseeable emergency or situation that could not have been predicted when formulating the budget request for the current fiscal year. When the Department submits a reprogramming or transfer request to the Committees and does not receive identical responses from the House and Senate, it is the responsibility of the Department to reconcile the House and Senate differences before proceeding, and if reconciliation is not possible, to consider the reprogramming or transfer request not approved.

The Department is not to submit a reprogramming or transfer of funds after June 30 except in extraordinary circumstances, which imminently threaten the safety of human life or the protection of property. If a reprogramming or transfer is needed after June 30, the notice should contain sufficient documentation as to why it meets this statutory exception.

Subsection (e), added in the fiscal year 2011 year-long continuing resolution, is included to ensure that funds that are deobligated by

the Department are also subject to the reprogramming and transfer guidelines and requirements set forth in this section.

Section 504. A provision proposed by the House and Senate is continued that prohibits funds appropriated or otherwise made available to the Department to make payment to the Department's Working Capital Fund, except for activities and amounts allowed in the President's fiscal year 2012 request. Funds provided to the WCF are available until expended. The Department can only charge components for direct usage of the WCF and these funds may be used only for the purposes consistent with the contributing component. Any funds paid in advance or reimbursed must reflect the full cost of each service. The WCF shall be subject to the requirements of section 503 of this Act.

Section 505. A provision proposed by the House and Senate is continued that not to exceed 50 percent of unobligated balances remaining at the end of fiscal year 2012 from appropriations made for salaries and expenses shall remain available through fiscal year 2013 subject to section 503 reprogramming guidelines.

Section 506. A provision proposed by the House and Senate is continued that funds for intelligence activities are deemed to be specifically authorized during fiscal year 2012 until the enactment of an Act authorizing intelligence activities for fiscal year 2012.

Section 507. A provision proposed by the House and Senate is continued and modified requiring notification of the Committees three days before grant allocations, grant awards, contract awards, other transactional agreements, letters of intent, or a task or delivery order on a multiple contract award totaling \$1,000,000 or more, or a task or delivery order greater than \$10,000,000 from multi-year funds, is announced by the Department, including contracts covered by the Federal Acquisition Regulation. The Department is required to brief the Committees 5 full business days prior to announcing the intention to make a grant under State and Local Programs. Notification shall include a description of the project or projects to be funded, including city, county, and State.

Section 508. A provision proposed by the House and Senate is continued that no agency shall purchase, construct, or lease additional facilities for Federal law enforcement training without advance approval of the Committees.

Section 509. A provision proposed by the House and Senate is continued that none of the funds may be used for any construction, repair, alteration, and acquisition project for which a prospectus, if required under chapter 33 of title 40, United States Code, has not been approved.

Section 510. A provision proposed by the House and Senate is continued and modified that consolidates by reference prior year statutory bill language into one provision. These provisions relate to contracting officer's technical representative training; sensitive security information; and the use of funds in conformance with section 303 of the Energy Policy Act of 1992.

Section 511. A provision proposed by the House and Senate is continued that none of the funds may be used in contravention of the Buy American Act.

Section 512. A provision proposed by the House and Senate is continued and modified on reporting requirements of the privacy officer.

Section 513. A provision proposed by the House and Senate is continued regarding the oath of allegiance required by section 337 of the Immigration and Nationality Act.

Section 514. A provision proposed by the House and Senate is continued requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 45 days after the close of each month.

Section 515. A provision proposed by the Senate is continued regarding the competitive sourcing for United States Citizenship and Immigration Services. The House proposed no similar provision.

Section 516. A provision proposed by the Senate is continued and modified directing that any funds appropriated or transferred to TSA "Aviation Security", "Administration", and "Transportation Security Support" in fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for procurement and installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification. Quarterly reports must be submitted identifying any funds that are recovered or deobligated. The House proposed a similar provision.

Section 517. A provision proposed by the House and Senate is continued for fiscal year 2012 requiring that any funds appropriated to the Coast Guard's 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as a result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

Section 518. A provision proposed by the House and Senate is continued for fiscal year 2012 relating to undercover investigative operations authority of the U.S. Secret Service.

Section 519. A provision proposed by the House and Senate is continued classifying the functions of the instructor staff at the Federal Law Enforcement Training Center as inherently governmental for purposes of the Federal Activities Inventory Reform Act.

Section 520. A provision proposed by the House and Senate is continued prohibiting the obligation of funds to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, and the Office of the Chief Financial Officer for grants or contracts awarded by any means other than full and open competition. Certain exceptions apply, and this provision does not require new competitions of existing contracts during their current terms. It also requires the Inspector General to review Departmental contracts awarded noncompetitively and report on the results to the Committees.

Section 521. A provision proposed by the House is continued and modified that prohibits funding pertaining to the Principal Federal Official during a Stafford Act declared disaster or emergency, with certain exceptions. The Senate proposed no similar provision.

Section 522. A provision proposed by the Senate is continued and made permanent regarding the enforcement of section 4025(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3724) regarding butane lighters. The House proposed a similar provision.

Section 523. A provision proposed by the House and Senate is continued that precludes DHS from using funds in this Act to carry out reorganization authority. This prohibition is not intended to prevent the Department from carrying out routine or small reallocations of personnel or functions within components, subject to Section 503 of this Act. This language prevents large scale reorganization of the Department, which should be acted on legislatively by the relevant Congressional committees of jurisdiction.

Section 524. A provision proposed by the Senate is continued prohibiting the Secretary from reducing operations within the Coast Guard's Civil Engineering Program except as specifically authorized by a statute enacted after the date of enactment of this Act. The House proposed no similar provision.

Section 525. A provision proposed by the House and Senate is included prohibiting funding to grant an immigration benefit to any individual unless the results of background checks required by statute to be completed prior to the grant of benefit have been received by DHS.

Section 526. A provision proposed by the House and Senate is continued, modified, and made permanent prohibiting use of funds to destroy or put out to pasture any horse or other equine belonging to any component or agency of DHS unless adoption has been offered first.

Section 527. A provision proposed by the Senate is included extending other transactional authority for DHS through fiscal year 2012 and eliminates a GAO reporting requirement that is no longer necessary. The House proposed a similar provision.

Section 528. A provision proposed by the House and Senate is continued requiring the Secretary to link all contracts that provide award fees to successful acquisition outcomes.

Section 529. A provision proposed by the Senate is included and modified regarding waivers of 16 U.S.C. 501(b). The House proposed no similar provision.

Section 530. A provision proposed by the House and Senate is continued and modified prohibiting the obligation of funds for the Office of the Secretary and Executive Management for any new hires at DHS if they are not verified through the E-Verify program.

Section 531. A provision proposed by the Senate is continued prohibiting funds from being used to reduce the Coast Guard's Operations Systems Center mission or its government-employed or contract staff. The House proposed no similar provision.

Section 532. A provision proposed by the House and Senate is continued related to prescription drugs.

Section 533. A provision proposed by the Senate is continued prohibiting funds to be used to conduct or implement the results of a competition under Office of Management and Budget Circular A-76 with respect to the Coast Guard National Vessel Documentation Center. The House proposed no similar provision.

Section 534. A provision proposed by the House and Senate is continued requiring the Secretary, in conjunction with the Secretary of the Treasury, to notify the Committees of any proposed transfers from the Department of the Treasury Forfeiture Fund to any agency within DHS. No funds may be obligated until the Committees approve the proposed transfers. If the President proposes to rescind Treasury Forfeiture Funds in his fiscal year 2013 budget, he shall propose to divide the funds equitably between the Departments based upon their contributions to the Fund.

Section 535. A provision proposed by the House and Senate is continued prohibiting funds for planning, testing, piloting, or developing a national identification card.

Section 536. A provision proposed by the House is continued requiring the TSA Administrator to certify that no security risks will result if an airport does not participate in the E-Verify program. The Senate proposed no similar provision.

Section 537. A provision proposed by the House and Senate is continued and modified that requires a report, to be posted on the FEMA website, summarizing damage assessment information used to determine whether to declare a major disaster.

Section 538. A provision proposed by the House and Senate is continued, modified, and made permanent relating to the liquidation of Plum Island assets and how the proceeds from such sale may be applied to construction costs of the new National Bio- and Agro-defense Facility.

Section 539. A provision proposed by the House and Senate is continued directing that any official required by this Act to report or to certify to the Committees on Appropriations may not delegate any authority unless expressly authorized to do so in this Act.

Section 540. A provision proposed by the Senate is continued extending the risk-based security standards for chemical facilities cited in section 550 of Public Law 109-295, as amended, for one year. The House proposed a similar provision.

Section 541. A provision proposed by the Senate is continued prohibiting the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba. The House proposed a similar provision.

Section 542. A provision proposed by the House and Senate is continued prohibiting funds in this Act to be used for first-class travel.

Section 543. A provision proposed by the House and Senate is continued prohibiting funds in this Act to be used for adverse personnel actions for employees who use protective equipment or measures, including surgical masks, N95 respirators, gloves, or hand-sanitizers in the conduct of their official duties.

Section 544. A provision proposed by the House and Senate is continued prohibiting funds to be used to employ illegal workers as described in Section 274A(h)(3) of the Immigration and Nationality Act.

Section 545. A provision proposed by the Senate is continued and modified relating to the proper disposal of personal information collected through the Registered Traveler program. The House proposed a similar provision.

Section 546. A provision proposed by the Senate is continued and made permanent regarding the definition of the term "rural" for purposes of section 210C of the Homeland Security Act of 2002. The House proposed no similar provision.

Section 547. A provision proposed by the House and Senate is continued prohibiting funds appropriated or otherwise made available by this Act to pay for award or incentive fees for contractors with below satisfactory performance or performance that fails to meet the basic requirements of the contract.

Section 548. A provision proposed by the House and Senate is included that requires the TSA Administrator to submit biannual reports on how the agency will meet the requirement to screen 100 percent of air cargo transportation on passenger aircraft arriving in the United States. TSA has indicated they will not be able to meet the 9/11 Act deadline for this subset of air cargo.

Section 549. A provision proposed by the House and Senate is included that requires any new processes developed to screen aviation passengers and crews for transportation or national security to consider privacy and civil liberties, consistent with applicable laws, regulations, and guidance.

Section 550. A provision proposed by the Senate is included and modified pertaining to the construction of the National Bio- and Agro-defense Facility in Manhattan, Kansas. The House proposed no similar provision.

Section 551. A provision proposed by the House is included and modified that makes deposits into the Immigration Examinations Fee Account available to United States Citizenship and Immigration Services for the purposes of providing immigrant integration grants of \$10,000,000 in fiscal year 2012. The Senate provided funding for this activity under the USCIS heading.

Section 552. A provision proposed by the Senate is included and modified providing \$7,500,000 for the Federal Emergency Management Agency to reimburse costs incurred by State and local governments affected by National Special Security Events, including use of services, personnel, equipment, and facilities. The House proposed no similar provision.

Section 553. A provision proposed by the Senate is included providing some flexibility to the Department for financing a response to an immigration emergency, subject to notification. The House proposed no similar provision.

Section 554. A provision proposed by the Senate is included permitting administrative law judges to be available temporarily to serve on an arbitration panel as needed for cases related to Hurricanes Katrina and Rita. The House proposed no similar provision.

Section 555. A provision proposed by the Senate is included prohibiting funds appropriated or otherwise made available by this Act for DHS to enter into a Federal contract unless the contract meets requirements of the Federal Property and Administrative Services Act of 1949 or Chapter 137 of title 10 U.S.C., and the Federal Acquisition Regulation, unless the contract is otherwise authorized by statute without regard to this section. The House proposed no similar provision.

Section 556. A provision proposed by the Senate is included and modified providing \$70,000,000 for data center migration activities to be allocated by the Secretary and allowing the Secretary to transfer data center migration funds made available by this Act between appropriations after notifying the Committees 15 days in advance. The House proposed no similar provision.

Section 557. A provision proposed by the Senate is included and made permanent allowing the Advanced Training Center to charge fees for any service or thing of value it provides to the Federal Government or non-government entities or individuals, so long as the fee does not exceed the full costs associated with the service or thing of value. The House proposed no similar provision.

Section 558. A provision proposed by the Senate is included relating to the sale of LORAN properties. The House proposed no similar provision.

Section 559. A provision proposed by the Senate is included and modified permitting the Department to sell ICE-owned detention facilities and use the proceeds from any sale for improvement to other facilities provided that any such sale will not result in the maintenance of less than 34,000 detention beds. The House proposed no similar provision.

Section 560. A provision proposed by the Senate is included providing a total of \$55,979,000 for consolidation of the new DHS headquarters at St. Elizabeths and consolidation of mission support activities. The House proposed no similar provision.

Section 561. A provision proposed by the House and Senate is included for fiscal year 2012 requiring that SAFER grants shall be used to retain firefighters, instead of only for increasing the number of firefighters. The provision also prohibits funds to be used to enforce certain requirements of the Federal Fire Prevention and Control Act of 1974 related to the program.

Section 562. A provision proposed by the Senate is included for fiscal year 2011 requiring that Staffing for Adequate Fire and Emergency Response (SAFER) grants shall be used to retain firefighters, instead of only for increasing the number of firefighters. The provision also prohibits funds to be used to enforce certain requirements of the Federal Fire Prevention and Control Act of 1974 related to the program. The House proposed no similar provision.

Section 563. A provision proposed by the Senate is included pertaining to future spills of national significance and reimbursement for the Coast Guard. The House proposed no similar provision.

Section 564. A provision proposed by the Senate is included and modified to impose increased penalties on individuals who circumvent security screening at airports. The House proposed no similar provision.

Section 565. A provision proposed by the Senate is included and modified related to recoupment of debts in cases where funds were distributed based on an error made by FEMA. The House proposed no similar provision.

Section 566. A provision proposed by the Senate is included regarding reimbursement by FEMA of Small Business Administration Loans for eligible hazard mitigation activity. Execution of this authority shall not result in an individual being reimbursed more than once for the same mitigation activity. The House proposed no similar provision.

Section 567. A provision proposed by the House is included and modified prohibiting availability of funds for the Association of Community Organizations for Reform Now (ACORN) and its affiliated organizations. The Senate proposed no similar provision.

Section 568. A new provision is included requiring the Commissioner of CBP and the Assistant Secretary of ICE to submit multi-year investment and management plans for funds executed by their respective Offices of Information Technology. The House proposed similar provisions under the headings U.S. Customs and Border Protection "Automation Modernization," and U.S. Immigration and Customs Enforcement "Automation Modernization."

Section 569. A new provision is included stating that the Secretary shall ensure enforcement of immigration laws.

Section 570. A provision proposed by the House and Senate is included and modified rescinding unobligated balances made available to the Department when it was created in 2003.

Section 571. A new provision is included rescinding unobligated balances in multiple appropriations across the Department, pursuant to section 505 of Public Law 112-10.

Section 572. A provision is included rescinding unobligated balances of prior year appropriations in multiple appropriations across the Department.

Section 573. A provision proposed by the House is continued and modified to extend the authorization of the National Flood Insurance Program until the earlier of the date of the enactment into law of an Act that specifically reauthorizes or extends the authorization of the program, May 31, 2012.



## PROVISIONS NOT ADOPTED

The conference agreement does not include section 547 of the House bill rescinding \$11,300,000 in unobligated balances from ICE, Construction.

The conference agreement does not include section 558 of the Senate bill authorizing an increase to aviation security passenger fees for fiscal year 2012.

The conference agreement does not include section 565 of the Senate bill making available an additional \$18,300,000 until September 30, 2014, designated as emergency and offset by rescinding unobligated emergency balances, for Coast Guard to replace a rotary wing airframe.

The conference agreement does not include section 570 of the Senate bill rescinding \$20,000,000 in unobligated prior year balances from S&T "Research, Development, Acquisitions, and Operations."

The conference agreement does not include section 601 of the House bill rescinding \$500,000,000 from Department of Energy unobligated balances pursuant to section 129 of P.L. 110-329 and transfers \$1,000,000,000 to FEMA Disaster Relief.

The conference agreement does not include section 701 of the House bill prohibiting new

budget authority from exceeding budget allocation.

The conference agreement does not include section 702 of the House bill prohibiting use of funds in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

The conference agreement does not include section 703 of the House bill prohibiting use of funds to parole an alien or grant deferred action except on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

The conference agreement does not include section 704 of the House bill prohibiting use of funds to require TWIC applicants to appear at a designated enrollment center for issuance, renewal, or activation.

The conference agreement does not include section 705 of the House bill prohibiting use of funds unless in accordance with Presidential Memorandum—Federal Fleet Performance (May 24, 2011).

The conference agreement does not include section 706 of the House bill prohibiting use of funds in contravention of section 44917 of 49 USC (pertaining to Federal Air Marshals).

The conference agreement does not include section 707 of the House bill prohibiting use of funds for the DHS Climate Change Adaptation Task Force.

The conference agreement does not include section 710 of the House bill prohibiting use of funds in contravention of section 236(c) of the Immigration and Nationality Act.

The conference agreement does not include section 711 of the House bill prohibiting use of funds for any political appointee to delay, vacate, or reverse a FOIA decision by a Privacy Office employee.

The conference agreement does not include section 712 of the House bill prohibiting use of funds to implement a determination regarding transportation security officers and collective bargaining.

The conference agreement does not include section 713 of the House bill prohibiting use of funds to implement any rule, regulation, or executive order regarding disclosure of political contributions.

The conference agreement does not include section 714 of the House bill limiting TSA Aviation Security funding for screener personnel, compensation, and benefits.

## CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations, specified by program, project, and activity level, are contained in the table listed below.



DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

Conference  
vs. Enacted

FY 2012  
Request

FY 2011  
Enacted

DEPARTMENT OF HOMELAND SECURITY

TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS

Departmental Operations

Office of the Secretary and Executive Management:			
Immediate Office of the Secretary.....	4,641	5,164	5,000
Immediate Office of the Deputy Secretary.....	2,674	1,918	1,918
Office of the Chief of Staff.....	2,572	2,802	2,300
Office of Counterterrorism Enforcement.....	2,997	3,814	1,800
Executive Secretary.....	8,104	8,402	8,100
Office of Policy.....	41,133	42,423	40,000
Office of Public Affairs.....	6,368	6,419	5,800
Office of Legislative Affairs.....	6,698	6,341	6,000
Office of Intergovernmental Affairs.....	2,632	2,908	2,650
Office of General Counsel.....	23,762	22,422	22,400
Office for Civil Rights and Civil Liberties.....	20,367	24,613	22,500
Citizenship and Immigration Services Ombudsman.....	6,188	6,336	6,200
Privacy Officer.....	8,408	8,971	8,491
Subtotal.....	136,544	142,533	133,159

+359

-756

-272

-1,197

-4

-1,133

-568

-698

+18

-1,362

+2,133

+12

+83

-3,385

Office of the Under Secretary for Management:

Immediate Office of the Under Secretary for Management.....	2,733	7,558	2,550
Headquarters consolidation.....	77,245	---	---

-183

-77,245

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Office of Security.....	71,760	71,236	70,000
Office of the Chief Procurement Officer.....	74,597	78,771	78,000
Subtotal.....	226,335	157,565	150,550
Office of the Chief Human Capital Officer:			
Salaries and expenses.....	24,477	28,161	25,165
Human resources information technology.....	17,097	16,686	14,172
Subtotal.....	41,574	44,847	39,337
Office of the Chief Administrative Officer:			
Salaries and expenses.....	43,300	41,248	40,700
Nebraska Avenue Complex (NAC).....	5,489	5,398	5,000
Subtotal.....	48,789	46,646	45,700
Subtotal, Office of the Under Secretary for Management.....	316,698	249,058	235,587
DHS HQ Consolidation:			
Mission support.....	---	55,630	---
St. Elizabeths.....	---	159,643	---
Subtotal.....	---	215,273	---
Office of the Chief Financial Officer.....	53,323	62,395	50,860
			-2,463

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Office of the Chief Information Officer:</b>				
Salaries and expenses.....	86,738	105,578	105,500	+18,762
Information technology services.....	51,314	38,800	38,800	-12,514
Infrastructure and security activities.....	147,108	89,525	69,000	-78,108
Homeland Secure Data Network.....	47,566	44,069	44,000	-3,566
Subtotal.....	332,726	277,972	257,300	-75,426
<b>Analysis and Operations.....</b>				
	334,360	355,368	338,068	+3,708
Total, Departmental Operations.....	1,173,651	1,302,599	1,014,974	-158,677
<b>Office of Inspector General:</b>				
Operating expenses.....	113,646	144,318	117,000	+3,354
(by transfer from Disaster Relief).....	(15,968)	---	(24,000)	(+8,032)
Total, Office of Inspector General.....	129,614	144,318	141,000	+11,386
<b>Total, title I, Departmental Management and Operations.....</b>				
	1,287,297	1,446,917	1,131,974	-155,323
(by transfer).....	(15,968)	---	(24,000)	(+8,032)

DIVISION D - DEPARTMENT OF HOMELAND SECURITY (Amounts in thousands)				
	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference
<b>TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS</b>				
<b>U.S. Customs and Border Protection</b>				
<b>Salaries and Expenses:</b>				
Headquarters, Management, and Administration:				
Management and administration, border security	516,102	688,878	667,794	+151,692
inspections and trade facilitation.....				
Management and administration, border security	495,862	738,462	717,309	+221,447
and control between ports of entry.....	450,812	483,749	483,749	+32,937
Rent.....				
Subtotal.....	1,462,776	1,911,089	1,868,852	+406,076
<b>Border Security Inspections and Trade Facilitation:</b>				
Inspections, trade, and travel facilitation				
at ports of entry.....	2,474,344	2,507,235	2,484,235	+9,891
Harbor maintenance fee collection (trust fund)...	3,274	3,274	3,274	---
International cargo screening.....	103,945	68,757	74,557	-29,388
Other international programs.....	11,119	10,684	10,684	-435
Customs-Trade Partnership Against Terrorism				
(C-TPAT).....	45,454	44,979	44,979	-475
Trusted Traveler programs.....	10,751	6,311	6,311	-4,440
Inspection and detection technology investments.	144,162	149,537	148,537	+4,375
Automated targeting systems.....	32,389	31,400	41,400	+9,011
National Targeting Center.....	47,347	46,950	51,950	+4,603
Training.....	20,778	37,834	37,834	+17,056
Subtotal.....	2,893,563	2,906,961	2,903,761	+10,198



DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>Air and Marine Interdiction, Operations, Maintenance, and Procurement:</b>			
Operations and maintenance.....	370,899	361,087	365,087
Procurement.....	144,395	109,479	138,879
Subtotal.....	515,294	470,566	503,966
<b>Construction and Facilities Management:</b>			
Facility construction and sustainment.....	223,170	226,726	182,500
Program oversight and management.....	36,310	57,096	54,096
Subtotal.....	259,480	283,822	236,596
<b>Total, U.S. Customs and Border Protection direct appropriations.....</b>	<b>9,879,898</b>	<b>10,371,596</b>	<b>10,154,955</b>
<b>Fee Accounts:</b>			
Immigration inspection user fee.....	(525,443)	(527,629)	(527,629)
Immigration enforcement fines.....	(1,037)	(1,041)	(1,041)
ESTA.....	(43,651)	(44,524)	(44,524)
Land border inspection fee.....	(28,598)	(28,909)	(28,909)
COBRA passenger inspection fee.....	(390,974)	(440,521)	(468,521)
APHIS inspection fee.....	(318,472)	(323,000)	(323,000)
			(+2,186)
			(+4)
			(+873)
			(+311)
			(+77,547)
			(+4,528)

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Global Entry user fee.....	(2,500)	(2,615)	(2,615)
Puerto Rico collections.....	(89,980)	(91,779)	(91,779)
Small airport user fee.....	(8,164)	(8,167)	(8,167)
Subtotal, fee accounts.....	(1,408,819)	(1,468,185)	(1,496,185)
Total, U.S. Customs and Border Protection.....	11,288,717	11,839,781	11,651,140
Appropriations.....	(9,879,898)	(10,371,596)	(10,154,955)
Fee accounts.....	(1,408,819)	(1,468,185)	(1,496,185)
			(+87,366)

U.S. Immigration and Customs Enforcement

Salaries and Expenses:			
Headquarters Management and Administration:			
Personnel compensation and benefits, services			
and other costs.....	295,121	237,842	233,251
Headquarters managed IT investment.....	219,363	194,727	184,227
Subtotal.....	514,484	432,569	417,478
Legal Proceedings.....	221,666	215,935	215,935
			-5,731

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Investigations:			
Domestic investigations.....	1,702,038	1,714,234	1,725,234
			+23,196
International Investigations:			
International operations.....	112,872	114,928	114,928
Visa Security Program.....	35,686	29,489	33,889
			+2,056
Subtotal.....	148,558	144,417	148,817
			+259
Subtotal, Investigations.....	1,850,596	1,858,651	1,874,051
			+23,455
Intelligence.....	69,842	81,503	81,503
			+11,661
Detention and Removal Operations:			
Custody operations.....	1,794,406	2,023,827	2,050,545
Fugitive operations.....	229,682	154,597	154,597
Criminal alien program.....	192,539	196,696	196,696
Alternatives to detention.....	72,075	72,373	72,373
Transportation and removal program.....	281,878	276,632	276,632
			+298
Subtotal.....	2,570,580	2,724,125	2,750,843
			+180,263
Secure Communities.....	199,600	184,064	189,064
			-10,536
Subtotal, Salaries and expenses.....	5,426,768	5,496,847	5,528,874
			+102,106



DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Automation Modernization.....	73,852	13,860	21,710
Cancellation of unobligated balances (rescission).....	---	-16,300	---
<b>Total, U.S. Immigration and Customs Enforcement direct appropriations.....</b>	<b>5,500,620</b>	<b>5,494,407</b>	<b>5,550,584</b>
<b>Fee Accounts:</b>			
Immigration inspection user fee.....	(116,387)	(116,869)	(116,869)
Breached bond/detention fund.....	(75,000)	(75,000)	(75,000)
Student exchange and visitor fee.....	(120,000)	(120,000)	(120,000)
<b>Subtotal.....</b>	<b>(311,387)</b>	<b>(311,869)</b>	<b>(311,869)</b>
<b>Total, U.S. Immigration and Customs Enforcement.</b>	<b>(5,812,007)</b>	<b>(5,806,276)</b>	<b>(5,862,453)</b>
Appropriations.....	(5,500,620)	(5,510,707)	(5,550,584)
Fee accounts.....	(311,387)	(311,869)	(311,869)
<b>Subtotal.....</b>	<b>3,065,283</b>	<b>3,204,686</b>	<b>3,169,964</b>
<b>Transportation Security Administration</b>			
<b>Aviation Security:</b>			
Screening Operations:			
Screener workforce:			
Privatized screening.....	144,470	144,193	144,193
Screener personnel, compensation, and benefits.....	2,920,813	3,060,493	3,025,771
<b>Subtotal.....</b>	<b>3,065,283</b>	<b>3,204,686</b>	<b>3,169,964</b>
<b>Total.....</b>	<b>3,065,283</b>	<b>3,204,686</b>	<b>3,169,964</b>
<b>Conference vs. Enacted</b>			
Automation Modernization.....			-52,142
Cancellation of unobligated balances (rescission).....			---
<b>Total, U.S. Immigration and Customs Enforcement direct appropriations.....</b>			<b>+49,964</b>
<b>Fee Accounts:</b>			
Immigration inspection user fee.....			(+482)
Breached bond/detention fund.....			---
Student exchange and visitor fee.....			---
<b>Subtotal.....</b>			<b>(+482)</b>
<b>Total, U.S. Immigration and Customs Enforcement.</b>			<b>(+50,446)</b>
Appropriations.....			(+49,964)
Fee accounts.....			(+482)
<b>Subtotal.....</b>			<b>+104,958</b>
<b>Transportation Security Administration</b>			
<b>Aviation Security:</b>			
Screening Operations:			
Screener workforce:			
Privatized screening.....			-277
Screener personnel, compensation, and benefits.....			+104,958
<b>Subtotal.....</b>			<b>+104,681</b>

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Screener training and other.....	243,402	252,526	249,796
Checkpoint support.....	328,843	254,093	204,768
EDS/ETD Systems:			
EDS procurement and installation.....	290,843	272,738	222,738
Screening technology maintenance, utilities.....	316,247	332,265	320,365
Operation integration.....	21,455	---	---
Subtotal.....	628,545	605,003	543,103
Subtotal, Screening operations.....	4,266,073	4,316,308	4,167,631
Aviation Security Direction and Enforcement:			
Aviation regulation and other enforcement.....	318,285	373,239	369,984
Airport management and support.....	489,142	571,503	570,226
FFDO and flight crew training.....	25,118	25,461	25,461
Air cargo.....	114,689	114,654	120,654
Subtotal.....	947,234	1,084,857	1,086,325
Aviation Security Capital Fund (mandatory).....	(250,000)	(250,000)	(250,000)
Total, Aviation security (gross).....	5,213,307	5,401,165	5,253,956
Aviation security fees (offsetting collections).....	-2,100,000	-2,030,000	-2,030,000
Additional offsetting collections (leg. proposal).....	---	-280,000	---
Total, Aviation security (net, discretionary)....	3,113,307	3,091,165	3,223,956
			+110,649

DIVISION D - DEPARTMENT OF HOMELAND SECURITY (Amounts in thousands)				
	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Surface Transportation Security:</b>				
Staffing and operations.....	39,712	38,514	38,514	-1,198
Surface transportation security inspectors and canines.....	66,037	96,234	96,234	+30,197
Subtotal.....	105,749	134,748	134,748	+28,999
<b>Transportation Threat Assessment and Credentialing:</b>				
Secure Flight.....	84,194	92,414	92,414	+8,220
Crew and other vetting programs.....	78,478	91,540	71,540	-6,938
TWIC fees.....	(9,200)	(8,300)	(8,300)	(-900)
Hazardous materials fees.....	(12,000)	(12,000)	(12,000)	---
Alien Flight School fees (by transfer from DOJ)...	(4,000)	(4,000)	(4,000)	---
Certified cargo screening program.....	(5,200)	(5,200)	(5,200)	---
Large aircraft security program.....	(1,200)	(1,200)	(1,200)	---
Secure identification display area checks.....	(8,000)	(8,000)	(8,000)	---
Other security threat assessments.....	(100)	(100)	(100)	---
General aviation at DCA.....	(100)	(100)	(100)	---
Indirect air cargo.....	(1,400)	(1,400)	(1,400)	---
Sensitive security information (SSI) fees.....	(20)	(20)	(20)	---
Subtotal.....	203,892	224,274	204,274	+382
Direct appropriations.....	(162,672)	(183,954)	(183,954)	(+1,282)
Fee funded programs.....	(41,220)	(40,320)	(40,320)	(-900)

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>Transportation Security Support:</b>			
Headquarters administration.....	254,000	320,794	292,334
Information technology.....	466,092	485,612	447,200
Human capital services.....	233,658	284,299	249,400
Intelligence.....	32,911	42,992	42,992
<b>Subtotal.....</b>	<b>986,661</b>	<b>1,113,697</b>	<b>1,031,926</b>
<b>Federal Air Marshals:</b>			
Management and administration.....	805,275	860,260	842,500
Travel and training.....	122,667	131,115	123,615
<b>Subtotal.....</b>	<b>927,942</b>	<b>991,375</b>	<b>966,115</b>
<b>Total, Transportation Security Administration...</b>	<b>7,687,551</b>	<b>8,115,259</b>	<b>7,841,019</b>
Offsetting collections.....	(-2,100,000)	(-2,310,000)	(-2,030,000)
Aviation Security Capital Fund (mandatory).....	(250,000)	(250,000)	(250,000)
Fee funded programs.....	(41,220)	(40,320)	(40,320)
<b>Total, Transportation Security Administration (net).....</b>	<b>5,296,331</b>	<b>5,514,939</b>	<b>5,520,699</b>
<b>Coast Guard</b>			
<b>Operating Expenses:</b>			
Military pay and allowances.....	3,345,303	3,447,753	3,413,061
Civilian pay and benefits.....	737,702	780,556	784,256
Training and recruiting.....	204,087	213,282	213,321

+67,758  
+46,554  
+9,234

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Operating funds and unit level maintenance.....	1,138,474	1,109,323	1,109,623
Centrally managed accounts.....	345,174	351,478	336,653
Intermediate and depot level maintenance.....	869,291	917,113	936,140
Overseas contingency operations/Global war on terrorism .....	---	---	258,000
Emergency appropriations (Overseas contingency operations).....	254,000	---	---
Subtotal.....	6,894,031	6,819,505	7,051,054
(Defense).....	(593,320)	(340,000)	(598,000)
(Nondefense).....	(6,300,711)	(6,479,505)	(6,453,054)
Environmental Compliance and Restoration.....	13,172	16,899	13,500
Reserve Training.....	133,365	136,778	134,278
Acquisition, Construction, and Improvements: Vessels and critical infrastructure: Response boat medium .....	41,916	---	---
Other Equipment: National distress and response system modernization (Rescue 21).....	35,928	---	---
Subtotal.....	35,928	---	---

-28,851

-8,521

+66,849

+258,000

-254,000

+157,023

(+4,660)

(+152,343)

+328

+913

-41,916

-35,928

-35,928

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>Personnel and Related Support:</b>			
Core acquisition costs.....	509	---	---
Direct personnel cost.....	105,362	---	---
Subtotal.....	105,871	---	---
<b>Integrated Deepwater Systems:</b>			
<b>Aircraft:</b>			
Maritime Patrol Aircraft.....	39,920	---	---
HH-60 conversions.....	31,936	---	---
HC-130H conversion sustainment projects.....	24,950	---	---
HC-130J fleet introduction.....	3,992	---	---
Subtotal.....	100,798	---	---
<b>Surface ships:</b>			
National Security Cutter.....	690,616	---	---
Offshore Patrol Cutter.....	44,910	---	---
Replacement patrol boat.....	239,520	---	---
IDS small boats.....	2,994	---	---
Medium endurance cutter sustainment.....	29,940	---	---
Subtotal.....	1,007,980	---	---
Technology obsolescence prevention.....	998	---	---
C4ISR.....	30,439	---	---
Logistics.....	49,900	---	---

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Systems engineering and integration.....	28,942	---	---
Government program management.....	44,910	---	---
Subtotal, Integrated deepwater systems.....	1,263,967	---	---
Shore Facilities and Aids to Navigation.....	69,062	---	---
Vessels:			
Survey and design-vessels and boats.....	---	6,000	6,000
Response boat-medium.....	---	110,000	110,000
In-service cutters sustainment.....	---	14,000	14,000
National security cutter.....	---	77,000	77,000
Offshore patrol cutter.....	---	25,000	25,000
Fast response cutter.....	---	358,000	358,000
Cutter small boats.....	---	5,000	5,000
Medium endurance cutter sustainment.....	---	47,000	47,000
Subtotal.....	---	642,000	642,000
Aircraft:			
Airframe replacement (CGNR 6017).....	---	18,300	18,300
Maritime patrol aircraft.....	---	129,500	129,500
HH-60 conversion projects.....	---	56,100	56,100
Long range surveillance aircraft.....	---	62,000	62,000
HH-65 conversion/sustainment projects.....	---	24,000	24,000
Subtotal.....	---	289,900	289,900
			+289,900
			+18,300
			+129,500
			+56,100
			+62,000
			+24,000
			+642,000
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DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
<b>Other Acquisition Programs:</b>				
Program oversight and management.....	---	35,000		+26,000
Systems engineering and integration.....	---	17,140		+17,140
C4ISR.....	---	34,500		+38,500
CG-Logistics Information Management System.....	---	6,500		+6,500
Nationwide automatic identification system.....	---	5,000		+5,000
Rescue 21.....	---	65,000		+65,000
Interagency operations centers.....	---	3,000		+3,000
Subtotal.....	---	166,140		+161,140
<b>Shore Facilities and Aids to Navigation:</b>				
Major construction; Housing; ATON; and Survey and design.....	---	92,900		+92,900
Major acquisition systems infrastructure.....	---	94,500		+81,500
Minor shore.....	---	6,292		+6,292
Subtotal.....	---	193,692		+180,692



DIVISION D - DEPARTMENT OF HOMELAND SECURITY (Amounts in thousands)				
	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Military Housing.....	---	20,000	20,000	+20,000
Personnel and Related Support:				
Direct personnel costs.....	---	109,592	109,592	+109,592
Core acquisition costs.....	---	600	600	+600
Subtotal.....	---	110,192	110,192	+110,192
Subtotal, Acquisition, construction, and improvements.....	1,516,744	1,421,924	1,403,924	-112,820
Research, Development, Test, and Evaluation.....	24,695	19,779	27,779	+3,084
Health care fund contribution (permanent indefinite discretionary).....	265,321	261,871	261,871	-3,450
Retired Pay (mandatory).....	1,400,700	1,440,157	1,440,157	+39,457
Total, Coast Guard.....	10,248,028	10,116,713	10,332,563	+84,535
Appropriations.....	(9,994,028)	(10,116,713)	(10,074,563)	(+80,535)
Emergency appropriations (Overseas contingency operations).....	(254,000)	---	---	(-254,000)
Overseas contingency operations/Global war on terrorism.....	---	---	(258,000)	(+258,000)
(mandatory).....	(1,400,700)	(1,440,157)	(1,440,157)	(+39,457)
(discretionary).....	(8,847,328)	(8,676,556)	(8,892,406)	(+45,078)

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>United States Secret Service</b>			
<b>Salaries and Expenses:</b>			
<b>Protection:</b>			
Protection of persons and facilities.....	769,978	847,963	832,463
Protective intelligence activities.....	67,688	68,125	68,125
National special security events.....	19,998	19,307	19,307
Presidential candidate nominee protection.....	17,831	113,462	113,462
White House mail screening.....	22,370	24,315	18,472
<b>Subtotal.....</b>	<b>878,865</b>	<b>1,073,172</b>	<b>1,051,829</b>
<b>Investigations:</b>			
Domestic field operations.....	256,897	223,991	223,991
International field office administration, operations and training.....	30,644	30,971	32,971
Electronic crimes special agent program and electronic crimes task forces.....	56,042	53,051	53,051
Support for missing and exploited children.....	8,349	8,366	8,366
<b>Subtotal.....</b>	<b>351,932</b>	<b>316,379</b>	<b>318,379</b>
Headquarters, Management and Administration.....	226,284	246,602	191,588
Rowley Training Center.....	54,251	55,598	55,598
Information Integration & Technology Transformation.....	---	---	43,843
<b>Subtotal, Salaries and expenses.....</b>	<b>1,511,332</b>	<b>1,691,751</b>	<b>1,661,237</b>
			<b>+149,905</b>

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Acquisition, Construction, Improvements, and Related Expenses.....	3,967	6,780	5,380
Total, United States Secret Service.....	1,515,299	1,698,531	1,666,617
Total, title II, Security, Enforcement, and Investigations.....	32,440,176	33,196,186	33,225,418
Appropriations.....	(32,186,176)	(33,212,486)	(32,967,418)
Emergency appropriations (Overseas contingency operations).....	(254,000)	---	---
Overseas contingency operations/Global war on terrorism.....	---	---	(258,000)
Rescissions.....	---	(-16,300)	---
(Fee Accounts).....	(1,761,426)	(1,820,374)	(1,848,374)

TITLE III - PROTECTION, PREPAREDNESS, RESPONSE,  
AND RECOVERY

National Protection and Programs Directorate

Management and Administration:

Administrative activities.....	34,613	45,634	46,454
Risk management and analysis.....	8,877	9,522	4,241
Subtotal.....	43,490	55,156	50,695

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>Infrastructure Protection and Information Security:</b>			
Infrastructure Protection:			
Identification and analysis.....	82,721	83,948	-82,721
Coordination and information sharing.....	52,677	48,354	-52,677
Mitigation programs.....	187,638	189,977	-187,638
Infrastructure analysis and planning.....	---	---	70,518
Sector management and governance.....	---	---	+74,219
Regional field operations.....	---	---	+57,367
Infrastructure security compliance.....	---	---	+93,348
Subtotal, Infrastructure protection.....	323,036	322,279	295,452
<b>Cybersecurity and Communications:</b>			
Cybersecurity:			
US Computer Emergency Response Team (US-CERT)...	299,426	391,406	-299,426
Strategic initiatives.....	56,766	65,339	-56,766
Outreach and programs.....	6,861	7,096	-6,861
Cybersecurity coordination.....	---	---	4,500
US Computer Response Team (US-CERT) Operations..	---	---	79,116
Federal Network Security.....	---	---	35,000
Network Security Deployment.....	---	---	229,000
Global Cybersecurity Management.....	---	---	23,992
Critical Infrastructure Cyber Protection and Awareness.....	---	---	60,000
Business Operations.....	---	---	11,568
Subtotal, Cybersecurity.....	363,053	463,841	443,176

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>Communications:</b>			
Office of Emergency Communications.....	43,972	43,495	43,495
Priority telecommunications services.....	56,170	56,824	56,074
Next generation networks.....	21,053	25,253	25,253
Programs to study and enhance telecommunications	16,624	13,441	13,441
Critical infrastructure protection programs.....	14,854	11,352	11,352
Subtotal, Communications.....	152,673	150,365	149,615
Subtotal, Cybersecurity and communications..	515,726	614,206	592,791
Subtotal, Infrastructure Protection and Information Security.....	838,762	936,485	888,243
<b>Federal Protective Service:</b>			
Basic security.....	220,000	247,478	247,478
Building-specific security.....	420,000	501,039	501,039
Reimbursable Security Fees (contract guard services).....	475,000	513,020	513,020
Subtotal, Federal Protective Service.....	1,115,000	1,261,537	1,261,537
Offsetting collections.....	-1,115,000	-1,261,537	-1,261,537

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
U.S. Visitor and Immigrant Status Indicator Technology Rescission.....	333,944	302,271 -25,642	306,802 -27,142
Subtotal.....	333,944	276,629	306,802 -27,142
Total, National Protection and Programs Directorate.....	1,216,196	1,268,270	1,245,740 +29,544
Appropriations.....	(2,331,196)	(2,555,449)	(2,507,277) (+176,081)
Rescissions.....	---	(-25,642)	---
Offsetting collections.....	(-1,115,000)	(-1,261,537)	(-1,261,537) (-146,537)
	=====	=====	=====
Office of Health Affairs			
BioWatch.....	100,780	115,164	114,164 +13,384
National Biosurveillance Integration System.....	7,000	7,013	12,013 +5,013
Rapidly Deployable Chemical Detection System.....	2,400	---	---
Chemical Defense Program.....	---	2,439	5,439 +5,439
Planning and Coordination.....	2,276	6,162	6,162 +3,886
Salaries and Expenses.....	26,999	30,171	29,671 +2,672
Total, Office of Health Affairs.....	139,455	160,949	167,449 +27,994
	=====	=====	=====
Federal Emergency Management Agency			
Management and Administration:			
Operating activities.....	744,663	780,667	---
			-744,663

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Urban search and rescue response system.....	35,180	29,113	-35,180
Office of National Capital Region Coordination.....	6,981	5,319	-6,981
Subtotal.....	786,824	815,099	-786,824
(Defense).....	(103,792)	(99,099)	(-103,792)
(Nondefense).....	(683,032)	(716,000)	(-683,032)
(by transfer from Disaster Relief).....	(105,389)	---	(-105,389)
(by transfer from State and Local Programs).....	(129,052)	(184,544)	(-129,052)
(by transfer from Firefighter Assistance Grants).....	(46,886)	---	(-46,886)
(Available from Emergency Management Performance Grants).....	(10,180)	---	(-10,180)
Subtotal, Management and Administration.....	1,078,331	999,643	-1,078,331
Salaries and Expenses:			
Administrative and regional offices.....	---	---	+110,495
Office of National Capital Region Coordination	---	---	(5,493)
Preparedness and protection.....	---	---	109,873
Response.....	---	---	+226,228
Urban search and rescue response system.....	---	---	(41,250)
Recovery.....	---	---	78,373
Mitigation.....	---	---	43,675
Mission support.....	---	---	219,433
Centrally managed accounts.....	---	---	107,273
Subtotal.....	---	---	895,350
(Defense).....	---	---	(99,099)
(Nondefense).....	---	---	(796,251)

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
(by transfer from State and Local Programs).....	---	---	(+91,778)
(available from Firefighter Assistance Grants).....	---	---	(+33,750)
(available from Emergency Management Performance Grants).....	---	---	(+10,500)
Subtotal, Management and Administration/			
Salaries and Expenses.....	1,078,331	999,643	1,031,378
Grants and Training:			
State and Local Programs:			
State Homeland Security (grants).....	---	---	+1,118,000
State Homeland Security Grant Program.....	723,550	---	-723,550
Operation Stonegarden.....	(54,890)	---	(-4,890)
Driver's license security grants.....	(44,910)	---	(-44,910)
Citizen Corps.....	(9,980)	---	(-9,980)
Metropolitan medical response.....	(34,930)	---	(-34,930)
Urban area security initiative.....	723,550	---	-723,550
Nonprofit security grants.....	(19,000)	---	(-19,000)
Regional catastrophic preparedness grants.....	14,970	---	-14,970
Public transportation security assistance and railroad security assistance.....	249,500	---	-249,500
Amtrak security.....	(19,960)	---	(-19,960)
Over-the-road bus security assistance.....	(4,990)	---	(-4,990)
Port Security Grants.....	249,500	---	-249,500
Emergency Operations Centers.....	14,970	---	-14,970



DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>National Programs:</b>			
National Domestic Preparedness Consortium...	92,814	---	-92,814
Center for Domestic Preparedness.....	62,375	---	-62,375
National exercise program.....	39,920	---	-39,920
Technical assistance.....	10,978	---	-10,978
Continuing training grants.....	28,942	---	-28,942
Evaluations and assessments.....	13,972	---	-13,972
Subtotal.....	249,001	---	-249,001
<b>Education, Training, and Exercises:</b>			
Emergency Management Institute.....	---	---	16,181
Center for Domestic Preparedness.....	---	---	62,500
National Domestic Preparedness Consortium...	---	---	93,000
National Exercise Program.....	---	---	34,000
Continuing training.....	---	---	26,000
Subtotal.....	---	---	231,681
<b>State and Regional Preparedness Programs:</b>			
State Homeland Security Grant Program.....	---	1,050,000	---
Operation Stonegarden.....	---	(50,000)	---
Citizen Corps grants.....	---	13,000	---
Firefighter assistance grants.....	---	670,000	---
Emergency management performance grants.....	---	350,000	---
Subtotal.....	---	2,083,000	---

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>Metropolitan Statistical Area Preparedness Program:</b>			
Urban area security initiative.....	---	920,000	---
Port security grants.....	---	300,000	---
Rail/public transportation security grants.....	---	300,000	---
Amtrak security.....	---	(20,000)	---
Buffer Zone Protection Program grants.....	---	50,000	---
Subtotal.....	---	1,570,000	---
<b>Training, Measurement and Exercise Program:</b>			
National Exercise Program.....	---	40,000	---
Continuing training grants.....	---	20,663	---
Center for Domestic Preparedness.....	---	62,500	---
National Domestic Preparedness Consortium.....	---	44,500	---
Technical assistance and evaluation.....	---	24,000	---
Subtotal.....	---	191,663	---
<b>Subtotal, State and Local Programs.....</b>	<b>2,225,041</b>	<b>3,844,663</b>	<b>1,349,681</b>
(Defense).....	---	(50,000)	(+50,000)
(Nondefense).....	(2,225,041)	(3,794,663)	(1,299,681)
(transfer out to Management and Administration).....	(-129,052)	(-184,544)	(+129,052)
(transfer out to Salaries and Expenses).....	---	---	(-91,778)
<b>Subtotal, State and Local Programs (net).....</b>	<b>2,095,989</b>	<b>3,660,119</b>	<b>1,257,903</b>
			<b>-838,086</b>

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
-----			-----
Firefighter Assistance Grants:			
Fire grants.....	404,190	---	337,500 -66,690
Staffing for Adequate Fire and Emergency Response (SAFER) Act grants.....	404,190	---	337,500 -66,690
Subtotal.....	808,380	---	675,000 -133,380
-----			-----
(transfer out to Management and Administration).....	(-46,886)	---	---
(available to Salaries and Expenses).....	---	---	(-33,750) (+46,886)
-----			-----
Subtotal, Firefighter Assistance Grants (net)....	761,494	---	641,250 -120,244
-----			-----
Emergency Management Performance Grants.....	339,320	---	350,000 +10,680
(available to Management and Administration).....	(-10,180)	---	---
(available to Salaries and Expenses).....	---	---	(-10,500) (+10,180)
-----			-----
Subtotal, Emergency Management Performance Grants (net).....	329,140	---	339,500 +10,360
-----			-----
Subtotal, Grants and Training (pre-transfer)....	3,372,741	3,844,663	2,374,681 -998,060
-----			-----
Radiological Emergency Preparedness Program.....	-265	-896	-896 -631
United States Fire Administration.....	45,497	42,538	44,038 -1,459

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Disaster Relief Fund.....	2,644,700	1,800,000	700,000	-1,944,700
(Disaster relief category).....	---	4,600,000	---	---
Subtotal.....	2,644,700	6,400,000	700,000	-1,944,700
(transfer out to Management and Administration)...	(-105,389)	---	---	(+105,389)
(transfer out to Inspector General).....	(-15,968)	---	(-24,000)	(-8,032)
Subtotal.....	2,523,343	6,400,000	676,000	-1,847,343
Disaster Assistance Direct Loan Program Account:				
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---
Direct loan subsidy.....	294	295	295	+1
Flood Map Modernization Fund.....	181,636	---	---	-181,636
Flood Hazard Mapping and Risk Analysis Program.....	---	102,712	97,712	+97,712
National Flood Insurance Fund:				
Salaries and expenses.....	22,145	22,000	22,000	-145
Flood plain management and mapping.....	146,855	149,000	149,000	+2,145
Subtotal.....	169,000	171,000	171,000	+2,000
Offsetting fee collections.....	-169,000	-171,000	-171,000	-2,000

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
National Predisaster Mitigation Fund.....	49,900	84,937	35,500	-14,400
Emergency Food and Shelter.....	119,760	100,000	120,000	+240
Total, Federal Emergency Management Agency.....	7,201,087	11,389,348	4,266,680	-2,934,407
(Appropriations).....	(7,201,087)	(6,789,348)	(4,266,680)	(-2,934,407)
(Disaster relief category).....	---	(4,600,000)	---	---
Total, title III, Protection, Preparedness, Response and Recovery Directorate.....	8,556,738	12,818,567	5,679,869	-2,876,869
Appropriations.....	(8,556,738)	(8,244,209)	(5,679,869)	(-2,876,869)
Rescissions.....	---	(-25,642)	---	---
Disaster relief category.....	---	(4,600,000)	---	---
(By transfer).....	(291,507)	(184,544)	(91,778)	(-199,729)
(Transfer out).....	(-307,475)	(-184,544)	(-115,778)	(+191,697)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---

TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING,  
AND SERVICES

United States Citizenship and Immigration Services

Appropriations:

Pay and benefits.....	---	1,467	---	---
Data center consolidation.....	2,157	12,500	---	-2,157
Systematic Alien Verification for Entitlements.....	---	29,937	---	---
E-Verify program.....	103,193	102,424	102,424	-769

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Immigrant integration programs.....	11,000	19,749	---	-11,000
Asylum and refugee services.....	29,950	203,400	---	-29,950
Total, Appropriations.....	146,300	389,477	102,424	-43,876
Fee Accounts:				
Adjudication Services:				
District operations.....	(1,145,900)	(1,157,137)	(1,315,570)	(+169,670)
(Immigrant Integration Grants).....	---	---	(10,000)	(+10,000)
Service center operations.....	(482,086)	(519,518)	(532,414)	(+50,328)
Asylum, refugee and international operations.....	(60,982)	(88,364)	(196,877)	(+135,895)
Records operations.....	(102,471)	(103,902)	(86,631)	(-15,840)
Business transformation.....	(164,025)	(234,400)	(344,055)	(+180,030)
(Digitization program).....	(29,000)	---	(29,000)	---
Subtotal.....	1,955,464	2,103,321	2,475,547	+520,083
Information and Customer Services:				
Operating expenses.....	(83,501)	(85,773)	(88,891)	(+5,390)
Administration:				
Operating expenses.....	(336,514)	(348,295)	(381,666)	(+45,152)
Systematic Alien Verification for Entitlements (SAVE).....	---	---	(29,937)	(+29,937)
Subtotal.....	2,375,479	2,537,389	2,976,041	+600,562

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
H1-B Visa Fee Account:			
Adjudication Services:			
Service center operations.....	(13,000)	---	---
H1-B and L Fraud Prevention Fee Account:			
Adjudication Services:			
District operations.....	(23,235)	---	---
Asylum and refugee operating expenses.....	(13,195)	---	---
Service center operations.....	(1,648)	---	---
Subtotal.....	38,078	---	-38,078
Total. Fee accounts.....	2,426,557	2,537,389	2,976,041
Total, United States Citizenship and Immigration Services.....	(2,572,857)	(2,906,866)	(3,078,465)
Appropriations.....	(146,300)	(369,477)	(102,424)
Fee accounts.....	(2,426,557)	(2,537,389)	(2,976,041)
(Immigration Examination Fee Account).....	(2,375,479)	(2,486,311)	(2,923,845)
(H1-B Visa Fee Account).....	(13,000)	(13,000)	(13,000)
(H1-B and L Fraud Prevention Fee Account).....	(38,078)	(38,078)	(39,196)
	=====	=====	=====
			(+1,118)

Border and maritime security.....	32,167	---	---
Chemical and biological.....	166,577	---	---
Command, control, and interoperability.....	66,593	---	---
Explosives.....	111,813	---	---
Human factors.....	11,458	---	---
Infrastructure and geophysical.....	25,056	---	---
Innovation.....	31,330	---	---
Intelligence.....	166,577	---	---
Legal and policy.....	111,813	---	---
Logistics.....	11,458	---	---
Medical and health.....	25,056	---	---
Operations.....	31,330	---	---
Personnel.....	166,577	---	---
Planning.....	111,813	---	---
Public and community.....	11,458	---	---
Security.....	25,056	---	---
Support.....	31,330	---	---
Training.....	166,577	---	---
Transportation.....	111,813	---	---
Weapons.....	11,458	---	---
Workforce.....	25,056	---	---
Writing.....	31,330	---	---



DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Test and evaluations/standards.....	18,130	---	---
Transition.....	41,645	---	---
Research, development, and innovation.....	---	659,850	265,783
Laboratory facilities.....	140,000	276,500	176,500
Acquisition and operations support.....	---	54,154	54,154
University programs.....	39,890	36,563	-3,327
Subtotal.....	686,659	1,027,067	533,000
Total, Science and Technology.....	827,577	1,176,432	668,000
Domestic Nuclear Detection Office			
Management and Administration.....	36,918	41,120	38,000
Research, Development, and Operations:			
Systems engineering and architecture.....	33,195	31,857	30,000
Systems development.....	52,851	69,689	51,000
Transformational research and development.....	96,326	---	40,000
Assessments.....	38,139	43,104	38,000
Operations support.....	32,756	36,837	33,000
National Technical Nuclear Forensics Center.....	21,619	24,770	23,000
Subtotal.....	274,886	206,257	215,000
			-59,886

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Systems Acquisition:</b>				
Radiation portal monitor program.....	---	37,361	7,000	+7,000
Securing the Cities.....	19,940	27,000	22,000	+2,060
Human portable radiation detection system.....	10,000	20,000	8,000	-2,000
Subtotal.....	29,940	84,361	37,000	+7,060
<b>Total, Domestic Nuclear Detection Office.....</b>	<b>341,744</b>	<b>331,738</b>	<b>290,000</b>	<b>-51,744</b>
<b>Total, title IV, Research and Development, Training, and Services.....</b>	<b>1,586,453</b>	<b>2,154,060</b>	<b>1,331,837</b>	<b>-254,616</b>
<b>(Fee Accounts).....</b>	<b>(2,426,557)</b>	<b>(2,537,389)</b>	<b>(2,976,041)</b>	<b>(+549,484)</b>

TITLE V - GENERAL PROVISIONS

FY11 continuing resolution rescissions.....	-23,000	---	---	+23,000
FY11 continuing resolution rescissions (security).....	-533,906	---	---	+533,906
NSSE reimbursement fund (Sec. 552).....	7,500	---	7,500	---
Rescission of unobligated balances (Sec. 571).....	---	---	-45,411	-45,411
Sale of Loran-C sites (leg. proposal).....	---	-5,000	---	---
Spending of proceeds (leg. proposal).....	---	5,000	---	---
CBP change in fee collection (leg proposal).....	---	-110,000	---	---
Spending of fees (leg. proposal).....	---	110,000	---	---
Data center migration (Sec. 556).....	---	---	70,000	+70,000
St. Elizabeths/mission support (Sec. 560).....	---	---	55,979	+55,979
Rescission of legacy funds (Sec. 570).....	---	---	-20,654	-20,654

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
ICE Salaries and expenses (rescission)(Sec. 572).....	---	---	-10,000	-10,000
ICE Automation Modernization (rescission)(Sec. 572)...	---	---	-10,000	-10,000
TSA (rescission)(Sec. 572).....	---	---	-71,300	-71,300
CBP Automation Modernization (rescission)(Sec.572)....	---	---	-5,000	-5,000
CBP BSFIT Program Management (rescission)(Sec. 572)...	---	---	-7,000	-7,000
USCG AC&I Great Lakes Icebreaker (rescission)(Sec.572)	---	---	-2,427	-2,427
TASC (rescission)(Sec. 572).....	---	---	-5,000	-5,000
US-VISIT (rescission)(Sec. 572).....	---	---	-27,400	-27,400
=====				
Total, title V, General Provisions.....	-549,406	---	-70,713	+478,693
Appropriations.....	(7,500)	---	(133,479)	(+125,979)
Rescissions.....	(-556,906)	---	(-204,192)	(+352,714)
=====				

DIVISION D - DEPARTMENT OF HOMELAND SECURITY  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Grand total.....	43,321,258	49,615,730	41,298,385
Appropriations.....	(43,624,164)	(45,057,672)	(41,244,577)
Rescissions.....	(-556,906)	(-41,942)	(-204,192)
Emergency appropriations (Overseas contingency operations).....	(254,000)	---	---
Overseas contingency operations/Global war on terrorism.....	---	---	(258,000)
Disaster relief category.....	---	(4,600,000)	---
(Fee funded programs).....	(4,187,983)	(4,357,763)	(4,824,415)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)
(by transfer).....	(307,475)	(184,544)	(115,778)
(transfer out).....	(-307,475)	(-184,544)	(-115,778)
			(-191,697)
			(+191,697)

**DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012**

The following statement is an explanation of the effects of Division E, which makes appropriations for the Department of the Interior, the Environmental Protection Agency (EPA), the Forest Service, the Indian Health Service, and related agencies for fiscal year 2012. Language contained in House Report 112-151 providing specific guidance to agencies regarding the administration of appropriated funds and any corresponding reporting requirements carries the same emphasis as the language included in this explanatory statement and should be complied with unless specifically addressed to the contrary herein.

In instances where the House report speaks more broadly to policy issues or offers views that are subject to interpretation, such views remain those of the House and do not reflect the views of the conferees unless otherwise repeated in this statement. In cases where the House report or the statement of managers directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. Where this explanatory statement refers to the Committees or the Committees on Appropriations, unless otherwise noted, this reference is to the House Subcommittee on Interior, Environment and Related Agencies and the Senate Subcommittee on Interior, Environment and Related Agencies.

The conferees expect that each department and agency funded in this Act will follow the directions set forth in this Act and the accompanying statement, and will not reallocate resources or reorganize activities except as provided herein or otherwise approved by the Committees through the reprogramming process as described in this report. Funding levels for appropriations by account, program, and activity, with comparisons to the fiscal year 2011 enacted level and the fiscal year 2012 budget request, can be found in the table at the end of this division.

Unless expressly stated otherwise, any reference to "this Act" or "at the end of this statement" shall be treated as referring only to the provisions of this division.

**OVERSIGHT**—The EPA, Forest Service, and Department of the Interior are directed to report to the Committee no later than 60 days following enactment of this Act on steps taken to address management weaknesses and implement reforms identified by the Government Accountability Office (GAO) and each agency's IG during House oversight hearings held on March 1, 2011 (Department of the Interior); March 2, 2011 (EPA); and March 10, 2011 (U.S. Forest Service).

**Making Litigation Costs Transparent**—The EPA, Forest Service, and Department of the Interior are directed to provide to the House and Senate Committees on Appropriations, and make publicly available no later than 60 days after enactment, detailed Equal Access to Justice Act (EAJA) fee information as specified in House Report 112-151.

**Reprogramming Guidelines**—The following are the procedures governing reprogramming actions for programs and activities funded in the Department of the Interior, Environment and Related Agencies Appropriations Act.

**Definitions.**—"Reprogramming," as defined in these procedures, includes the reallocation of funds from one budget activity, budget line-item or program area, to another within any appropriation funded in this Act. In cases where the House Committee report displays an allocation of an appropriation below that level, that more detailed level shall be the basis for reprogramming.

For construction, land acquisition, and forest legacy accounts, a reprogramming constitutes the reallocation of funds, including unobligated balances, from one construction, land acquisition, or forest legacy project to another such project.

A reprogramming shall also consist of any significant departure from the program described in the agency's budget justifications. This includes proposed reorganizations, especially those of significant national or regional importance, even without a change in funding. Any change to the organization table presented in the budget justification shall be subject to this requirement.

**General Guidelines for Reprogramming.**—

(a) A reprogramming should be made only when an unforeseen situation arises, and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage.

(b) Any project or activity, which may be deferred through reprogramming, shall not later be accomplished by means of further reprogramming, but instead, funds should again be sought for the deferred project or activity through the regular appropriations process.

(c) Except under the most urgent situations, reprogramming should not be employed to initiate new programs or increase allocations specifically denied or limited by Congress, or to decrease allocations specifically increased by the Congress.

(d) Reprogramming proposals submitted to the House and Senate Committees on Appropriations for approval shall be considered approved 30 calendar days after receipt if the Committees have posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

**Criteria and Exceptions.**—A reprogramming must be submitted to the Committees in writing prior to implementation if it exceeds \$1,000,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exceptions:

(a) With regard to the tribal priority allocations of the Bureau of Indian Affairs, there is no restriction on reprogrammings among these programs. However, the Bureau shall report on all reprogrammings made during a given fiscal year no later than 60 days after the end of the fiscal year.

(b) With regard to the EPA, State and Tribal Assistance Grants account, the Committee does not require reprogramming requests associated with States and Tribes Partnership Grants.

**Assessments.**—"Assessment" as defined in these procedures shall refer to any charges, reserves, or holdbacks applied to a budget activity or budget line item for costs associated with general agency administrative costs, overhead costs, working capital expenses, or contingencies.

(a) No assessment shall be levied against any program, budget activity, sub-activity, budget line item, or project funded by the Interior, Environment, and Related Agencies Appropriations Act unless such assessment and the basis therefore are presented to the Committees on Appropriations in the budget justifications and are subsequently approved by the Committees. The explanation for any assessment in the budget justification shall show the amount of the assessment, the activities assessed, and the purpose of the funds.

(b) Proposed changes to estimated assessments, as such estimates were presented in annual budget justifications, shall be sub-

mitted through the reprogramming process and shall be subject to the same dollar and reporting criteria as any other reprogramming.

(c) The conferees direct that each agency or bureau which utilizes assessments shall submit an annual report to the Committees which provides details on the use of all funds assessed from any other budget activity, line item, sub-activity, or project.

(d) In no case shall contingency funds or assessments be used to finance projects and activities disapproved or limited by Congress, or to finance programs or activities that could be foreseen and included in the normal budget review process.

(e) New programs requested in the budget should not be initiated before enactment of the bill without notification to, and the approval of, the Committees on Appropriations. This restriction applies to all such actions regardless of whether a formal reprogramming of funds is required to begin the program.

**Quarterly Reports.**—All reprogrammings between budget activities, budget line-items, program areas, or the more detailed activity levels shown in the Statement of the Managers, including those below the monetary thresholds established above, shall be reported to the Committees within 60 days of the end of each quarter and shall include cumulative totals for each budget activity, budget line item, or construction, land acquisition, or forest legacy project.

**Land Acquisitions, Easements, and Forest Legacy.**—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646), unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

**Land Exchanges.**—Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than \$1,000,000, shall not be consummated until the Committees have had a 30-day period in which to examine the proposed exchange. In addition, the Committees shall be provided advance notification of exchanges valued between \$500,000 and \$1,000,000.

**Budget Structure.**—The budget activity or line item structure for any agency appropriation account shall not be altered without advance approval of the House and Senate Committees on Appropriations.

**TITLE I—DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MANAGEMENT OF LANDS AND RESOURCES**

The bill provides \$961,900,000 for Management of Lands and Resources. The conferees also provide the following directions:

**Wild Horse and Burro Management.**—The bill provides \$75,008,000 for wild horse and burro management. The Bureau of Land Management is encouraged to take all necessary steps to keep costs under control for this program.

**Range Management.**—The bill increases funding to address numerous challenges including completion of grazing permit renewals; hiring of seasonal employees to ensure timely turn-out of livestock; annual and trend monitoring of grazing allotments; and improving the quality of Bureau work on environmental and other documents related to livestock grazing, among other range management activities.

**Native Plant Program.**—The conferees are supportive of the Bureau of Land Management's existing plant conservation and native plant materials program and expect the

Bureau to continue to support a robust program through resources provided under various accounts, including land management, wildlife management and threatened/endangered species.

**Wildlife and Fisheries.**—Funding is included throughout Bureau of Land Management line items for sage grouse habitat monitoring and updating Resource Management Plans to conserve the sage grouse. The Bureau should prioritize research related to White Nose Syndrome in bats and the inventory and monitoring of bat resources on Bureau-administered lands.

**Energy and Minerals.**—The conferees are concerned by rising energy prices and believe domestic energy production must increase while also being mindful of the environment and other competing land uses. To better track royalty payments, the Department should consider integrating systems that would allow for remote monitoring and third party verification of Bureau production. The conferees recommend that the Bureau of Land Management continue its policy of keeping renewable energy projects off lands that were donated for conservation regardless of deed status.

**Resource Protection and Maintenance.**—The bill provides \$101,707,000 for resource protection and maintenance. Within resource management planning, the Bureau should allocate at least \$5,000,000 toward revisions of the Resource Management Plans that contain sage grouse habitat.

In coordination with the Desert Renewable Energy Conservation Plan process, the Secretary is instructed to complete a report evaluating the possible Solar Energy Study Areas in the West Mojave that respect designated off-road vehicle routes and provide the report to the Committee on Appropriations within ninety days of enactment of this Act.

In the case of any land exchange involving public land carried out directly or through a third-party, the Bureau of Land Management is directed to provide written notice of the proposed land exchange to each owner of non-Federal land adjoining a parcel of public land proposed for exchange and each owner of non-Federal land adjoining the non-Federal land proposed to be acquired in the exchange. The Secretary shall determine adjoining landowners using the most recent available tax records.

#### CONSTRUCTION

The bill provides \$3,576,000 for Construction of which \$2,019,000 is for line item projects. The amount provided will fully fund construction projects as prioritized by the Bureau pursuant to the Administration's revised request list provided to the Committees on June 24, 2011. Requests for reprogramming will be considered pursuant to the guidelines in the front of this statement.

#### LAND ACQUISITION

The bill provides \$22,380,000 for Land Acquisition, of which \$1,880,000 is for Acquisition Management; \$1,500,000 is for Inholdings, Emergencies, and Hardships; and \$19,000,000 is for Acquisitions.

This amount will fully fund projects 1 through 5 as prioritized by the Bureau pursuant to the Administration's revised request list provided to the Committees on June 24, 2011. Requests for reprogramming will be considered pursuant to the guidelines in the front of this statement.

#### OREGON AND CALIFORNIA GRANT LANDS

The bill provides \$112,043,000 for Oregon and California Grant Lands.

#### RANGE IMPROVEMENTS

The bill provides \$10,000,000 to be derived from public lands receipts and Bankhead-

Jones Farm Tenant Act lands grazing receipts.

#### SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The bill provides an indefinite appropriation estimated to be \$32,125,000 for Service Charges, Deposits, and Forfeitures.

#### MISCELLANEOUS TRUST FUNDS

The bill provides an indefinite appropriation estimated to be \$19,700,000 for Miscellaneous Trust Funds.

#### ADMINISTRATIVE PROVISIONS

The bill includes the administrative provisions as proposed by the conferees.

#### UNITED STATES FISH AND WILDLIFE SERVICE

##### RESOURCE MANAGEMENT

The bill provides \$1,228,142,000 for Resource Management. The detailed allocation of funding by activity and program element is included in the table at the end of this statement. The conferees have assumed administrative savings proposed in the budget request but have not provided requested funding increases for fixed costs or general program increases. In addition to the guidance and reporting requirements included in the House report, as noted in the front of this joint explanatory statement, the conference agreement includes the following directions:

**Ecosystem Initiatives.**—The conferees are aware that the budget request includes new funding for a number of regional restoration initiatives, including the Chesapeake Bay, Gulf Coast, Bay Delta, and the Everglades. Due to funding limitations, the conferees are not able to include new funding for these initiatives within the program levels below. However, subject to reprogramming limitations, the conferees do not object to these initiatives being funded within the levels provided if the Service is able to identify funding offsets from lower priority items.

**Endangered Species.**—The bill includes \$176,237,000 for Endangered Species. Listing and Critical Habitat is funded at the fiscal year 2011 enacted level of \$20,902,000; however, the conferees have agreed to combine the funding for activities within this program element in order to provide the Service with additional flexibility to target funding to its highest priorities. Consultation and HCPs are funded at \$61,041,000, of which \$2,000,000 is for renewable energy as requested. Recovery is funded at \$82,939,000, of which \$2,000,000 is for the declining species initiative instead of the requested \$4,000,000.

The conferees direct the Service to fund white nose syndrome research and response activities at no less than \$4,000,000 from within Recovery. Funds should be used to: (1) increase research capacity to fund basic and applied research to stop the spread of the disease; (2) provide funding for States to implement response activities; and (3) increase FWS capacity for surveillance, monitoring and coordination activities. The conferees expect these activities to be coordinated with other Federal partners.

The conferees direct the Service to provide \$1,000,000 from within Recovery to reinstate a livestock loss demonstration program as authorized by Public Law 111-11. States with de-listed wolf populations shall continue to be eligible for funding, provided that those States continue to meet the eligibility criteria contained in Public Law 111-11.

The conferees recommend that the Service and Federal action agencies take into account economic impacts when formulating actions and conducting all section 7 consultations pursuant to the Santa Ana Sucker Critical Habitat designation, to the extent authorized under the Endangered Species

Act. The economic impacts to be considered by the Service and Federal action agencies should include the costs of local water supply development and imported water costs, infrastructure needs, water conservation efforts, and efforts to increase employment in the region affected by the Santa Ana Sucker Critical Habitat designation.

The conferees are concerned that the Service's region 6 has a backlog of Endangered Species Act section 7 consultations on long term planning documents to assess grizzly bears, bull trout and their habitats. The conferees urge the Service to assign appropriate resources and staff, including filling any current vacancies, to support timely completion of those consultations.

**Northern Rocky Mountain Multispecies Conservation Agreements Initiative.**—The conferees recommend that the Fish and Wildlife Service convene a regional policy coordination and outreach effort to improve upon and increase the use of Endangered Species Act conservation agreements between the agency, the States, and private landowners. Nearly two-thirds of the nation's land is privately owned, and the Service cannot accomplish its conservation goals without the help of private landowners. Conservation agreements between non-Federal landowners and the Service help to conserve listed or at-risk species while offering a level of protection from certain Endangered Species Act actions. The conferees recognize the challenges that private landowners often face when confronted with working with a Federal regulatory agency such as the Service, and believe that the States can play a strong intermediary role. The conferees recommend that the Service work with the northern Rocky Mountain States and a diverse coalition of private landowners to find innovative, multi-species, multi-partner approaches to utilizing conservation agreements that simplify the process for private landowners; that empower the States to work directly with private landowners to set up the agreements; and that recognize the Service's final authority. The conferees request that the States and the coalition report to the Committees with recommendations as to how to improve upon and increase the use of conservation agreements.

**Habitat Conservation.**—The bill provides \$110,814,000 for Habitat Conservation. Partners for Fish and Wildlife is funded at \$54,856,000, of which \$6,000,000 is for the climate change initiative instead of the requested \$8,000,000. Conservation Planning Assistance is funded at \$35,837,000, of which \$2,000,000 is for renewable energy as requested.

In carrying out its renewable energy consultations, the conferees direct the Service to continue coordinating with other agencies within the Department of the Interior, as well as with the Department of Commerce, Department of Energy, and other Federal and State agencies, to ensure that the investments support the further development of the renewable energy industry, including the creation of an offshore wind manufacturing industry and related jobs in the United States.

The conferees support the Secretary's decision to establish an office that will be focused on Endangered Species Act compliance for renewable energy projects. In order to facilitate better species protection and stewardship of public resources, the conferees expect that this office will develop permitting policies that make it less difficult and time-consuming to permit projects on disturbed private lands than on pristine public lands.

The conferees are aware that the Service has begun work on a rule under section 4(d) of the Endangered Species Act to address this concern, but the Service has not yet released a draft. The conferees expect the Service to publish its draft and final rules to address this issue during fiscal year 2012. The conferees are aware that the Service is exploring opportunities to expedite the permitting of renewable energy projects and support efforts by the Service to establish a pilot fee program using the Service's existing authorities. The Service is expected to provide a report within 120 days of enactment of this Act that details how and where the Service plans to institute fees in fiscal year 2012 to improve program delivery and customer service.

**National Wildlife Refuge System.**—The bill includes \$486,469,000 for the National Wildlife Refuge System. Wildlife and Habitat Management is funded at \$223,797,000, of which \$1,000,000 is for a pilot program to eradicate feral swine on national wildlife refuges; and \$20,000,000 is for climate change inventory and monitoring, as requested. Conservation Planning is funded at \$11,723,000, which is an increase of \$3,440,000 above the request in order to maintain funding for land protection planning within this program element instead of within Land Acquisition, as was proposed.

The conferees are concerned about particular restrictions on overnight houseboat accommodations at concessionaire-operated marinas. In keeping with Executive Order 12866, the conferees direct the Service to carefully consider the impact to concessionaires of such operational changes.

The conferees are aware of local concerns regarding the implementation of certain management activities on the Willapa National Wildlife Refuge and direct the Service to postpone the implementation of those sections of the Final Comprehensive Conservation Plan and Environmental Impact Statement for the refuge that deal with the removal of the dikes at the Porter Point Unit, Reikkola Unit, and Lewis Unit of the refuge until at least April 1, 2012, in order to give the Service more time to work with stakeholders to address the concerns.

**Migratory Birds, Law Enforcement and International Conservation.**—The bill includes \$126,769,000 for Migratory Birds, Law Enforcement, and International Conservation. Migratory Bird Management is funded at \$51,535,000, which includes a decrease of \$1,366,000 from the request for the North American Waterfowl Management Plan and a general program decrease of \$1,522,000.

**Fisheries and Aquatic Resource Conservation.**—The bill includes \$135,534,000 for Fisheries and Aquatic Resource Conservation. National Fish Hatchery System Operations is funded at \$46,149,000. The conferees have restored the proposed \$3,388,000 shortfall in the budget for mitigation hatchery operations and critical supplies. An additional \$3,800,000 is appropriated elsewhere in this consolidated Act for the U.S. Army Corps of Engineers to reimburse the Service. Together, these amounts fully fund mitigation hatcheries operated by the Service for the Corps, Tennessee Valley Authority, Bureau of Reclamation's Central Utah Project and the Bonneville Power Administration. The conferees support efforts by the Service to recover costs of programs that are conducted to mitigate the environmental effects of other Federal partners. However, future budget requests must ensure that Federal partners have committed to make sufficient funding available to reimburse the Service

before the Service proposes to eliminate funding for mitigation hatcheries so that operations at these hatcheries are not disrupted.

**Aquatic Habitat and Species Conservation** is funded at \$71,325,000. The bill includes \$1,000,000 towards the implementation of mandatory operational inspection and decontamination stations at Federally-managed or interjurisdictional water bodies considered to be of highest risk, as called for in the February 2010 Quagga-Zebra Mussel Action Plan for Western U.S. Waters. An additional \$1,000,000 is included to continue and expand funding for the control and eradication of zebra and quagga mussels and other aquatic invasive species, including funding for State aquatic invasive species management plans. Also included is a \$2,000,000 increase above the fiscal year 2011 enacted level for Asian carp monitoring and eradication activities.

**Cooperative Landscape Conservation and Adaptive Science.**—The bill includes \$32,250,000 for Cooperative Landscape Conservation and Adaptive Science. The conferees recognize that fish and wildlife conservation organizations are facing increasingly complex ecological and fiscal challenges that require resource threats to be addressed in a more efficient and effective way. In light of these challenges, the Service has established a network of Landscape Conservation Cooperatives (LCCs) with other Federal, State, local and tribal partners to better leverage conservation resources and better prioritize and coordinate research and program delivery. The conferees support these efforts but also expect the Service to establish clear goals, objectives and measurable outcomes for LCCs that can be used as benchmarks of success of the program. Further, the conferees direct the Service to clearly articulate how it plans to integrate its LCCs with other successful regional partnerships, including its Joint Ventures and Fish Habitat Partnerships programs, as well as with other Federal and non-Federal partners, including the U.S. Geological Survey's regional Climate Science Centers, the Cooperative Fish and Wildlife Research Units, and the Cooperative Ecosystem Studies Units.

**Bill Language.**—The bill includes language to cap expenditures at \$7,472,000 for critical habitat designations; \$1,500,000 for listing species that are indigenous to the United States; and \$1,500,000 for listing foreign species. The bill includes language providing for fiscal year 2012 and hereafter: \$400,000 for certain law enforcement activities; and \$1,000,000 for certain environmental contaminant activities.

#### CONSTRUCTION

The bill includes \$23,088,000 for Construction, as requested, of which \$12,149,000 is for line item projects. The amount provided will fully fund the projects as prioritized by the Service pursuant to the Administration's revised request list provided to the Committees on June 24, 2011. Requests for reprogramming will be considered pursuant to the guidelines in the front of this statement.

#### LAND ACQUISITION

The bill provides \$54,720,000 for Land Acquisition. The conference agreement includes \$5,000,000 for the Highlands Conservation Act; \$10,555,000 for Acquisition Management; \$2,000,000 for User Pay Cost Share; \$2,500,000 for exchanges; \$4,500,000 for Inholdings, Emergencies, and Hardships; and \$30,165,000 for Acquisitions. The conferees have rejected the proposal to transfer land

protection planning funds from the Resource Management account.

The amount provided for Acquisitions will fully fund projects 1 through 13 as prioritized by the Service pursuant to the Administration's revised request list provided to the Committees on June 24, 2011. Requests for reprogramming will be considered pursuant to the guidelines in the front of this statement.

The Secretaries of the Interior and Agriculture are directed to report to the Committees on Appropriations within 180 days of enactment of this Act on potential exchange proposals for approximately 1,700 acres currently managed by the U.S. Fish and Wildlife Service and generally depicted on a map titled "The Sharkey Restoration Research Site, Delta NF," for lands of equal or approximate value managed by the U.S. Forest Service in Mississippi.

**Bill Language.**—The bill includes language allowing the Service to fund limited administrative costs for the Highlands Conservation Act program administration. Also included is language providing that no funds appropriated for specific projects may be used for overhead, planning or other management costs.

#### COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The bill provides \$47,757,000 for the Cooperative Endangered Species Conservation Fund. The detailed allocation of funding by activity is included in the table at the end of this statement.

**Bill Language.**—The bill includes language deriving \$22,757,000 from the Cooperative Endangered Species Conservation Fund and \$25,000,000 from the Land and Water Conservation Fund.

#### NATIONAL WILDLIFE REFUGE FUND

The bill provides \$13,980,000 for payments to counties authorized by the National Wildlife Refuge Fund.

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

The bill provides \$35,554,000 for the North American Wetlands Conservation Fund.

#### NEOTROPICAL MIGRATORY BIRD CONSERVATION

The bill provides \$3,792,000 for Neotropical Migratory Bird Conservation.

#### MULTINATIONAL SPECIES CONSERVATION FUND

The bill provides \$9,481,000 for the Multinational Species Conservation Fund. The detailed allocation of funding by activity is included in the table at the end of this statement.

#### STATE AND TRIBAL WILDLIFE GRANTS

The bill provides \$61,421,000 for State and Tribal Wildlife Grants, of which \$51,405,000 is for State formula grants, \$5,741,000 is for State competitive grants, and \$4,275,000 is for tribal competitive grants. The Service is directed to report to the Committees within 90 days of enactment of this Act on the amounts of unobligated and reapportioned funds, by State and Territory, for fiscal years 2008, 2009, and 2010. The conferees encourage the Service and the program partners to complete the Wildlife TRACS database so that the program can better demonstrate its ability to prevent at-risk species from having to be listed under the Endangered Species Act.

**Bill Language.**—The bill includes language requiring a 25 percent non-Federal cost share for planning grants and a 35 percent non-Federal cost share for implementation grants. Bill language is included allowing unobligated balances to be reapportioned.

## NATIONAL PARK SERVICE

## OPERATION OF THE NATIONAL PARK SYSTEM

The bill provides \$2,240,152,000 for the Operation of the National Park System account.

*Civil War Sesquicentennial.*—In observances marking the 150th anniversary of the Civil War, the Service is urged to recognize the historic, social, legal, racial, cultural and political forces that caused the Civil War and influenced its course and outcomes.

*Technical Assistance.*—The Service is encouraged to support the effort of NPS retirees to provide volunteer technical assistance to national parks in other countries.

*Historic Leases.*—The Service is encouraged to pursue the use of cost-effective, innovative solutions like historic leases when practical and when the arrangement comports with a park unit's enabling legislation.

*Flight 93 Memorial.*—The conferees remain firmly committed to the timely completion of the Flight 93 Memorial and direct the Service to devote the resources necessary to properly archive, maintain, and preserve the invaluable collections, including 50,000 personal tributes and 2,000 hours of audio interviews, associated with this memorial.

*National Capitol Area Performing Arts Program.*—The conferees direct the Service to maintain funding for the National Capitol Area Performing Arts Program and have included \$612,000 for the summer concert series staged on the U.S. Capitol grounds.

*Cuyahoga Valley National Park.*—The Service is encouraged to continue its work with surrounding communities to support the local road systems and establish maintenance priorities.

*Statue of Liberty and Martin Luther King, Jr. Memorial and Visitor Center.*—The conferees have provided an increase of \$1,100,000 million as requested within Park Protection for additional Park Police protection at the Statue of Liberty and Martin Luther King, Jr. Memorial.

*Sequoia National Park.*—The conference agreement does not include report language contained in the House report nor bill language proposed by the Senate directing the Department of the Interior to report on the methodology used in calculating hydropower fees on National Park Service lands. The conferees understand that this issue has been settled and the need for the report no longer exists.

*Delaware Water Gap National Recreation Area and Middle Delaware National Scenic and Recreational River, Appalachian National Scenic Trail.*—The conferees are concerned about delays in completing an Environmental Impact Statement (EIS) announced by the National Park Service and the Department of the Interior regarding improvement of electric transmission lines partially lying within the boundaries of the Delaware Water Gap National Recreation Area. The National Park Service and the Department are directed to adhere to the previously announced schedule and publish a final Record of Decision (ROD) by October of 2012.

*Historic Properties.*—The conferees are concerned that a proposal to remove the Fresnel lens currently installed at the Block Island Southeast Lighthouse in Rhode Island will have an adverse impact on this historic property. As such, the conferees direct the Service to report to and consult with the Committees on Appropriations prior to facilitating the transfer of the lens or accepting the lens for display at any unit within the System.

*Point Reyes National Seashore.*—The conferees are aware that the Service will shortly be issuing a Draft Environmental Impact

Statement (DEIS) regarding a possible 10-year extension for oyster operations at Point Reyes National Seashore. Because of concerns relating to the validity of the science underlying the DEIS, the conferees direct the National Academy of Sciences to assess the data, analysis, and conclusions in the DEIS in order to ensure there is a solid scientific foundation for the Final Environmental Impact Statement expected in mid-2012.

## NATIONAL RECREATION AND PRESERVATION

The bill provides \$59,975,000 for the National Recreation and Preservation account with the following specific directive:

*Heritage Partnership Program.*—The bill provides an increase of \$8,408,000 above the request to maintain funding at the fiscal year 2011 enacted level.

## HISTORIC PRESERVATION FUND

The bill provides \$56,000,000 for the Historic Preservation Fund account with the following specific directive:

*State and Tribal Historic Preservation Offices.*—The bill provides \$47,000,000 for State Historic Preservation Offices and \$9,000,000 for Tribal Historic Preservation Offices.

## CONSTRUCTION

## (INCLUDING RESCISSION OF FUNDS)

The bill provides \$159,621,000 for the Construction account.

*Line Item Construction.* The bill provides \$77,847,000 in funding for line item construction projects. The amount provided will fully fund NPS construction projects as prioritized by the Service pursuant to the Administration's revised request list provided to the Committees on June 24, 2011. Requests for reprogramming will be considered pursuant to the guidelines in the front of this statement.

*Washington Monument Stabilization and Repair, National Capital Region.*—The bill provides a total of \$7,500,000 for the stabilization and repair of the Washington Monument. The conferees understand these funds will be matched on a 1:1 basis by a private citizen. The conferees have also included language allowing the National Park Service to enter into a single procurement for repairs to the Washington Monument.

*Special Resource Studies.*—The conferees urge the Service to complete previously authorized studies before initiating any new studies.

LAND AND WATER CONSERVATION FUND  
(RESCISSION)

The bill rescinds \$30,000,000, as in previous years, in annual contract authority. There are no plans to use this authority in fiscal year 2012.

## LAND ACQUISITION AND STATE ASSISTANCE

The bill provides \$102,060,000 for Land Acquisition and State Assistance, of which \$9,000,000 is for the American Battlefield Protection Program; \$9,500,000 is for Acquisition Management; \$5,000,000 is for Inholdings and Exchanges; \$3,000,000 is for Emergencies and Hardships; and \$30,560,000 is for Federal Acquisitions. The State Assistance Grant Program is funded at \$45,000,000, of which \$2,794,000 is for Administrative Expenses.

The amount provided for Federal Acquisitions will fully fund the first two projects as prioritized by the Service pursuant to the Administration's revised request list provided to the Committees on June 24, 2011. Requests for reprogramming will be considered pursuant to the guidelines in the front of this statement.

## UNITED STATES GEOLOGICAL SURVEY

## SURVEYS, INVESTIGATIONS, AND RESEARCH

The bill provides \$1,069,744,000 for Surveys, Investigations, and Research of the U.S. Geo-

logical Survey. The detailed allocation of funding by activity and sub-activity is included in the table at the end of this statement and comports with the requested budget structure realignment. Unless otherwise indicated below, the conferees have accepted the proposals for reductions resulting from Department-wide efficiencies, administrative savings, and Enterprise Publishing Network savings. A decrease of \$2,172,000 to the request has been assumed to reflect changes in the final fiscal year 2011 operating plan, which was not available at the time the request was submitted. Support for ecosystem restoration activities throughout the Survey's programs is maintained at the fiscal year 2011 enacted level. Additional changes to the request are specified below.

*Ecosystems.*—The bill provides \$161,536,000 for Ecosystems activities. Increases above the enacted level include \$1,500,000 for The Chesapeake Bay Executive Order and \$2,500,000 for the Great Lakes Asian Carp Control Framework. The conferees support the President's budget proposal to conduct an in-depth analysis of the extent and sources of endocrine disrupting chemicals impacting fish and wildlife in the Chesapeake basin.

*Climate and Land Use Change.*—The bill provides \$144,320,000 for Climate and Land Use Change programs. Within Climate Variability, changes to the request include decreases of \$2,000,000 from Research and Development, and \$6,460,000 from Science Support for DOI Bureaus. Carbon Sequestration is funded at \$9,000,000.

Within Land Use Change, an increase of \$11,500,000 is provided to complete funding for Landsat 8 ground operations development. The conferees have not agreed with the proposal to create a separate "Land Imaging" account and have instead maintained funding for all satellite operations within this subactivity. Estimated administrative savings assumed in the proposed new account have been assumed within the Land Use Change account instead.

The conferees have not agreed to transfer budgetary authority for the launch of Landsat satellites 9 and 10 from the National Aeronautics and Space Administration to the Survey. Of the requested \$48,000,000 increase for its implementation, the conferees have provided \$2,000,000 for program development only. The conferees note that future requests for the project are estimated by the Administration to escalate to over \$400,000,000 by fiscal year 2014. There is little doubt that resources will not be available within the Interior Appropriations bill to support these very large increases without decimating all other Survey programs. The conferees note that the launch of Landsat 9 is not scheduled until 2018. This allows time in the year ahead for all interested parties to re-examine how to proceed with future Landsat missions. In the conferees' view this would be a prudent step, inasmuch as the current budget proposal is based on a report from the Office of Science and Technology Policy issued in 2008, and both technological advances and a vastly different economic environment may point to other, less costly, options for obtaining Landsat data.

*Energy, Minerals, and Environmental Health.*—The bill provides \$96,368,000 for Energy, Minerals, and Environmental Health. The following amounts have been restored to ongoing programs that were proposed to be reduced in the request: \$250,000 for the Minerals External Research Program; \$5,000,000 for Minerals Resources; \$1,000,000 for Energy Resources; \$500,000 for Contaminants; and



\$2,500,000 for Toxic Substances Hydrology. An increase of \$1,000,000 is provided for the New Energy Frontier initiative.

**Natural Hazards.**—The bill provides \$134,696,000 for Natural Hazards. The conferees have not agreed to proposed reductions in the request and have restored funds to the following programs: \$2,000,000 for Earthquake Grants; \$1,800,000 for the 2012 Multi-Hazards Initiative; and \$1,500,000 for the National Volcano Early Warning System. Decreases from the request include \$800,000 from the 2011 Multi-Hazards Initiative, and \$3,000,000 from Coastal and Marine Spatial Planning.

**Water Resources.**—The bill provides \$214,996,000 for Water Resources. Funding has been restored for the following programs that were proposed to be reduced in the request: \$2,000,000 for Groundwater Resources; \$6,049,000 for the National Water Quality Assessment Program; \$1,963,000 for the Cooperative Water Program; and \$6,500,000 for the Water Resources Research Act Program. A program increase of \$2,846,000 above the request is provided for the National Streamflow Information Program. Decreases from the request include \$2,500,000 from the WaterSMART initiative within Hydrologic Networks and Analysis. The conferees encourage the Survey to include with its fiscal year 2013 budget request a proposal to establish a national groundwater monitoring network as authorized by the Secure Water Act.

**Core Science Systems.**—The bill provides \$106,849,000 for Core Science Systems. Increases to the request include \$998,000 for the National Geological and Geophysical Data Preservation Program to continue funding at the current year enacted level, and \$1,500,000 for National Cooperative Geologic Mapping Federal and State Partnerships to partially restore the proposed reduction to that program. Decreases from the request include \$500,000 from WaterSMART.

**Administration and Enterprise Information.**—The bill provides \$110,397,000 for Administration and Enterprise Information. There is a decrease from the request of \$5,920,000 for separation costs. This amount is significantly below what the Survey would need to implement its proposed reduction in force. If a similar plan is put forward in future budget requests, the conferees expect that sufficient funds will be requested for its implementation.

**Facilities.**—The bill provides \$100,582,000 for Facilities. The conferees do not agree with the administration's proposal to create a separate "Construction" line item within the budget and consequently have maintained those funds within the "Deferred Maintenance and Capital Improvement" subactivity. In the conferees' view, the Survey has the authorities it requires to manage its facilities and space requirements within the current structure.

#### BUREAU OF OCEAN ENERGY MANAGEMENT OCEAN ENERGY MANAGEMENT

The bill provides \$59,792,000 for Ocean Energy Management to be partially offset with the collection of offsetting rental receipts and cost recovery fees totaling \$101,082,000. This new account funds the activities of the Bureau of Ocean Energy Management, including leasing, environmental studies, economic analysis and the Renewable Energy Program. The conferees also provide the following directions:

**Renewable Energy.**—The bill provides \$22,697,000 for renewable energy leasing activities, including program development, environmental analysis, consultation with Federal, State, and local stakeholders, and de-

velopment of a multipurpose marine cadastre. The Director should work with the Secretary of Energy and States to exchange information about the development of new technology related to the structural material, environmental, and design safety criteria, as well as design and performance standards, of transitional depth and floating wind turbines. The Bureau is expected to continue working with coastal states and other stakeholders to study new wind energy areas, including in shallow, transitional, and deep (over 200 feet) waters.

**Conventional Energy.**—The bill provides \$47,283,000 for conventional oil and gas leasing activities, including planning of the Five-year Oil and Gas Leasing Program, surveying Outer Continental Shelf boundaries, implementing the lease sale process, administering leases, and reviewing exploration and development plans.

**Environmental Assessment.**—The bill provides \$62,041,000 for environmental assessment activities.

The Bureau is encouraged to continue its efforts in working with partners to collect information about methane hydrates on the sea floor and the relationships between gas hydrates and episodes of sediment instability that may pose a threat to the petroleum industry's infrastructure and safety of operations.

**Bill Language.**—The bill includes in Title IV a general provision that amends Sec. 328 of the Clean Air Act (42 U.S.C. 7627(a)(1)) to transfer air quality permitting authority, as of the date of enactment of this Act, from the Environmental Protection Agency to the Department of the Interior, giving regulatory parity for the Beaufort and Chukchi Sea planning areas with the Western and Central Gulf of Mexico planning areas. Paragraph (c) ensures that this change in the issuance and administration of air quality requirements will not invalidate or stay any permit, or proceeding related thereto, which is existing or pending as of the date of enactment of this Act.

#### BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

The bill provides \$61,473,000 for Offshore Safety and Environmental Enforcement to be partially offset with the collection of offsetting rental receipts, cost recovery fees and inspection fees totaling \$121,081,000. The conferees also provide the following directions:

Funding has been increased with the expectation that much-needed inspectors and engineers will be hired and that permits will be processed expeditiously. The highest priority for BSEE with the funding appropriated is ensuring safety and prompt consideration of permits. Appropriated dollars should not be used for expanding regulation of non-lease holders, with the exception of those involved in the *Deepwater Horizon* accident, unless approved through reprogramming pursuant to the guidelines in the front of this statement.

**Environmental Enforcement.**—The bill provides \$4,110,000 for environmental enforcement actions, as requested. Activities include environmental compliance activities related to issuing permits associated with plans, inspections of environmental measures and enforcement of incidences of non-compliance, and monitoring industry compliance with mitigation and other environmental requirements through office and field inspections. With the additional resources provided, applications for permits to drill should be processed with all due speed.

**Operations, Safety, and Regulation.**—The bill provides \$132,139,000 for operations, safety, and regulation.

**Inspection Fees.**—The bill includes in Title IV a general provision that provides for the collection of \$62,000,000 in inspection fees.

**Bill Language.**—The bill includes new language requiring that at least fifty percent of collected inspection fees are dedicated to mission related costs including the review of applications for permits to drill.

The report requested in House Report 112-151 on *Deepwater Horizon* recommendations is no longer required.

#### OIL SPILL RESEARCH

The bill provides \$14,923,000 for Oil Spill Research.

#### OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

##### REGULATION AND TECHNOLOGY

The bill provides \$122,950,000 for Regulation and Technology. Within this amount, the bill funds regulatory grants at \$68,700,000, equal to the fiscal year 2011 enacted level. The conferees find the proposal to reduce regulatory grants would undermine the State-based regulatory system. It is imperative that States continue to operate protective regulatory programs as delegation of authority to the States is the cornerstone of the surface mining regulatory program. Further, the conference agreement does not provide funds to expand and enhance Federal oversight activities of State programs.

On October 26, 2011 the Secretary of the Interior issued an order to consolidate the Office of Surface Mining (OSM) within the Bureau of Land Management (BLM). The conferees are deeply concerned about the lack of coordination and consultation prior to the issuance of this order. Subsequently, the Department of the Interior initiated discussions with employees, Members of Congress, and stakeholders. Significant issues have been identified with this proposed reorganization, including questions of the wisdom of attempting to combine statutorily created agencies that have responsibilities in law that cannot be combined with or transferred to another agency. The conferees are aware that on November 28, 2011, the Secretary suspended the effective date of his directive in order to gather further information on this potential restructuring. The conferees expect the Department to enhance its consultation and coordination with employees, Members of Congress and stakeholders on this matter and to consult with the appropriate committees of jurisdiction before any final decisions are made.

#### ABANDONED MINE RECLAMATION FUND

The bill provides \$27,443,000 for the Abandoned Mine Reclamation Fund.

#### BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION

##### OPERATION OF INDIAN PROGRAMS (INCLUDING TRANSFER OF FUNDS)

The bill provides \$2,371,532,000 for the Operation of Indian Programs. The detailed allocation of funding by program area and activity is included in the table at the end of the statement. Specific changes to the request and direction are the following:

**Tribal Government.**—The bill provides \$520,163,000 for Tribal Government. Contract Support Costs are funded at the fiscal year 2011 enacted level of \$219,560,000. Small and Needy Tribes are funded at \$1,950,000.

**Human Services.**—The bill provides \$136,579,000 for Human Services. Social Services are funded at \$34,379,000.

**Trust—Natural Resources Management.**—The bill provides \$157,496,000 for Trust—Natural Resources Management. Rights Protection Implementation is funded at \$29,022,000, and

the Tribal Management/Development Program is funded at \$7,717,000; increases to the fiscal year 2011 enacted level should be distributed proportionally across all program elements within these two subactivities. Forestry is funded at \$43,644,000. Water Resources is funded at \$10,150,000. Fish, Wildlife, and Parks is funded at \$11,340,000.

**Trust—Real Estate Services.**—The bill provides \$126,963,000 for Trust—Real Estate Services. Trust Services—General is funded at \$11,000,000. The increase above the request is for continued implementation of the Klamath Basin Restoration Agreement.

**Education.**—The bill provides \$796,753,000 for Education. Elementary and Secondary Programs (Forward Funded) are funded at \$523,083,000, of which \$391,333,000 is for ISEP Formula Funds; \$5,286,000 is for ISEP Program Adjustments; \$12,051,000 is for Education Program Enhancements; \$52,716,000 is for Student Transportation; \$15,370,000 is for Early Childhood Development; and \$46,327,000 is for Administrative Cost Grants. Post-Secondary Programs (Forward Funded) are funded at \$67,401,000. Post-Secondary Programs are funded at \$61,533,000, of which \$18,527,000 is for Haskell and SIPI—an increase of \$1,153,000 over the request that is to be divided proportionally between the two schools.

**Public Safety and Justice.**—The bill provides \$346,778,000 for Public Safety and Justice, an increase of \$12,688,000 above the fiscal year 2011 enacted level. Law Enforcement is funded at \$322,460,000, of which \$185,315,000 is for Criminal Investigations and Police Services; and \$81,941,000 is for Detention/Corrections. The requested increase for Conservation Law Enforcement is not agreed to.

**Indian Employment, Training and Related Services.**—The bill does not include section 430 of the House bill pertaining to Indian employment, training, and related services pursuant to Public Law 102-477. This provision was intended to block the Administration from continuing with new, unauthorized and retroactive policies which run counter to how “477” funds have been transferred to tribal governments and how funds have been audited since the program’s inception 19 years ago. The conferees have dropped this provision in order to give the Administration time to honor its recent commitments to suspend new policies while working with Tribes to find alternative solutions.

The conferees understand that recent Administration commitments to the Tribes and the Congress include but are not limited to the following: that it has engaged the Tribes in a new consultative process to address agency and tribal concerns; that it has halted any effort to alter the manner and conditions under which “477” funds have historically been transferred to Tribes; that it has indefinitely suspended its 2009 supplemental audit requirements for any “477” program audits, covering fiscal years 2009 through 2012, that were not completed on or before September 30, 2011; and that annual “477” program audits will continue to comply with the Single Audit Act of 1984.

The conferees expect the Administration to consult with Tribes on a government-to-government basis, and to only proceed with improvements that reflect general consensus among the impacted Tribes and agencies. The P.L. 102-477 Tribal Work Group shall be consulted on the precise content of all guidance documents and similar issuances prior to their finalization. The House and Senate Appropriations Committees will be closely monitoring the progress of the consultation process, and will expect regular updates from

the Administration. If issues concerning the transfer and audit of “477” funds are not permanently resolved administratively, the Committees intend to address this issue in the fiscal year 2013 process.

**Other Matters.**—The conferees are aware of a lack of local support for two recent off-reservation gaming projects in Yuba, California, and Madera, California, which received Secretarial Determinations on September 1, 2010. The evidentiary record provided by the Bureau of Indian Affairs indicates that only two of the 33 elected officials or bodies that were consulted on these projects expressed support for them. The conferees are also concerned that in one case, the Department appears to have largely ignored a popular vote which indicated a majority of the county was opposed to the construction of a casino on the site which was approved by the Department. Therefore, the conferees direct the Secretary to review these applications to verify the claim of “strong local support” and report those findings to the Committees within 60 days of enactment of this Act.

#### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

The bill provides \$123,828,000 for Construction. The detailed allocation of funding by program area and activity is included in the table at the end of the statement. Specific changes to the request are the following:

**Education.**—The bill provides \$70,940,000 for Education. Replacement Schools are funded at \$17,836,000, which funds the next school on the 2004 priority list. Facilities Improvement and Repair is funded at \$48,669,000.

#### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The bill provides \$32,855,000 for Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians, as requested. The detailed allocation of funding by subactivity and program element is included in the table at the end of the statement.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The bill provides \$7,114,000 for the Indian Guaranteed Loan Program Account, an increase of \$4,000,000 above the request. The conferees are aware that there is strong interest among tribally owned construction contractors to have the Bureau of Indian Affairs offer supplemental surety bond guarantees in an effort to increase economic opportunity in Indian country, particularly in the construction trades. In an effort to begin to respond to this interest, the conferees request that the Bureau present a plan within 90 days of enactment of this Act detailing the need for such supplemental surety bond guarantees, how the Bureau would implement such a program, whether or not the Bureau currently has the personnel to implement such authorities, and an analysis of how much additional activity would be generated through the offering of supplemental surety bond guarantees.

#### DEPARTMENTAL OFFICES

##### OFFICE OF THE SECRETARY

##### DEPARTMENTAL OPERATIONS

The bill provides \$262,317,000 for Departmental Offices, Office of the Secretary, Departmental operations.

The bill includes the proposed restructuring of Departmental Offices, reflecting the incorporation of the Office of Natural Resources Revenue (ONRR) and alignment of the budget with the Department’s organization. The increase over the fiscal year 2011

enacted level reflects the move of the ONRR from the former Minerals Management Service. The conferees direct the Department to continue providing the Committees with the level of budget detail that has historically been provided (at the office level). Further, the Department is directed to provide to the Committees within 120 days of enactment of this Act a report on the organization, funding, staffing, and status of reforms with the ONRR.

The conferees direct the Department to work collaboratively with interested parties, including the Congress, States, local communities, Tribal governments and others in making national monument designations.

#### INSULAR AFFAIRS

##### ASSISTANCE TO TERRITORIES

The bill provides \$87,997,000 for Assistance to Territories. Within that amount, the bill provides the requested increase for staffing, which shall be used by the Department to fill positions at current Office of Insular Affairs locations rather than at a new location as proposed in the request. At least one of the positions shall be dedicated to working on Compact impact issues as detailed below. Within the resources provided, the conferees urge the Secretary to fill the current staffing vacancy in the Federated States of Micronesia.

The bill includes \$3,000,000 for insular community infrastructure improvements including \$791,000 for water infrastructure projects and \$2,209,000 for the Empowering Insular Communities initiative. That amount includes the proposed funding levels for Guam infrastructure and \$1,089,000 for sustainable energy strategies projects that will reduce the islands’ over-dependence on imported oil and high electricity prices. Projects shall be chosen based on plans specific to each jurisdiction and which are developed and approved in conjunction with the Department of Energy and island stakeholders, with priority given to energy efficiency projects that result in immediate energy savings. The Department is directed to report annually to Congress on the status of activities funded under this program, including data on oil savings and utility rates.

The bill also provides \$5,000,000 to fund discretionary grants to jurisdictions that are affected by Compact migration, as authorized by section 104(e) of Public Law 108-188. The Department shall allocate these grants in conjunction with other currently authorized mandatory grants to help offset educational costs incurred by these jurisdictions. The Department is directed to follow the guidance detailed in Senate Report 112-74 related to the Compact of Free Association agreements with the governments of the Federated States of Micronesia [FSM], the Republic of the Marshall Islands [RMI], and the Republic of Palau. The Department shall also meet regularly with officials from the Freely Associated States, other Federal agencies and affected jurisdictions, and develop and implement a comprehensive plan to mitigate the costs of Compact migration within 90 days of enactment of this Act. This plan shall establish specific goals and action items that include: (1) expanding the education of migrants and potential migrants in order to reinforce that the primary purpose of the Compact migration benefit is to provide educational and employment opportunities to FAS citizens, not for migrants to develop an over-reliance on public services; (2) improving FAS capacity to provide dialysis and other medical services to prevent citizens from needing to seek treatment abroad; and (3) improving screening procedures to

identify and restrict migration of individuals who have communicable diseases or who have been convicted of serious crimes. The Department is directed to monitor the progress of meeting these goals and action items and report to Congress every 6 months. The Department is also directed to ensure that the new position dedicated to Compact impact issues will work closely with officials of Compact nations, other Federal areas and affected areas to implement Compact impact priorities identified in the plan detailed above.

The conferees urge the Department to continue funding for the Commonwealth of the Northern Marianas Islands Initiative on Labor, Immigration and Law Enforcement at no less than the enacted level.

#### COMPACT OF FREE ASSOCIATION

The bill provides \$17,318,000 which includes \$3,318,000 for obligations related to the Compact of Free Association. The conferees have also included language in the Title I general provisions section to extend the eligibility for the Republic of Palau to receive Federal aid while a new Compact of Free Association is enacted by Congress. The amount provided is equal to the fiscal year 2011 appropriation.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

The bill does not include the requested language that would provide the Secretary with new authority to redistribute capital improvement funds in fiscal year 2012. The conferees are similarly focused on the slow spending rates in the territories and urge all territories to increase expenditure of previously awarded funds. The conferees intend to revisit the issue in fiscal year 2013 if expenditure rates have not substantially increased.

#### OFFICE OF THE SOLICITOR

##### SALARIES AND EXPENSES

The bill provides \$66,296,000 for the Office of the Solicitor, including the requested increase for the Department's ethics office.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

The bill provides \$49,471,000 for the Office of Inspector General. The detailed allocation of funding by program and activity is included in the table at the end of the statement.

#### OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

##### FEDERAL TRUST PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

The bill provides \$152,319,000 for the Office of the Special Trustee for American Indians, as requested.

*Bill Language.*—The bill includes language, as in previous years, limiting the amount of funding that can be used for historical accounting.

#### DEPARTMENT-WIDE PROGRAMS

##### WILDLAND FIRE MANAGEMENT

##### (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

The bill provides \$566,495,000 for Department of the Interior Wildland Fire Management. The Department is directed to use \$189,577,000 in carryover emergency fire suppression funds before obligating fiscal year 2012 suppression funds. The bill includes a rescission of \$82,000,000 in suppression carryover funds. The amount provided, combined with \$92,000,000 in the FLAME Wildfire Suppression Reserve Fund, fully funds the Department's 10-year average expenditure for fire suppression. The bill also terminates the

Rural Fire Assistance program. The detailed allocation of funding for these accounts is included in the table at the end of this statement. The conferees also provide the following directions:

The Department is directed to complete an assessment of all Department Wildland Fire programs to determine the most cost effective and efficient means of providing comprehensive fire management services in support of Department and bureau missions and to better direct scarce resources from duplicative administrative management organizations. As provided in the House Report, the Department is directed to report to the Committees on Appropriations no later than 180 days after enactment of this Act.

The Department is directed to remove the requirement that ninety percent of hazardous fuels funding be spent in the Wildland Urban Interface and instead the conferees direct hazardous fuels funding be spent on the highest priority projects in the highest priority areas. The Department must also work more closely with the Forest Service in developing a strategy for the replacement of the current air tanker fleet.

To reduce the cost of fighting fires in Alaska caused by transporting crews from the continental United States, the Office of Wildland Fire Coordination and the Bureau of Land Management are strongly encouraged to develop a program to train crews in Alaska, particularly the existing native crews that might not now be qualified as type I or type II wildland firefighting crews.

#### FLAME WILDFIRE SUPPRESSION RESERVE FUND

##### (INCLUDING TRANSFER OF FUNDS)

The bill provides \$92,000,000 for the FLAME Wildfire Suppression Reserve Fund.

#### CENTRAL HAZARDOUS MATERIALS FUND

The bill provides \$10,149,000 for the Central Hazardous Materials Fund.

#### NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

##### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The bill provides \$6,263,000 for the Natural Resource Damage Assessment Fund. The detailed allocation of funding by activity is included in the table at the end of this statement. The conferees are aware that the program is conducting an internal review of the status of restoration funds and options for enhanced implementation of restoration projects. The conferees direct the program to report back to the Committees upon completion of this review.

#### WORKING CAPITAL FUND

The bill provides \$62,019,000 for the Department of the Interior, Working Capital Fund. The conferees have included \$52,019,000 for the Financial and Business Management System (FBMS). The bill also provides \$5,000,000 as requested to support the Department's ongoing IT transformation. Further, the bill provides \$2,500,000 for the Department's effort to identify operating efficiencies and achieve savings across bureaus through consolidation of services, facilities, and infrastructure. Lastly, the bill provides \$2,500,000 for training, recruitment, retention, and hiring of the acquisition workforce.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

##### (INCLUDING TRANSFERS OF FUNDS)

The conferees have included various legislative provisions affecting the Department in Title I of the bill, "General Provisions, Department of the Interior". Several of

these provisions have been carried in previous years and others are newly proposed this year. The provisions are:

Section 101 provides Secretarial authority for the intra-bureau transfer of program funds for expenditures in cases of emergencies when all other emergency funds are exhausted.

Section 102 provides for the Department-wide expenditure or transfer of funds by the Secretary in the event of actual or potential emergencies including forest fires, range fires, earthquakes, floods, volcanic eruptions, storms, oil spills, grasshopper and Mormon cricket outbreaks, and surface mine reclamation emergencies.

Section 103 provides for the use of appropriated funds by the Secretary for contracts, rental cars and aircraft, telephone expenses, and other certain services.

Section 104 provides for the transfer of funds from the Bureau of Indian Affairs or the Office of Special Trustee for American Indians.

Section 105 permits the redistribution of tribal priority allocation and tribal base funds to alleviate funding inequities.

Section 106 permits the Secretary to pay private attorney fees for employees and former employees in connection with *Cobell v. Salazar*.

Section 107 provides authority to the National Park Service to implement modifications to restoration efforts of the Everglades ecosystem.

Section 108 authorizes the acquisition of lands for the purpose of operating and maintaining facilities that support visitors to Ellis, Governors, and Liberty Islands.

Section 109 establishes Outer Continental Shelf inspection fees to be collected by the Secretary of the Interior.

Section 110 authorizes the Bureau of Land Management to establish an oil and gas Internet leasing program.

Section 111 extends the authority of the Department to hire Indian probate judges.

Section 112 authorizes the Secretary of the Interior to implement the reorganization of the Bureau of Ocean Energy Management, Regulation and Enforcement in conformance with Committee reprogramming guidelines.

Section 113 allows the Bureau of Indian Education to utilize funds recovered from grants or ISDA contracts to Tribes upon re-assumption of school operations by the Bureau.

Section 114 provides the Secretary of the Interior with authority to enter into multi-year cooperative agreements with non-profit organizations for long-term care of wild horses and burros.

Section 115 provides the Secretary of the Interior statutory authority to enter into rental or lease agreements that benefit Bureau of Indian Education operated schools.

Section 116 extends for one year existing authority of the Department of the Interior to efficiently manage construction and land acquisition projects.

Section 117 addresses the U.S. Fish and Wildlife Service's responsibilities for mass marking of salmonid stocks.

Section 118 directs the Secretary of the Interior to make certain certifications with respect to existing rights of way. The section also retains a provision limiting funding for a proposal to approve specified rights-of-way on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management.

Section 119 address a matter of jurisdiction between the National Park Service and the Coast Guard relating to boater safety checks

on the Yukon River within the Yukon-Charley National Preserve.

Section 120 extends authorization for certain payments to the Republic of Palau for fiscal year 2012.

Section 121 provides the Secretary of the Interior certain hiring authorities.

Section 122 addresses BLM actions regarding grazing on public lands.

Section 123 provides for the trailing of livestock across public lands through fiscal year 2013.

Section 124 allows the Department of the Interior to lease certain lands within Fort Pulaski National Monument.

Section 125 continues a provision prohibiting funds to implement, administer, or enforce Secretarial Order 3310 issued by the Secretary of the Interior on December 22, 2010.

## TITLE II

### ENVIRONMENTAL PROTECTION AGENCY

**Budget Restructuring.**—The conferees note that the Agency has proposed major changes to its budget structure in order to better align program goals and outcomes. The conferees have accepted the proposed budget restructuring, as reflected in the program levels below.

**Congressional Budget Justification.**—In addition to the three directives provided in the fiscal year 2010 House report 111–80, the conferees direct the Agency to include in future Justifications: a comprehensive, detailed explanation of all changes within a program project; a table showing consolidations, realignments or other transfers of resources and personnel from one program project to another such that the outgoing and receiving program projects offset and clearly illustrate a transfer of resources; and, a table listing the budgets and FTE by major office within each National Program Management area with pay/non-pay breakouts. The conferees note that the Congressional Justification includes the bill language for each account. The conferees direct the Agency to highlight and explain any changes to the proposed bill language in the Congressional Justification.

**Reprogramming.**—The Agency is held to the reprogramming limitation of \$1,000,000 and should continue to follow the reprogramming directives as provided in the fiscal year 2010 House report 111–80. Further, the Agency may not use any amount of deobligated funds to initiate a new program, office, or initiative, without the prior approval of the Committees. The conferees note that the Agency's reprogramming procedures allow the Agency to seek funding to implement its highest-priority items if it identifies offsetting funding reductions during the fiscal year, provided those offsets are not taken from program increases that have specifically been provided herein.

Within 30 days of enactment of this Act, the Agency is directed to submit to the House and Senate Committees on Appropriations its annual operating plan for FY 2012, which shall include detail on how the Agency plans to allocate funds at the program project level.

### SCIENCE AND TECHNOLOGY

The bill provides \$795,000,000 for Science and Technology programs and transfers \$23,016,000 from the Hazardous Substance Superfund account to this account. The bill provides the following specific funding levels and direction:

**Clean Air and Climate.**—The bill provides \$124,576,000 which includes a \$1,000,000 increase for the fuel standards program.

**Operations and Administration.**—The bill provides \$72,137,000 for Operations and Administration.

**Research: Air, Climate, and Energy.**—The bill provides \$99,000,000. Within the amount provided, the bill includes \$78,649,000 for Research: Clear Air, \$18,305,000 for Research: Global Change and, \$2,047,000 for Research: Air, Climate, and Energy (Other). The bill does not provide the requested \$3,000,000 increase for air toxics monitors.

**Research: Chemical Safety and Sustainability.**—The bill provides \$131,498,000 for Research: Chemical Safety and Sustainability. No new funds have been provided for the requested green chemistry or e-waste initiatives.

**Research: National Priorities.**—The bill provides \$5,000,000 which shall be used for extramural research grants to fund high-priority water quality and availability research by not-for-profit organizations who often partner with the Agency. Funds shall be awarded competitively with priority given to partners proposing research of national scope and who provide a 10 percent match, which may include in-kind contributions. The Agency is directed to allocate funds to grantees within 180 days of enactment of this Act.

**Research: Safe and Sustainable Water Resources.**—The bill provides \$113,654,000. Within the amount provided, the hydraulic fracturing study is funded at the requested amount, and \$8,500,000 is provided for green infrastructure research.

**Research: Sustainable and Healthy Communities.**—The bill provides \$171,026,000, as requested. The conferees note that \$2,000,000 has been provided within this amount as requested to fund a long-term evaluation of the Agency's laboratory network to ensure that the current organization matches the Agency's strategic needs. The conferees continue to support the Agency's space strategy efforts, including those options that could lead to further efficiencies and potential reductions to the Agency's real property footprint. The conferees encourage the Office of Research and Development (ORD) to institute efficiency improvements that will result in long term savings using the amounts provided.

**Additional Guidance.**—The conferees include the following additional guidance with respect to funding provided under this account:

**Biocrude Research.**—The conferees encourage the Agency to work with its university partners to research the potential for producing biocrude from wastewater treatment plants that allow the production of renewable fuels through traditional petroleum refining techniques.

**Integrated Risk Information System (IRIS).**—In lieu of the directives contained in H. Rept. 112–151 regarding the Integrated Risk Information System, the conferees agree to the following:

(1) Fundamental improvements to the policies and practices of this program are necessary to ensure that IRIS assessments reflect the highest standard of scientific inquiry.

(2) The Agency shall incorporate, as appropriate, based on chemical-specific datasets and biological effects, the recommendations of Chapter 7 of the National Research Council's Review of the Environmental Protection Agency's Draft IRIS Assessment of Formaldehyde into the IRIS process.

(3) The Agency shall issue a progress report to House and Senate Committees on Appropriations and relevant Congressional authorizing committees no later than March 1, 2012, describing its implementation of the National Research Council's Chapter 7 rec-

ommendations for ongoing and new assessments.

(4) For draft assessments released in fiscal year 2012, the Agency shall include documentation describing how the Chapter 7 recommendations of the National Academy of Sciences (NAS) have been implemented or addressed, including an explanation for why certain recommendations were not incorporated.

(5) The Agency shall contract with NAS to conduct up to three reviews of IRIS assessments that EPA seeks to make final. Reviews shall include an evaluation of whether the recommendations it made in previous reviews, including in Chapter 7 of the National Research Council's Review of the Environmental Protection Agency's Draft IRIS Assessment of Formaldehyde, have been implemented. Reviews are not intended to unduly delay the Agency's risk assessment process. The conferees further direct NAS to complete any reviews authorized by this paragraph by no later than 18 months after the date that EPA and the NAS have agreed to the terms of the review. One of these NAS reviews shall be a study of the cancer and non-cancer hazards from oral exposure to inorganic arsenic. The NAS review of inorganic arsenic shall incorporate the direction provided in House Report 112–151 regarding parameters of the study. Additional reviews will be chosen by NAS from a representational sample of IRIS assessments and NAS will notify Congress directly of these choices.

(6) Further, the conferees strongly believe any current and future IRIS assessments must not only be grounded in sound, objective, and peer-reviewed science and methodologies but should also provide risk managers with realistic values that will result in enhanced protection of human health.

### ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The bill provides \$2,682,514,000 for Environmental Programs and Management and includes following specific funding levels and direction:

**Brownfields.**—The bill provides \$23,680,000 and funds the Smart Growth program as requested.

**Clean Air and Climate.**—The bill provides \$286,568,000. Within this amount the bill provides \$99,642,000 for the Climate Protection Program.

The conferees believe EPA may not rely on broad user fee authority as the basis for charging Energy Star fees and therefore lacks such authority. If EPA wishes to collect user fees to offset the costs of the program, such fees should be tied to increased performance or service-related goals, and the Administration should send a legislative proposal to the committees of jurisdiction for consideration in the same manner as they have requested for the electronic manifest system and pesticide user fees.

The conferees note that the SmartWay transportation program has successfully established a partnership among government, businesses, and consumers to reduce fuel consumption and improve air quality and supports a robust funding level.

The bill provides \$27,343,000 for Federal Stationary Source Regulations. From within this amount, EPA is directed to spend \$5,412,000 on New Source Performance Standards. The conferees note that the Administration delayed the issuance of new Ozone NAAQS as urged by House Report 112–151.

The bill provides \$123,666,000 for Federal Support for Air Quality Management. EPA is directed to spend \$3,408,000 of this amount on

greenhouse gas permitting of stationary sources. No new funds have been provided for requested compliance monitoring activities.

Lastly, the bill provides \$5,578,000 for Stratospheric Ozone. The conferees direct that \$1,000,000 shall be for the Sunwise program. Other than provided herein, the agreement does not include further directives regarding allocation of funds for Clean Air and Climate programs, but instead directs the Agency to submit an allocation of funds at the program project level as part of the operating plan.

**Enforcement.**—The bill provides \$249,965,000 for enforcement activities, with funding for environmental justice maintained at the fiscal year 2011 enacted level. The agreement does not include further directives regarding allocation of funds but instead directs the Agency to submit an allocation of funds at the program project level as part of the operating plan.

**Environmental Protection: National Priorities.**—The bill provides \$15,000,000 for a competitive grant program to provide rural and urban communities with technical assistance to improve water quality and provide safe drinking water. EPA shall award grants on a competitive basis and give priority to not-for-profit organizations that: conduct activities that are national in scope; can provide a 10 percent match, including in-kind contributions; and are supported by a majority of small community water systems, currently provide multi-state regional technical assistance, or currently provide assistance to private well owners. The Agency is directed to allocate funds to grantees within 180 days of enactment of this Act.

**Geographic Programs.**—The bill provides \$410,375,000, as distributed in the table at the end of this division. No funds have been provided for the proposed Mississippi River program or to continue the Community Action for a Renewed Environment program. The bill includes the following direction:

**Great Lakes Restoration Initiative.**—The bill provides \$300,000,000 and EPA shall follow the direction provided in House Report 112-151 for fiscal year 2012. EPA may distribute the funds provided among the five focus areas but shall not spend less than the fiscal year 2011 enacted level for Toxic Substances and Areas of Concern and for the Invasive Species focus areas. The conferees direct the agency to provide a revised spending plan for the Great Lakes program that includes funding levels for the five focus areas at the same time the Agency submits its operating plan. Once submitted, changes to the funding amounts for the focus areas are subject to a reprogramming threshold of \$5,000,000, and the Agency is further directed to report quarterly to the Committees on Appropriations on changes below the threshold.

**Chesapeake Bay.**—The conference agreement includes \$57,391,000 for the Chesapeake Bay program. Within the amount provided, \$8,000,000 is for nutrient and sediment removal grants and \$2,000,000 is for small watershed grants. The conferees do not provide additional directives regarding the allocation of funds for this program but instead direct the Agency to report a proposed allocation of the remaining funds as part of its operating plan. EPA is further directed to support the local government study through the small watershed grant program as discussed in House Report 112-151.

**Puget Sound.**—The bill provides \$30,000,000 to manage and implement Washington State's Puget Sound Action agenda, an approved Comprehensive Conservation and Management Plan (CCMP) under Section 320

of the Clean Water Act. The conferees direct that funding to restore Puget Sound be allocated consistent with the near-term priorities established in the CCMP and the existing Lead Organization and Tribal capacity agreements funded in prior years. EPA is directed to expeditiously obligate funds, in a manner consistent with the authority and responsibilities under Section 320 and the National Estuary Program. Not more than 4 percent shall be used for EPA intramural costs to manage the cooperative and inter-agency agreements to restore and protect Puget Sound.

**Information Exchange.**—The bill provides \$130,896,000 for the Information Exchange program. From within this amount, \$3,285,000 has been provided for the Administrator's Immediate Office. Funding for Children and Other Sensitive Populations and for Environmental Education programs shall be maintained at the enacted level. The agreement does not include further directives regarding allocation of funds or FTE but instead directs the Agency to submit an allocation of funds at the program project level as part of the operating plan.

**International Programs.**—The bill provides \$17,632,000 for international programs. The agreement does not include further directives regarding allocation of funds but instead directs the Agency to submit an allocation of funds at the program project level as part of the operating plan.

**Legal/Science/Regulatory/Economic Review.**—The bill provides \$110,946,000 and maintains the enacted level for the SmartGrowth program. The bill provides no more than \$15,286,000 for Regulatory/Economic Management and Analysis. The agreement does not include further directives regarding allocation of funds but instead directs the Agency to submit an allocation of funds at the program project level as part of the operating plan.

**Operations and Administration.**—The bill provides \$487,880,000, including requested funding for rent, security and utilities. The agreement does not include further directives regarding allocation of funds but instead directs the Agency to submit an allocation of funds at the program project level as part of the operating plan.

**Resource Conservation and Recovery Act.**—The bill provides \$112,643,000 for the RCRA program. The bill does not provide the \$2,000,000 request to develop the e-manifest system despite the conferees strong support for the establishment of this system because EPA lacks the legal authority to collect user fees to offset system costs as expressed in the House report.

**Water: Ecosystems.**—The bill provides \$48,257,000 for Water: Ecosystems. Within this amount the bill provides the requested amount for the National Estuary Program and Section 320 grants. The bill provides \$21,199,000 for the Wetlands program and eliminates previously reprogrammed funds for work on the Enhanced Coordination Procedures with the Army Corps of Engineers, and the Office of Surface Mining. The conferees have not included bill language addressing the enhanced coordination procedures given the U.S. District Court's recent ruling that set aside the procedures.

**Water: Human Health Protection.**—The bill provides \$101,256,000 and directs the reduction below the fiscal year 2011 enacted level to the drinking water regulatory program. The agreement does not include further directives regarding allocation of funds but instead directs the Agency to submit an allocation of funds at the program project level as part of the operating plan.

**Water Quality Protection.**—The bill provides \$217,101,000, of which up to \$4,738,000 is for the urban waters program. The agreement does not include further directives regarding allocation of funds but instead directs the Agency to submit an allocation of funds at the program project level as part of the operating plan.

**Additional Guidance.**—The conferees include the following additional guidance with respect to funding provided under this account:

**Administrator Priorities.**—Funding for Administrator priorities shall not exceed the fiscal year 2011 enacted level. The conferees direct the Agency to submit a report within 90 days of enactment that identifies how the fiscal year 2010 and 2011 funding was used, by account, program area and program project and include a description of the activities and any anticipated results. Future congressional justifications should identify funding in each program project that has been set aside for Administrator priorities, and include a justification for the effort and any anticipated results.

**Arsenic Reporting.**—Not later than 180 days after the date of enactment of this Act, the Agency is directed to: (1) promptly submit to Congress an overdue report—requested as part of the Consolidated Appropriations Act, 2005 (P.L. 108-447)—on the extent to which communities are being affected by the arsenic rule, and proposing compliance alternatives and making recommendations to minimize costs; (2) convene a working group composed of representatives from States, small publicly owned water systems, local public health officials, drinking water consumers and treatment manufacturers to provide input and recommendations on barriers to the use of point-of-use and point-of-entry treatment units, package plants, (including water bottled by the public water system), and modular units, as well as alternative affordability criteria that give extra weight to small, rural, and lower income communities, and (3) based upon input from the working group submit to the Committees a report on actions to make alternative compliance methods (such as point of use, point of entry and package plants) more accessible to water systems and a report on alternative affordability criteria.

**Boiler MACT.**—The conferees are encouraged by the outcome of EPA's reconsideration of the Boiler MACT rule and offer no directives regarding Boiler MACT standards. The proposed rule addresses substantive concerns by including additional flexibility with respect to compliance costs, and a biomass exemption.

**Eastern Long Island Sound Supplemental Environmental Impact Study.**—The conferees are concerned by the lack of progress at the Agency in completing a Supplemental Environmental Impact Statement for eastern Long Island Sound, which has been slated since 2002 and is necessary to ensure that significant military installations do not lose access to dredged disposal sites. The conferees direct the Agency to submit a report no later than 90 days after enactment of this Act outlining its plan to carry out the Supplemental Environmental Impact Statement for the eastern Long Island Sound, including the possible use of existing appropriated funds to begin the study. The conferees also urge the Agency to work collaboratively with appropriate stakeholders, including the Army Corps of Engineers and State partners, to expeditiously determine a dredging solution for eastern Long Island Sound.

**Economic Analysis of Reciprocating Engine Rule.**—The conferees are aware that EPA has

initiated a reconsideration process which the conferees expect will address the concerns expressed in House Report 112-151. Amendments to the reciprocating engine rule are expected in early 2012. The conferees fully expect that EPA will include an analysis of the economic impacts of the rule on small government jurisdictions per the direction in the House report. Therefore the bill does not provide a directive to initiate a separate analysis of the economic impacts of the rule on small government jurisdictions within 60 days of enactment of this Act.

**Personnel and Full Time Equivalents.**—While the statement does not cap FTE levels for EPA, the conferees do not expect EPA's actual utilization levels will exceed the 2010 utilization levels given that EPA's 2012 budget has been reduced. The conferees remain concerned about the growing disparity between regional and headquarters personnel as well as how EPA develops its personnel requests in its annual budget proposal.

**Recycling Programs.**—The conferees direct that the Agency submit the report requested in House Report 112-151 within 90 days of enactment of this Act.

**Refrigerant Gas Containers.**—Within 90 days of enactment of this Act, the conferees direct the agency to initiate a study on the environmental impacts of using disposable containers to transport and store refrigerant gasses, compared to refillable containers, and to submit the study to the House and Senate Committees on Appropriations upon completion.

**Regional Haze.**—States have raised legitimate concerns about the costs and compliance deadlines within EPA federal implementation plans to address regional haze issues. The Clean Air Act offers substantial flexibility with regard to how States may choose to mitigate regional haze impacts. The conferees are aware that EPA released a court-ordered schedule for finalizing Regional haze rules in November 2011. Therefore, the agreement does not include the specific directives contained in House Report 112-151 but instead directs EPA to work with the States as partners in order to resolve compliance and cost differences while adhering to the schedule.

**Southern New England Estuaries.**—The conferees recommend that the Agency convene and lead a comprehensive regional policy coordination and outreach effort to protect, enhance, and restore the coastal watersheds of southern New England. No entity or consortium exists to meet these challenges, and there is an urgent and immediate need for such an effort. For example, in Rhode Island's Narragansett Bay, there are documented extensive areas of pollution severely degrading fish and wildlife habitat and water quality; problems that are compounded by the effects of warmer water temperatures and milder winters. The conferees recommend that EPA establish goals for the regional effort, emphasizing water quality and habitat restoration as well as the development and implementation of innovative technologies to meet these challenges and create jobs. The effort should provide for streamlined interagency communication, and involve an inclusive stakeholder process. Specifically, EPA should collaborate with State agencies as well as other Federal partners such as the National Oceanic and Atmospheric Administration, the U.S. Fish and Wildlife Service, U.S. Geological Survey, Natural Resources Conservation Service, and the Small Business Administration. The Agency should also include stakeholders from local governments and agencies, non-

governmental organizations, and academic institutions. The conferees also recommend that the Agency, through this regional effort, facilitate the development of strategies to restore and protect the southern New England Estuaries.

#### OFFICE OF INSPECTOR GENERAL

The bill provides \$42,000,000 for the Office of Inspector General. The conferees appreciate the value of a robust Inspector General and expect the same level of effort as in fiscal year 2011 within the funding provided. The funding level reflects the high unobligated balances that remain in this account and the Inspector General should utilize previously appropriated funds first in fiscal year 2012.

#### BUILDINGS AND FACILITIES

The bill provides \$36,428,000 for Buildings and Facilities, equal to the fiscal year 2011 enacted level.

#### HAZARDOUS SUBSTANCE SUPERFUND

##### (INCLUDING TRANSFERS OF FUNDS)

The bill provides \$1,215,753,000 for the Hazardous Substance Superfund account, and includes bill language to transfer \$9,955,000 to the Inspector General account and \$23,016,000 to the Science and Technology account. Due to budget constraints, the conferees have reluctantly proposed general program reductions to the Superfund emergency response and removal and remedial programs, as detailed below.

The bill provides the following additional direction:

**Enforcement.**—The bill provides \$187,033,000 for Superfund Enforcement.

**Operations and Administration.**—The bill provides \$135,969,000 for Superfund Operations and Administration. The agreement does not include further directives regarding allocation of funds but instead directs the Agency to submit an allocation of funds at the program project level as part of the operating plan.

**Superfund Cleanup.**—The bill provides \$789,180,000 for Superfund Cleanup, of which \$189,895,000 is for Superfund: Emergency Response and Removal and \$565,922,000 is for Superfund: Remedial. The conferees expect that future budget requests will propose a higher percentage of cleanup funding as part of the total request in addition to proposing funding sufficient to meet program goals, such as increasing the number of annual "construction completes" and more importantly "sites made ready for reuse". The conferees direct the Inspector General to report to the Committees on Appropriations within 90 days of enactment of this Act on current agency efforts to strengthen Superfund contracting controls to prevent future waste, fraud and abuse.

**Financial Assurance.**—In lieu of the directives contained in H. Rept. 112-151 regarding financial assurance requirements, the conferees direct the Administrator to collect and analyze information from the commercial insurance and financial industries regarding the use and availability of necessary instruments (including surety bonds, letters of credit, and insurance) for meeting any new financial responsibility requirements and to make that analysis available to the House and Senate Committees on Appropriations and to the general public on the Agency website 90 days prior to proposing any rule pursuant to section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608(b)).

**Special Accounts.**—The conferees direct EPA to follow the language in House Report

112-151 with respect to managing the unobligated balances in the Superfund special accounts.

#### LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

The bill provides \$104,309,000 for the Leaking Underground Storage Tank Trust Fund Program.

#### INLAND OIL SPILL PROGRAMS

The bill provides \$18,274,000 for Inland Oil Spill Programs.

#### STATE AND TRIBAL ASSISTANCE GRANTS

The bill provides \$3,618,727,000 for the State and Tribal Assistance Grants (STAG) program and includes the following specific funding levels and direction:

**Infrastructure Assistance.**—The bill provides \$2,528,169,000 for infrastructure assistance, including \$1,468,806,000 for the Clean Water State Revolving Fund and \$919,363,000 for the Drinking Water State Revolving Fund. The amount provided for the Clean Water State Revolving Fund program will fund approximately 473 new wastewater projects nationwide and more than 81,000 jobs when combined with state matching funds and leverage capabilities, according to Agency estimates. Amounts provided for the Drinking Water State Revolving Funds program will fund approximately 353 new drinking water projects nationwide and more than 50,000 jobs when combined with state matching and leveraged funds.

The conferees do not direct EPA to submit a report on water rates requested in the House report. However, the conferees direct the Agency to report on how EPA and the States have used the additional subsidization authority including information on the number and amounts of loans awarded with additional subsidization, recipient communities, and descriptions of projects funded.

**Alaska Native Villages.**—The bill provides \$10,000,000 as requested.

**Brownfields.**—The bill provides \$95,000,000 for the Brownfields program.

**Diesel Emissions Reduction Act (DERA) Grants.**—The bill provides \$30,000,000 as the conferees do not agree with the proposal to terminate the DERA grants.

**Mexico Border.**—The bill provides \$5,000,000 for the Mexico border program.

**Categorical Grants.**—The bill provides \$1,090,558,000 for Categorical Grants and funding levels are specified in the table at the end of this division. This amount includes \$164,757,000 for nonpoint source grants as requested. The amount also includes \$236,107,000 for the State and Local Air Quality Management grant program, and the conferees direct EPA to allocate funds for this program using the same formula as fiscal year 2011.

**Bill Language.**—The bill includes modified language specifying amounts made available under the state revolving fund programs for additional subsidization, and amounts made available for the green infrastructure reserve in the Clean Water State Revolving Fund program. The bill does not provide the requested mandatory set-aside for green infrastructure projects within the Drinking Water State Revolving Fund program but does include language allowing States to continue to fund these types of projects at their discretion.

#### ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

The bill rescinds \$50,000,000 from specific unobligated balances. Modified bill language



has been included to provide specific wage rate requirements for the Clean Water and Drinking Water State Revolving funds.

**Oil Spill Transfer Authority.**—The bill includes modified transfer authority language that allows the Agency to meet its obligations to pay contractors responding to inland oil spills. The conferees have included this language for fiscal year 2012 only. The conferees strongly urge EPA, in conjunction with the Office of Management and Budget, to propose a more appropriate legislative fix if the Administration is unable to process routine transfers from the Oil Spill Trust Fund in a timely fashion. The conferees support the approach discussed in the House report to be a more permanent solution.

#### TITLE III—RELATED AGENCIES

##### DEPARTMENT OF AGRICULTURE

##### FOREST SERVICE

##### FOREST AND RANGELAND RESEARCH

The bill provides \$295,773,000 for Forest and Rangeland Research. The conferees also provide the following directions:

The agreement does not specify allocations for individual research facilities. The conferees encourage the Forest Products Laboratory, as part of the Department of Agriculture's effort to promote and use wood products as a green building material, to invest in wood products life cycle assessment research to improve our understanding of the environmental and economic implications of using wood in building construction.

The Forest Service is commended for its localized needs research and is directed to expand this research in support of project development on national forests. The Forest Service should prioritize research related to White Nose Syndrome as well as inventory and monitoring of bat resources on Forest Service lands. The Service is expected to continue ongoing urban natural resources stewardship research and should produce a joint report with the Department of Energy on the role that this work can play in helping reduce the urban heat island effect, as well as reduce the energy demand to cool buildings.

##### STATE AND PRIVATE FORESTRY

The bill provides \$253,331,000 for State and Private Forestry. The conferees also provide the following directions:

Within six months of enactment of this Act, the Forest Service is directed to develop a process in consultation with State foresters that considers State Assessments and Strategies in the annual budget for Cooperative Forestry Assistance Act (CFAA) programs, and to develop a process allowing State foresters flexibility, with appropriate accountability, to reallocate a percentage of authorizations for CFAA programs to address State priorities consistent with the State Assessments and Strategies.

**Forest Legacy.**—The bill provides \$53,388,000 for the Forest Legacy program. This includes \$6,628,000 for program administration, \$2,500,000 for new State startups, and \$44,260,000 for forest legacy projects. The Service should fund projects in priority order according to their competitively selected national priority list for fiscal year 2012.

##### NATIONAL FOREST SYSTEM

The bill provides \$1,556,628,000 for the National Forest System. The agreement includes a proof of concept pilot for Integrated Resource Restoration (IRR). The conferees also provide the following directions:

**Land Management Planning.**—The bill provides \$40,000,000 for land management planning. The agreement does not approve the

consolidation of this line item with the Inventory and Monitoring line item. The Planning Rule should provide for a cost-effective and timely process for forest plan revisions.

**Inventory and Monitoring.**—The bill provides \$161,980,000 for inventory and monitoring. The Forest Service is encouraged to allocate more funding towards monitoring of grazing allotments and work with State agencies, universities, professional societies and other USDA agencies, such as the Natural Resources Conservation Service, to efficiently and effectively increase allotment monitoring.

**Recreation, Heritage, and Wilderness.**—The bill provides \$281,627,000 for recreation, heritage and wilderness programs. In place of House direction on the travel management rule, the Forest Service is encouraged to revise travel management plans where significant issues have arisen and resolve the Maintenance Level-3 road problem in Region 5. The agreement does not provide direction on the Wyoming Wilderness Act.

**Grazing Management.**—The bill provides \$55,445,000 for the grazing management program. The conferees are concerned that the best science should be used in making decisions concerning grazing on the Dakota Prairie Grasslands. Currently, North Dakota State University is conducting research that should benefit the agency in making these determinations. The agency is strongly encouraged to work cooperatively with the university and utilize its research to the extent practicable, to better inform its grazing management decisions.

**Forest Products.**—The bill provides \$336,049,000 for the forest products program. The Forest Service is directed to improve the health and resilience of national forests and through these efforts, work to achieve three billion board feet of timber sold. The conferees note that over the last ten years, the timber supply in Region 10 has been constrained to less than 10 percent of the allowable sale quantity in the current land management plan. The Forest Service is encouraged to prepare and offer, within three years, the four 10-year timber sales as previously indicated.

**Vegetation and Watershed Management.**—The bill provides \$184,341,000 for vegetation and watershed management activities. The Service is strongly encouraged to provide sufficient resources for leafy spurge eradication.

**Wildlife and Fish Habitat Management.**—The bill provides \$140,260,000 for wildlife and fish habitat management activities.

**Collaborative Forest Landscape Restoration.**—The bill provides \$40,000,000 for the Collaborative Forest Landscape Restoration Fund.

**Minerals and Geology Management.**—The bill provides \$83,560,000 for minerals and geology management activities.

The Service should implement the recommendations included in the report, "Assessing the Potential for Renewable Energy on National Forest System Lands" and initiate a planning process for a renewable energy development program and, where appropriate, apply guidelines already developed by the Bureau of Land Management.

**Landownership Management.**—The bill provides \$85,875,000 for landownership management activities. In the case of any land exchange involving National Forest System land carried out directly or through a third party, the Forest Service is directed to provide written notice of the proposed land exchange to each owner of non-Federal land adjoining a parcel of National Forest System land proposed for exchange and each owner

of non-Federal land adjoining the non-Federal land proposed to be acquired in the exchange. The Secretary shall determine adjoining landowners using the most recent available tax records.

**Integrated Resource Restoration.**—The conferees have agreed to the House proposal to allow the Administration to conduct an Integrated Resource Restoration pilot in Regions 1, 3, and 4. Within 90 days of enactment of this Act, the Forest Service should present a plan and guidance to the pilot regions for measuring performance and accountability. The plan and guidance should ensure program transparency, monitoring, fair allocation of funding, a consistent approach across the three regions, and that restoration is the primary goal of any projects funded through the pilot. The plan should also include traditional measures, such as timber targets and acres treated, while also including new measures such as watershed condition framework.

##### CAPITAL IMPROVEMENT AND MAINTENANCE (INCLUDING TRANSFER OF FUNDS)

The bill provides \$394,721,000 for capital improvement and maintenance programs offset by a \$12,000,000 scoring credit related to the road and trail fund. The conferees also provide the following directions:

**Facilities.**—The bill provides \$75,785,000 for facilities including \$13,124,000 for construction and \$62,661,000 for maintenance. For future year planning, the Forest Service should include both new construction and maintenance in its list of major facilities projects based on its facility master plans and the most efficient use of taxpayer dollars.

**Roads.**—The bill provides \$182,818,000 for roads including \$27,327,000 for construction and \$155,491,000 for maintenance.

**Trails.**—The bill provides \$81,982,000 for trails including \$63,422,000 for maintenance and \$18,560,000 for construction.

**Legacy Roads.**—The bill provides \$45,000,000 for the legacy roads and trails program. The agreement retains this program within Capital Improvement and Maintenance. The Forest Service should report on the jobs associated with this program and publicly post this information.

**Back-country airstrips.**—In place of the reporting requirements in the House Report for back-country airstrips, within one year after the date of enactment of this Act, the Forest Service is directed to provide the Committees with a general assessment of back-country airstrips on National Forest System lands with recommendations for improving their function as an important component of the forest transportation and recreation system.

**Bill Language.**—The bill includes language allowing the transfer of funding from Capital Improvement and Maintenance to the National Forest System for the Integrated Resource Restoration pilot.

##### LAND ACQUISITION

The bill provides \$52,605,000 for Land Acquisition, of which \$7,500,000 is for acquisition management; \$3,500,000 is for critical inholdings/cash equalization; and \$41,605,000 is for acquisitions.

This amount will fully fund projects 1 through 30 as prioritized by the Service pursuant to the Administration's revised request list provided to the Committees on August 26, 2011. Requests for reprogramming will be considered pursuant to the guidelines in the front of this statement.

The conferees direct the Forest Service to use inholding funding to acquire high priority lands within Federal boundaries that

maximize benefits to the public through consolidated Federal ownership that provides access, creates management efficiencies, or protects critical resources.

The Secretary of Agriculture is directed to submit a report to the Committees on Appropriations within 90 days of enactment of this Act describing current negotiations between the Forest Service and private landowners for projects receiving prior year and current appropriations within the Tongass National Forest, including the overall scope and timing of these acquisitions.

#### ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The bill provides \$955,000 for the Acquisition of Lands for National Forests Special Acts.

#### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The bill provides \$227,000 for the Acquisition of Lands to Complete Land Exchanges.

#### RANGE BETTERMENT FUND

The bill provides \$3,262,000 for the Range Betterment Fund.

#### GIFTS, DONATIONS AND REQUESTS FOR FOREST AND RANGELAND RESEARCH

The bill provides \$45,000 for Gifts, Donations and Requests for Forest and Rangeland Research.

#### MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

The bill provides \$2,577,000 for the Management of National Forest Lands for Subsistence Uses.

#### WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

The bill provides \$1,737,631,000 for Forest Service Wildland Fire Management. In addition to the funding provided, the Forest Service is directed to use \$240,000,000 in carryover emergency fire suppression funds before obligating fiscal year 2012 suppression funds. The amount provided, combined with \$315,886,000 in the FLAME Wildfire Suppression Reserve Fund, fully funds the Forest Service's 10-year average expenditures for fire suppression. The conferees also provide the following directions:

The Forest Service should complete a plan to replace the aging fleet of federal air tankers as soon as possible. While the Forest Service and others have produced study after study on the critical shortage of firefighting aircraft, there has been a complete lack of substantive progress this year. The Service must work more closely with the Department of the Interior in developing the strategy for replacing the current air tanker fleet.

*Hazardous Fuels.*—The bill provides \$317,584,000 for hazardous fuels activities. The Forest Service is directed to remove the requirement that seventy-five percent of hazardous fuels funding be spent in the Wildland Urban Interface and instead the conferees direct hazardous fuels funding be spent on the highest priority projects in the highest priority areas.

#### FLAME WILDFIRE SUPPRESSION RESERVE FUND (INCLUDING TRANSFERS OF FUNDS)

The bill provides \$315,886,000 for the FLAME Wildfire Suppression Reserve Fund.

#### ADMINISTRATIVE PROVISIONS, FOREST SERVICE (INCLUDING TRANSFERS OF FUNDS)

The bill includes administrative provisions similar to previous years.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

The bill provides \$3,872,377,000 for Indian Health Services. Of the amount requested for current services, the conferees have included \$56,019,000 above the fiscal year 2011 enacted level, which covers the cost of staffing new facilities. Program increases above the fiscal year 2011 enacted level include \$12,000,000 for the Indian Health Care Improvement Fund; \$3,400,000 for Health IT Security; \$65,000,000 for Contract Health Services; \$3,185,000 for Direct Operations; and \$74,500,000 for Contract Support Costs. In agreement with the request, a reduction of \$7,000,000 has been assumed from savings in grant programs. The conferees direct the Service to meet its annual Contract Support Costs reporting requirement due date, and to provide the Committees with current Contract Support Costs estimates in conjunction with its annual budget submission.

The Service is directed to update the Committees at least annually on the progress of the Early Childhood Caries initiative and the ability of the Service to meet its goals in the allowed time frame. The conferees note that the Service has already complied with the request contained in the House report to provide a detailed schedule for implementation of the Electronic Dental Record system.

Within the overall amount identified in the "Indian Health Services" account for the staffing of new facilities, funds are directed to the following projects, as requested in the President's budget request: \$1,809,000 for the Carl Albert Hospital replacement, Ada, Oklahoma; \$783,000 for the Lake County Tribal Health Center, Lakeport, California; \$6,294,000 for the Elbowoods Health Center, New Town, North Dakota; \$21,185,000 for the Cheyenne River Health Center, Eagle Butte, South Dakota; \$8,226,000 for the Absentee Shawnee Health Center, Little Axe, Oklahoma; \$7,879,000 for the Cherokee Nation Vinita Health Center, Vinita, Oklahoma; and \$9,843,000 for joint venture projects. This distribution is in agreement with the budget estimate as it has been revised to reflect distributions made under the fiscal year 2011 operating plan, which was not available at the time the Service's request was submitted to Congress.

The conferees understand that a number of joint venture construction projects are nearing completion and will require support for the staffing of these new facilities. The Service is urged to request sufficient funding in future budgets to fulfill its obligations to participating tribes in the joint venture program.

Within the Indian Health Professions activity, the conferees have continued support for the Recruitment/Retention of American Indians into Nursing program; the Indians into Psychology program; and the Indians into Medicine program.

##### INDIAN HEALTH FACILITIES

The bill provides \$441,052,000 for Indian Health Facilities. Of the amount requested for current services, the conferees have included \$7,032,000 above the fiscal year 2011 enacted level, which covers the cost of staffing new facilities. Program changes to the fiscal year 2011 enacted level include a decrease of \$15,955,000 from Sanitation Facilities Construction, as requested, and an increase of \$46,028,000 for Health Care Facilities Construction.

Within the overall amount identified in the "Facilities Services" account for the

staffing of new facilities, funds are directed to the following projects, as requested in the President's budget request: \$678,000 for the Carl Albert Hospital replacement, Ada, Oklahoma; \$305,000 for the Lake County Tribal Health Center, Lakeport, California; \$1,021,000 for the Elbowoods Health Center, New Town, North Dakota; \$3,487,000 for the Cheyenne River Health Center, Eagle Butte, South Dakota; \$755,000 for the Absentee Shawnee Health Center, Little Axe, Oklahoma; and \$786,000 for the Cherokee Nation Vinita Health Center, Vinita, Oklahoma.

The amount provided for health care facilities construction includes, as requested in the President's budget request: \$62,184,000 to complete the Barrow Hospital, Barrow, Alaska; \$10,000,000 for the Kayenta Health Center, Kayenta, Arizona; \$10,000,000 for the San Carlos Health Center, San Carlos, Arizona; \$2,000,000 for the Southern California Youth Regional Treatment Center, Hemet, California; and \$1,000,000 to complete a feasibility report on the use of modular construction for health facilities.

The conferees are concerned about the large unobligated balances in the "Indian Health Services" and the "Indian Health Facilities" accounts. The conferees direct the Service to review the programs that have carried high unobligated balances in recent years and provide a detailed report to the Committees within 90 days of enactment of this Act on the causes for these unobligated balances and present a plan for reducing them.

#### NATIONAL INSTITUTES OF HEALTH NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The bill provides \$79,054,000 for the National Institute of Environmental Health Sciences.

#### AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

The bill provides \$76,337,000 for the Agency for Toxic Substances and Disease Registry. Within the funds provided, \$2,000,000 has been included as requested to continue the important epidemiological studies of health conditions caused by exposures to uranium released from mining and milling operations in the Navajo Nation.

#### OTHER RELATED AGENCIES

##### EXECUTIVE OFFICE OF THE PRESIDENT COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The bill provides \$3,153,000 for the Council on Environmental Quality and Office of Environmental Quality.

##### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

##### SALARIES AND EXPENSES

The bill provides \$11,147,000 for the Chemical Safety and Hazard Investigation Board.

##### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

##### SALARIES AND EXPENSES

The bill provides \$7,750,000 for the Office of Navajo and Hopi Indian Relocation, Salaries and Expenses.

##### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT PAYMENT TO THE INSTITUTE

The bill provides \$8,533,000 for the Institute of American Indian and Alaska Native Culture and Arts Development.

##### SMITHSONIAN INSTITUTION SALARIES AND EXPENSES

The bill provides a total of \$811,530,000 for all Smithsonian Institution accounts, of



which \$636,530,000 is provided for salaries and expenses. The conferees encourage collaborative efforts between the Smithsonian Institution and regional and rural museums that facilitate greater access to the Smithsonian's virtual collections such as that of the Museum of Natural History. The conferees support the joint venture between the Library of Congress and the Smithsonian Institution creating a comprehensive compilation of personal histories and testimonials of individuals who participated in the Civil Rights movement. The conferees remain committed to the preservation of priceless, irreplaceable Smithsonian Institution collections and direct the Smithsonian to take steps toward implementing the recommendations of a recently completed audit by the Smithsonian's Office of Inspector General (OIG) on collections stewardship at the National Museum of American History. The conferees also support the decision by the OIG to use the Institution's Strategic Plan as a standard by which to measure the Institution's performance in its proposed audits and reviews. The Smithsonian Institution is directed to work with the Committees to standardize its annual budget submission justifications and supporting materials.

#### FACILITIES CAPITAL

The bill provides \$175,000,000 for the Facilities Capital account of which \$75,000,000 is to complete the design and begin the construction of the National Museum of African American History and Culture (NMAAHC). Bill language is included providing that a future procurement for construction of the NMAAHC may include the full scope of the project, but that any contract for such procurement must contain a clause clarifying that any payment under the contract will be subject to the availability of funds. The Smithsonian is directed to devote remaining Facilities Capital funds to the highest and best uses on a priority basis and clearly articulate in future budget submissions specific funding needs in priority order for all Facilities Capital program initiatives.

#### NATIONAL GALLERY OF ART

##### SALARIES AND EXPENSES

The bill provides \$114,066,000 for the Salaries and Expenses account of the National Gallery of Art of which not to exceed \$3,481,000 is for the special exhibition program.

#### REPAIR, RESTORATION, AND RENOVATION OF BUILDINGS

The bill provides \$14,516,000 for the Repair, Restoration, and Renovation of Buildings account. Bill language is included providing the Gallery with the authority to enter into operating lease agreements of no more than 10 years, with no extensions or renewals, in order to address space needs created by ongoing renovations in the Master Facilities Plan.

#### JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

##### OPERATIONS AND MAINTENANCE

The bill provides \$23,200,000 for the Operations and Maintenance account.

##### CAPITAL REPAIR AND RESTORATION

The bill provides \$13,650,000 for the Capital Repair and Restoration account.

#### WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

##### SALARIES AND EXPENSES

The bill provides \$11,005,000 for the Woodrow Wilson International Center for Scholars.

#### NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

##### NATIONAL ENDOWMENT FOR THE ARTS GRANTS AND ADMINISTRATION

The bill provides \$146,255,000 for the National Endowment for the Arts (NEA). The conferees agree that initiatives begun in prior years, such as the *Big Read* and *Shakespeare in American Communities*, are programs of demonstrated worth that reach a broad geographic audience. The Endowment is urged to maintain these grants at an appropriate funding level to allow a vibrant, competitive program to be maintained.

The conferees understand that the proposal included in the budget request to eliminate the National Heritage Fellowship program and the American Jazz Masters Fellowship program was reconsidered by the Endowment and subsequently withdrawn. The conferees support this decision and expect the Endowment to continue its annual recognition of individuals with outstanding achievements in these disciplines in a similar manner to past years. The conferees disagree with the proposal to exempt funds for the "Our Town" initiative from the overall calculation for providing base funding to State arts agencies and direct that funds be distributed based on the longstanding agreement that States receive 40 percent of all appropriated grant funds. Reforms originally instituted by the Committees more than a decade ago relating to program priorities and grant guidelines are fully restated in Sections 418 and 419. These reforms maintain broad bipartisan support and the conferees expect the NEA to adhere to them fully. Further, the conferees encourage the Administration and the appropriate committees of jurisdiction in Congress to address the vacancies on the National Council on the Arts in a timelier manner than has been the case to date.

##### NATIONAL ENDOWMENT FOR THE HUMANITIES GRANTS AND ADMINISTRATION

The bill provides \$146,255,000 for the National Endowment for the Humanities (NEH). The conferees urge the NEH to provide no less than 40 percent of program funds to support the critical work of state humanities councils. The conferees support the Endowment's efforts to encourage a better understanding of our Nation's history and the democratic principles upon which it was founded by supporting grants for the teaching and study of American history. The conferees, therefore, have included \$3,000,000 for the longstanding, successful *We the People* initiative. The NEH is encouraged to include Native American communities in the *Bridging Cultures* initiative and to work with tribes in the preservation of Native American languages through the Documenting Endangered Languages grant program.

##### COMMISSION OF FINE ARTS

##### SALARIES AND EXPENSES

The bill provides \$2,400,000 for the Commission of Fine Arts.

#### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The bill provides \$2,000,000 for the National Capital Arts and Cultural Affairs program. Language has been included in the bill amending the program's underlying authorization to ensure that all grantees meet the program's eligibility requirements.

##### ADVISORY COUNCIL ON HISTORIC PRESERVATION

##### SALARIES AND EXPENSES

The bill provides \$6,108,000 for the Advisory Council on Historic Preservation.

#### NATIONAL CAPITAL PLANNING COMMISSION SALARIES AND EXPENSES

The bill provides \$8,154,000 for the National Capital Planning Commission.

#### UNITED STATES HOLOCAUST MEMORIAL MUSEUM

##### HOLOCAUST MEMORIAL MUSEUM

The bill provides \$50,798,000 for the United States Holocaust Memorial Museum. The conferees concur with the Museum's proposal to re-designate its exhibition fund as an outreach initiatives fund to broaden access to historic material, enhance its website, and provide a larger public education component.

##### PRESIDIO TRUST

##### PRESIDIO TRUST FUND

The bill provides \$12,000,000 for the Presidio Trust Fund.

#### DWIGHT D. EISENHOWER MEMORIAL COMMISSION

##### SALARIES AND EXPENSES

The bill provides \$2,000,000 for the Salaries and Expenses account.

##### CAPITAL CONSTRUCTION

The bill provides \$30,990,000 for Capital Construction. Bill language has been included authorizing the contracting officer to procure construction services as long as such contracts are contingent upon the availability of funds, and authorizes the Commission to proceed with the construction process despite not having full funding in place.

#### TITLE IV—GENERAL PROVISIONS

##### (INCLUDING TRANSFERS OF FUNDS)

The conferees have included various legislative provisions in Title IV of the bill. A number of these provisions have been carried in previous years and others are newly proposed this year. The provisions are:

Section 401 continues a provision providing for public availability of information on consulting service contracts.

Section 402 continues a provision providing that appropriations available in the bill shall not be used to produce literature or otherwise promote public support of a legislative proposal on which legislative action is not complete.

Section 403 continues a provision providing for annual appropriations unless expressly provided otherwise in this Act.

Section 404 continues a provision limiting the use of personal cooks, chauffeurs or servants.

Section 405 continues a provision providing restrictions on departmental assessments unless approved by the Committees on Appropriations.

Section 406 continues a provision limiting the actions of the Forest Service and the Bureau of Land Management with regard to the sale of giant sequoia trees to a manner consistent with such sales as were conducted in fiscal year 2011.

Section 407 continues a limitation on accepting and processing applications for patents and on the patenting of Federal lands.

Section 408 continues a provision regarding the payment of contract support costs.

Section 409 continues a provision providing that the Secretary of Agriculture shall not be considered in violation of certain provisions of the Forest and Rangeland Renewable Resources Planning Act solely because more than 15 years have passed without revision of a forest plan, provided that the Secretary is working in good faith to complete the plan revision.

Section 410 continues a provision limiting preleasing, leasing, and related activities

within the boundaries of National Monuments.

Section 411 modifies a provision authorizing the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign wildfire suppression organizations.

Section 412 continues a provision through fiscal year 2013 authorizing the Secretary of the Interior and the Secretary of Agriculture to consider local contractors when awarding contracts for certain activities on public lands.

Section 413 restricts funding appropriated for acquisition of land or interests in land from being used for declarations of taking or complaints in condemnation.

Section 414 continues a provision making Alaska red cedar timber available to domestic mills.

Section 415 extends certain authorities through fiscal year 2013 allowing the Forest Service and Department of the Interior to renew grazing permits.

Section 416 continues a provision which prohibits no-bid contracts.

Section 417 continues a provision which requires public disclosure of certain reports.

Section 418 continues a provision which delineates the grant guidelines for the National Endowment for the Arts.

Section 419 continues a provision which delineates the program priorities for the programs managed by the National Endowment for the Arts.

Section 420 amends existing law to allow for the use of certain competitive grant funds.

Section 421 extends authorities from the Forest Service Realignment and Enhancement Act of 2005 through 2016.

Section 422 makes permanent authorities made available to the Secretary of the Interior and the Chief of the Forest Service to conduct joint programs to promote customer service and efficiency.

Section 423 retains a provision allowing the State of Utah, through contracts or cooperative agreements with the Forest Service, to perform certain activities on Forest Service lands through fiscal year 2013.

Section 424 requires the Department of the Interior, EPA, Forest Service and Indian Health Service to provide the Committees on Appropriations quarterly reports on the status of balances of appropriations.

Section 425 requires the President to submit a report to the Committees on Appropriations no later than 120 days after submission of the fiscal year 2013 budget request describing Federal agency obligations and expenditures for climate change programs in fiscal year 2011.

Section 426 continues a provision prohibiting the use of funds to promulgate or implement any regulation requiring the issuance of permits under Title V of the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions.

Section 427 continues a provision prohibiting the use of funds to implement any provision in a rule if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

Section 428 provides the Forest Service the authority to use a pre-decisional objection process in place of post-decisional appeals.

Section 429 clarifies Silvicultural Operations under the Federal Water Pollution Control Act.

Section 430 modifies claim maintenance fees for placer claims held by two or more persons known as association placer claims.

Section 431 addresses the management of domestic sheep and bighorn sheep on Federal lands.

Section 432 addresses the issuance of air quality permits in the Outer Continental Shelf.

Section 433 prohibits funds from being used to enter into contracts or agreements with any corporation where the agency is aware of a conviction of a felony under any Federal law within the preceding 24 months.

Section 434 prohibits funds for contacts or agreements with any corporation where the agency is aware of any unpaid Federal tax liability that is not being paid in a timely manner pursuant to a payment agreement.

Section 435 continues current authorities for operations of Indian Health Service programs in Alaska.

Section 436 includes an across the board rescission of 0.16 percent. This reduction shall be applied to each program, project, and activity, except for Miscellaneous Payments to Indians, which has a different application of the rescission as specified in the statutory language. The bill also requires the Office of Management and Budget to submit a report within 30 days specifying the account and amount of each rescission.

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
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TITLE I - DEPARTMENT OF THE INTERIOR			
BUREAU OF LAND MANAGEMENT			
Management of Lands and Resources			
Land Resources:			
Soil, water and air management.....	62,989	46,303	46,303
Range management.....	76,915	71,603	87,532
Forestry management.....	9,945	9,730	9,730
Riparian management.....	22,805	23,052	22,718
Cultural resources management.....	16,816	25,614	16,131
Wild horse and burro management.....	75,753	75,008	75,008
Subtotal.....	265,223	251,310	257,422
Wildlife and Fisheries:			
Wildlife management.....	37,430	36,973	36,973
Fisheries management.....	13,599	13,354	13,354
Subtotal.....	51,029	50,327	50,327
Threatened and endangered species.....	22,159	21,668	21,668
Recreation Management:			
Wilderness management.....	19,664	19,587	18,421
Recreation resources management.....	49,153	57,170	49,153
Subtotal.....	68,817	76,757	67,574
Energy and Minerals:			
Oil and gas.....	70,130	39,632	72,582
Oil and gas permit processing fund.....	45,500	32,500	32,500
(Pilot offices, Sec. 365, permit processing fund)...	(21,000)	(20,973)	(20,973)
Subtotal, Oil and gas/permit processing fund....	115,630	72,132	105,082
Oil and gas offsetting permit processing fees.....	-45,500	-32,500	-32,500
Inspection fees.....	---	37,950	---
Offsetting collections, inspection fees.....	---	-37,950	---
Coal management.....	9,724	7,054	7,054
Other mineral resources.....	10,597	8,415	8,415
Renewable energy.....	---	19,735	19,735
Subtotal, Energy and minerals.....	90,451	74,836	107,786
Realty and Ownership Management:			
Alaska conveyance.....	29,108	16,622	29,108
Cadastral survey.....	12,392	12,015	12,015
Land and realty management.....	56,400	32,657	32,657
Subtotal.....	97,900	61,294	73,780
Resource Protection and Maintenance:			
Resource management planning.....	42,426	40,621	38,121
Abandoned mine lands.....	---	19,851	19,851
Resource protection and law enforcement.....	27,685	27,067	27,067
Hazardous materials management.....	17,028	16,668	16,668
Subtotal.....	87,139	104,207	101,707

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
<hr/>			
Transportation and Facilities Maintenance:			
Operations.....	6,047	---	---
Annual maintenance.....	31,879	41,226	41,226
Deferred maintenance.....	34,429	30,008	30,008
Subtotal.....	72,355	71,234	71,234
Land and resources information systems.....	16,697	15,852	15,852
Workforce and Organizational Support:			
Information systems operations.....	15,343	14,697	14,697
Administrative support.....	50,287	49,209	49,209
Bureauwide fixed costs.....	91,307	93,576	91,307
Subtotal.....	156,937	157,482	155,213
Challenge cost share.....	1,202	9,467	7,467
National landscape conservation system, base program..	31,870	39,345	31,870
(National landscape conservation system, total program)	(74,635)	---	---
Subtotal, Management of lands and resources.....	961,779	933,779	961,900
Mining Law Administration:			
Administration.....	36,696	39,696	39,696
Offsetting collections.....	-47,696	-54,000	-54,000
Subtotal, Mining Law Administration.....	-11,000	-14,304	-14,304
Total, Management of lands and resources.....	950,779	919,475	947,596
<hr/>			
Construction			
Appropriation.....	4,617	3,576	3,576
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Land Acquisition			
Land Acquisition.....	18,584	46,620	19,000
Inholding, emergency, and hardship.....	1,497	1,500	1,500
Acquisition management.....	1,875	1,880	1,880
Total, Land acquisition.....	21,956	50,000	22,380
<hr/>			
Oregon and California Grant Lands			
Western Oregon resources management.....	96,929	98,056	98,056
Western Oregon information and resource data systems..	2,124	1,926	1,926
Western Oregon transportation & facilities maintenance	11,136	11,002	11,002
Western Oregon construction and acquisition.....	314	310	310
Western Oregon national monument.....	831	749	749
Total, Oregon and California grant lands.....	111,334	112,043	112,043
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Range Improvements			
Improvements to public lands.....	7,873	7,873	7,873
Farm Tenant Act lands.....	1,527	1,527	1,527
Administrative expenses.....	600	600	600
Total, Range improvements.....	10,000	10,000	10,000

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
<hr/>			
Service Charges, Deposits, and Forfeitures			
Rights-of-way processing.....	16,400	16,400	16,400
Energy and minerals cost recovery.....	2,600	7,300	7,300
Recreation cost recovery.....	1,000	1,500	1,500
Adopt-a-horse program.....	500	450	450
Repair of damaged lands.....	5,600	3,100	3,100
Cost recoverable realty cases.....	900	900	900
Timber purchaser expenses.....	100	50	50
Commercial film and photography fees.....	200	200	200
Copy fees.....	2,000	1,100	1,100
Trans Alaska pipeline.....	4,000	1,125	1,125
Subtotal (gross).....	33,300	32,125	32,125
Offsetting fees.....	-33,300	-32,125	-32,125
Total, Service Charges, Deposits & Forfeitures..	---	---	---
Miscellaneous Trust Funds and Permanent Operating Funds			
Current appropriations.....	15,200	19,700	19,700
	=====	=====	=====
TOTAL, BUREAU OF LAND MANAGEMENT.....	1,113,886	1,114,794	1,115,295
(Mandatory).....	(25,200)	(29,700)	(29,700)
(Discretionary).....	(1,088,686)	(1,085,094)	(1,085,595)
	=====	=====	=====
UNITED STATES FISH AND WILDLIFE SERVICE			
Resource Management			
Ecological Services:			
Endangered species:			
Candidate conservation.....	11,448	11,426	11,355
Listing and critical habitat.....	20,902	24,644	20,902
Consultation and HCPs.....	61,877	62,888	61,041
Recovery.....	81,219	83,692	82,939
Subtotal, Endangered species.....	175,446	182,650	176,237
Habitat conservation:			
Partners for fish and wildlife.....	55,304	59,400	54,856
Conservation planning assistance.....	36,791	38,368	35,837
Coastal programs.....	15,137	15,436	14,894
National wetlands inventory.....	5,292	5,238	5,227
Subtotal, Habitat conservation.....	112,524	118,442	110,814
Environmental contaminants.....	13,316	13,825	13,149
Subtotal, Ecological services.....	301,286	314,917	300,200

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
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National Wildlife Refuge System:			
Wildlife and habitat management.....	226,963	240,241	223,797
Visitor services.....	75,631	77,621	74,344
Refuge law enforcement.....	38,071	37,558	37,433
Conservation planning.....	11,862	8,283	11,723
Refuge maintenance.....	139,532	139,172	139,172
Subtotal.....	492,059	502,875	486,469
Migratory Birds, Law Enforcement & International Conservation:			
Migratory bird management.....	52,175	54,423	51,535
Law enforcement.....	62,930	62,634	62,243
International affairs.....	13,119	12,991	12,991
Subtotal.....	128,224	130,048	126,769
Fisheries and Aquatic Resource Conservation:			
National fish hatchery system operations.....	48,856	42,761	46,149
Maintenance and equipment.....	18,180	18,060	18,060
Aquatic habitat and species conservation.....	71,903	75,191	71,325
Subtotal.....	138,939	136,012	135,534
Cooperative landscape conservation & adaptive science:			
Cooperative landscape conservation.....	14,727	20,247	15,500
Adaptive science.....	16,243	17,236	16,750
Subtotal.....	30,970	37,483	32,250
General Operations:			
Central office operations.....	42,720	39,941	38,667
Regional office operations.....	42,836	42,299	41,017
Servicewide bill paying.....	36,360	36,097	36,097
National Fish and Wildlife Foundation.....	7,537	8,537	7,537
National Conservation Training Center.....	23,930	23,658	23,602
Subtotal.....	153,383	150,532	146,920
Total, Resource Management.....	1,244,861	1,271,867	1,228,142
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Construction			
Construction and rehabilitation:			
Line item construction projects.....	9,810	12,149	12,149
Bridge and dam safety programs.....	1,851	1,855	1,855
Nationwide engineering service.....	9,143	9,084	9,084
Total, Construction.....	20,804	23,088	23,088
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Land Acquisition			
Acquisitions.....	35,374	108,990	30,165
Highlands Conservation Act.....	---	5,000	5,000
Inholdings/emergencies and hardships.....	4,990	5,000	4,500
Exchanges.....	1,996	2,000	2,500
Acquisition management.....	10,534	13,570	10,555
User pay cost share.....	1,996	2,000	2,000
Refuge land protection planning.....	---	3,440	---
Total, Land acquisition.....	54,890	140,000	54,720

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
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Landowner Incentive Program			
Rescission of prior year balances.....	-4,941	---	---
Cooperative Endangered Species Conservation Fund			
Grants and administration:			
Conservation grants.....	11,101	17,000	10,546
HCP assistance grants.....	10,000	13,500	9,500
Snake River Water Rights Act of 2004.....	4,987	---	---
Administration.....	2,854	3,354	2,711
Subtotal, Grants and administration.....	28,942	33,854	22,757
Land acquisition:			
Species recovery land acquisition.....	11,000	19,646	10,000
HCP land acquisition grants to states.....	19,938	46,500	15,000
Subtotal, Land acquisition.....	30,938	66,146	25,000
Total, Cooperative Endangered Species Conservation Fund.....	59,880	100,000	47,757
National Wildlife Refuge Fund			
Payments in lieu of taxes.....	14,471	---	13,980
North American Wetlands Conservation Fund			
North American Wetlands Conservation Fund.....	37,425	50,000	35,554
Neotropical Migratory Bird Conservation Fund			
Migratory bird grants.....	3,992	5,000	3,792
Multinational Species Conservation Fund			
African elephant conservation fund.....	1,735	1,950	1,648
Rhinoceros and tiger conservation fund.....	2,604	2,450	2,474
Asian elephant conservation fund.....	1,735	1,950	1,648
Great ape conservation fund.....	2,170	1,950	2,062
Marine turtle conservation fund.....	1,736	1,450	1,649
Total, Multinational Species Conservation Fund..	9,980	9,750	9,481
State and Tribal Wildlife Grants			
State wildlife grants (formula).....	49,900	67,000	51,405
State wildlife grants (competitive).....	4,990	20,000	5,741
Tribal wildlife grants.....	6,986	8,000	4,275
Total, State and tribal wildlife grants.....	61,876	95,000	61,421
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TOTAL, U.S. FISH AND WILDLIFE SERVICE.....	1,503,238	1,694,705	1,477,935
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DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
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NATIONAL PARK SERVICE			
Operation of the National Park System			
Park Management:			
Resource stewardship.....	343,640	356,276	339,605
Visitor services.....	239,817	251,299	240,817
Park protection.....	362,143	364,895	359,069
Facility operations and maintenance.....	695,020	706,538	691,020
Park support.....	442,967	448,679	440,451
Subtotal.....	2,083,587	2,127,687	2,070,962
External administrative costs.....	166,463	169,190	169,190
Total, Operation of the National Park System....	2,250,050	2,296,877	2,240,152
National Recreation and Preservation			
Recreation programs.....	587	585	585
Natural programs.....	11,172	13,376	13,376
Cultural programs.....	24,882	24,804	24,804
International park affairs.....	1,646	1,638	1,638
Environmental and compliance review.....	433	431	431
Grant administration.....	1,749	1,740	1,740
Heritage Partnership Programs.....	17,401	8,993	17,401
Total, National Recreation and Preservation.....	57,870	51,567	59,975
Historic Preservation Fund			
State historic preservation offices.....	46,407	50,000	47,000
Tribal grants.....	7,984	11,000	9,000
Total, Historic Preservation Fund.....	54,391	61,000	56,000
Construction			
General Program:			
Line item construction and maintenance.....	121,159	70,347	77,847
Emergency and unscheduled.....	3,853	3,861	3,861
Housing.....	4,955	2,965	2,965
Dam safety.....	2,495	1,250	1,250
Equipment replacement.....	13,723	13,750	13,750
Planning, construction.....	10,104	7,712	7,712
Construction program management.....	38,527	37,590	37,590
General management plans.....	14,830	14,646	14,646
Rescission of prior year balances.....	-25,000	---	-4,000
Total, Construction.....	184,646	152,121	155,621
Land and Water Conservation Fund (rescission of contract authority).....	-30,000	-30,000	-30,000



DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
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Land Acquisition and State Assistance			
Assistance to States:			
State conservation grants (formula).....	37,126	78,000	42,206
State conservation grants (competitive).....	---	117,000	---
Administrative expenses.....	2,794	5,000	2,794
Subtotal.....	39,920	200,000	45,000
National Park Service:			
Acquisitions.....	32,767	109,000	30,560
American Battlefield Protection Program.....	8,982	10,000	9,000
Emergencies and hardships.....	1,007	12,000	3,000
Acquisition management.....	7,134	12,000	9,500
Inholdings, donations, and exchanges.....	5,000	17,000	5,000
Subtotal.....	54,890	160,000	57,060
Total, Land Acquisition and State Assistance....	94,810	360,000	102,060
Rescission.....	-625	---	---
	=====	=====	=====
TOTAL, NATIONAL PARK SERVICE.....	2,611,142	2,891,565	2,583,808
	=====	=====	=====
UNITED STATES GEOLOGICAL SURVEY			
Surveys, Investigations, and Research			
Ecosystems:			
Status and trends.....	22,403	22,079	22,034
Fisheries: Aquatic and endangered resources.....	23,694	22,660	22,612
Wildlife: Terrestrial and endangered resources.....	49,078	48,544	48,246
Terrestrial, Freshwater and marine environments....	35,763	40,230	36,794
Invasive species.....	10,795	14,086	13,064
Cooperative research units.....	19,104	18,824	18,786
Total, Ecosystems.....	160,837	166,423	161,536
Climate and Land Use Change:			
Climate variability:			
Climate science centers.....	20,921	25,573	25,531
Research and development.....	28,468	24,141	22,084
Carbon sequestration.....	9,955	14,345	9,000
Science support for DOI bureaus.....	4,990	8,860	2,400
Subtotal.....	64,334	72,919	59,015
Land Use Change:			
Land remote sensing.....	62,387	21,975	73,817
Geographic analysis and monitoring.....	11,420	11,511	11,488
Subtotal.....	73,807	33,486	85,305
Total, Climate and Land Use Change.....	138,141	106,405	144,320

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
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Energy, Minerals, and Environmental Health:			
Minerals resources.....	52,168	44,164	49,310
Energy resources.....	27,750	27,392	27,336
Contaminant biology.....	9,216	8,695	9,077
Toxic substances hydrology.....	10,778	8,267	10,645
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Total, Energy, Minerals, and Env Health.....	99,912	88,518	96,368
Natural Hazards:			
Earthquake hazards.....	55,979	52,326	55,214
Volcano hazards.....	24,464	23,359	24,810
Landslide hazards.....	3,318	3,278	3,271
Global seismographic network.....	5,379	5,332	5,321
Geomagnetism.....	2,097	2,073	2,069
Coastal and marine geology.....	44,728	47,501	44,011
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Total, Natural Hazards.....	135,965	133,869	134,696
Water Resources:			
Groundwater resources.....	8,481	6,947	8,930
National water quality assessment.....	64,234	57,540	63,010
National streamflow information program.....	27,100	26,913	29,405
Hydrologic research and development.....	11,932	12,008	11,684
Hydrologic networks and analysis.....	30,719	33,940	31,379
Cooperative Water Program.....	63,471	62,252	64,088
Water Resources Research Act Program.....	6,486	---	6,500
	<hr/>	<hr/>	<hr/>
Total, Water Resources.....	212,423	199,600	214,996
Core Science Systems:			
Biological information management and delivery.....	18,563	15,113	15,076
Nat'l Geological & Geophysical Data Pres Program....	998	---	998
National cooperative geological mapping.....	27,712	25,397	26,342
National Geospatial Program.....	65,755	65,365	64,433
	<hr/>	<hr/>	<hr/>
Total, Core Science Systems.....	113,028	105,875	106,849
Administration and Enterprise Information:			
Science support.....	77,229	79,620	73,545
Security and technology.....	23,430	21,072	21,025
Information resources.....	17,988	15,863	15,827
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Total, Admin and Enterprise Information.....	118,647	116,555	110,397
Facilities:			
Rental payments and operations & maintenance.....	97,427	93,485	93,290
Deferred maintenance and capital improvement.....	7,292	4,807	7,292
Construction.....	---	2,500	---
	<hr/>	<hr/>	<hr/>
Total, Facilities.....	104,719	100,792	100,582
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Total, Surveys, Investigations, and Research....	1,083,672	1,018,037	1,069,744
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National Land Imaging			
National land imaging.....	---	99,817	---
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TOTAL, UNITED STATES GEOLOGICAL SURVEY.....	1,083,672	1,117,854	1,069,744
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DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
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<b>BUREAU OF OCEAN ENERGY MANAGEMENT</b>			
Ocean Energy Management			
Renewable energy.....	---	---	22,697
Conventional energy.....	---	---	47,283
Environmental assessment.....	---	---	62,041
General support services.....	---	---	12,791
Executive direction.....	---	---	16,062
Subtotal.....	---	---	160,874
(BOEMRE subtotal).....	---	(160,874)	---
Offsetting rental receipts.....	---	---	-98,993
Cost recovery fees.....	---	---	-2,089
(BOEMRE rental receipts).....	---	(-98,993)	---
(BOEMRE cost recovery fees).....	---	(-2,089)	---
	=====	=====	=====
TOTAL, BUREAU OF OCEAN ENERGY MANAGEMENT.....	---	---	59,792
	=====	=====	=====
<b>BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT</b>			
Offshore Safety and Environmental Enforcement			
Environmental enforcement.....	---	---	4,110
Operations, safety and regulation.....	---	---	132,139
Administrative operations.....	---	---	15,553
General support services.....	---	---	12,613
Executive direction.....	---	---	18,139
Subtotal.....	---	---	182,554
(BOEMRE subtotal).....	---	(182,554)	(182,554)
Offsetting rental receipts.....	---	---	-52,587
Inspection fees.....	---	---	-62,000
Cost recovery fees.....	---	---	-6,494
Subtotal.....	---	---	61,473
(BOEMRE inspection fees).....	---	(-62,000)	---
(BOEMRE cost recovery fees).....	---	(-6,494)	---
Total, Offshore Safety and Environmental Enforcement.....	---	---	61,473
Oil Spill Research			
Oil spill research.....	---	---	14,923
	=====	=====	=====
TOTAL, BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT.....	---	---	76,396
	=====	=====	=====

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
<b>BUREAU OF OCEAN ENERGY MANAGEMENT REGULATION AND ENFORCEMENT</b>			
<b>Ocean Energy Management</b>			
Offshore Energy and Minerals Management:			
Renewable energy.....	23,192	23,073	---
Leasing and environmental program.....	65,352	75,410	---
Resource evaluation.....	35,057	34,733	---
Regulatory program.....	88,368	143,319	---
Information management program.....	20,484	20,468	---
Subtotal.....	232,453	297,003	---
Royalty Management:*			
Compliance and asset management.....	67,559	---	---
Revenue and operations.....	41,805	---	---
Subtotal.....	109,364	---	---
*now ONRR under Office of the Secretary			
General Administration:			
Executive direction.....	5,751	3,040	---
Policy and management improvement.....	5,441	10,039	---
Administrative operations.....	21,215	12,324	---
General support services.....	29,665	21,022	---
Subtotal.....	62,072	46,425	---
Total (gross).....	403,889	343,428	---
Use of receipts and cost recovery fees.....	-154,890	-160,163	---
Inspection fees.....	-10,000	-62,000	---
Total, Ocean Energy Management.....	238,999	121,265	---
<b>Oil Spill Research</b>			
Oil spill research.....	11,744	14,923	---
Subtotal, Bureau of Ocean Energy Management Regulation, and Enforcement.....	250,743	136,188	---
OCS Connect (rescission)(Sec. 128, P.L. 111-242).....	-25,000	---	---
TOTAL, BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION, AND ENFORCEMENT.....	225,743	136,188	---
<b>OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT</b>			
<b>Regulation and Technology</b>			
Environmental restoration.....	161	---	---
Environmental protection.....	94,578	87,438	92,019
Technology development and transfer.....	15,455	14,478	14,478

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
Financial management.....	513	506	506
Executive direction.....	16,219	15,947	15,947
Civil penalties.....	100	100	100
Total, Regulation and Technology.....	127,026	118,469	123,050
Abandoned Mine Reclamation Fund			
Environmental restoration.....	15,015	9,495	9,495
Technology development and transfer.....	5,751	3,550	3,550
Financial management.....	6,443	6,406	6,406
Executive direction.....	8,308	7,992	7,992
Total, Abandoned Mine Reclamation Fund.....	35,517	27,443	27,443
=====			
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.....	162,543	145,912	150,493
=====			
BUREAU OF INDIAN AFFAIRS			
Operation of Indian Programs			
Tribal Government:			
Aid to tribal government.....	31,886	30,541	30,541
Consolidated tribal government program.....	71,710	76,520	76,520
Self governance compacts.....	148,951	155,084	155,084
Contract support.....	219,560	195,490	219,560
Indian self determination fund.....	1,996	2,000	2,000
New tribes.....	310	315	315
Small and needy tribes.....	---	2,950	1,950
Road maintenance.....	26,390	25,431	25,431
Tribal government program oversight.....	8,786	8,762	8,762
Subtotal.....	509,589	497,093	520,163
Human Services:			
Social services.....	33,879	35,627	34,379
Welfare assistance.....	74,761	74,911	74,911
Indian child welfare act.....	11,053	10,867	10,867
Housing improvement program.....	12,598	12,619	12,619
Human services tribal design.....	430	430	430
Human services program oversight.....	3,900	3,373	3,373
Subtotal.....	136,621	137,827	136,579
Trust - Natural Resources Management:			
Natural resources, general.....	4,547	5,124	5,124
Irrigation operations and maintenance.....	11,910	11,939	11,939
Rights protection implementation.....	28,442	29,602	29,022
Tribal management/development program.....	6,782	8,651	7,717
Endangered species.....	1,248	1,247	1,247
Integrated resource information program.....	2,105	2,109	2,109
Cooperative landscape conservation.....	419	200	200
Agriculture and range.....	28,863	28,883	28,883
Forestry.....	43,644	44,195	43,644
Water resources.....	10,150	10,839	10,150
Fish, wildlife and parks.....	11,340	13,342	11,340
Resource management program oversight.....	6,632	6,121	6,121
Subtotal.....	156,082	162,252	157,496

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
Trust - Real Estate Services.....	145,821	125,457	126,963
Education:			
Elementary and secondary programs (forward funded)..	520,048	526,117	523,083
(Tribal grant support costs)	(46,280)	(46,373)	(46,327)
Post secondary programs (forward funded).....	64,192	64,321	67,401
Subtotal, forward funded education.....	584,240	590,438	590,484
Elementary and secondary programs.....	76,939	122,730	122,730
Post secondary programs.....	61,603	60,380	61,533
Education management.....	29,916	22,006	22,006
Subtotal, Education.....	752,698	795,554	796,753
Public Safety and Justice:			
Law enforcement.....	305,893	330,391	322,460
Tribal courts.....	27,088	23,445	23,445
Fire protection.....	1,109	873	873
Subtotal.....	334,090	354,709	346,778
Community and economic development.....	36,856	34,865	34,865
Executive direction and administrative services.....	258,089	251,935	251,935
(housing improvement, road maint, etc. in bill lang)..	(59,545)	(48,049)	(48,049)
Total, Operation of Indian Programs.....	2,329,846	2,359,692	2,371,532
Construction			
Education.....	140,509	52,104	70,940
Public safety and justice.....	17,864	11,329	11,329
Resources management.....	42,075	33,012	33,012
General administration.....	2,039	2,035	2,035
Construction management.....	7,093	6,512	6,512
Total, Construction.....	209,580	104,992	123,828
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians			
White Earth Land Settlement Act (Admin).....	624	625	625
Hoopa-Yurok settlement fund.....	250	250	250
Pyramid Lake water rights settlement.....	142	142	142
Nez Perce/Snake River.....	15,432	9,450	9,450
Navajo Water Resources Development Trust Fund.....	5,988	6,000	6,000
Navajo Gallup Water Settlement.....	---	4,388	4,388
Duck Valley Water Rights Settlement.....	11,976	12,000	12,000
Puget Sound regional shellfish settlement.....	6,487	---	---
Soboba Band/Luiseno Indian Settlement.....	5,488	---	---
Total, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians.....	46,387	32,855	32,855
Indian Guaranteed Loan Program Account			
Indian guaranteed loan program account.....	8,199	3,114	7,114
=====	=====	=====	=====
TOTAL, BUREAU OF INDIAN AFFAIRS.....	2,594,012	2,500,653	2,535,329
=====	=====	=====	=====

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
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DEPARTMENTAL OFFICES			
Office of the Secretary, Salaries and Expenses			
Executive direction.....	18,210	---	---
Policy, management and budget.....	36,663	---	---
Hearings and appeals.....	7,151	---	---
Central administrative services.....	41,586	---	---
Bureau of Mines workers compensation.....	570	---	---
Indian Arts and Crafts Board.....	1,308	---	---
Consolidated Appraisal services.....	12,112	---	---
National Museum of American Latino Commission.....	998	---	---
Leadership and administration.....	---	129,418	120,353
Management services.....	---	34,643	22,355
Office of Natural Resources Revenue.....	---	119,609	119,609
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Total, Office of the Secretary, Salaries and expenses.....	118,598	283,670	262,317
Insular Affairs			
Assistance to Territories			
Territorial Assistance			
Office of Insular Affairs.....	9,262	9,480	9,480
Technical assistance.....	15,271	13,804	18,804
Maintenance assistance fund.....	2,443	2,241	2,241
Brown tree snake.....	2,994	3,000	3,000
Coral reef initiative.....	998	1,000	1,000
Water and wastewater projects.....	791	---	791
Empowering Insular Communities.....	1,996	4,120	2,209
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Subtotal, Territorial Assistance.....	33,755	33,645	37,525
American Samoa operations grants.....	22,707	22,752	22,752
Northern Marianas covenant grants.....	27,720	27,720	27,720
<hr/>			
Total, Assistance to Territories.....	84,182	84,117	87,997
Compact of Free Association			
Compact of Free Association - Federal services.....	2,808	2,818	2,818
Discretionary payments - program grant assistance.....	2,000	---	---
Enewetak support.....	499	236	500
Compact payments, Palau (section 122).....	12,000	---	14,000
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Total, Compact of Free Association.....	17,307	3,054	17,318
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Total, Insular Affairs.....	101,489	87,171	105,315
Office of the Solicitor			
Legal services.....	47,510	49,481	47,510
General administration.....	16,244	16,385	16,244
Ethics.....	1,192	2,610	2,542
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Total, Office of the Solicitor.....	64,946	68,476	66,296

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
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Office of Inspector General			
Audit and investigations.....	38,800	39,203	39,203
Administrative services and information management....	9,693	10,268	10,268
Total, Office of Inspector General.....	48,493	49,471	49,471
Office of Special Trustee for American Indians			
Federal Trust Programs			
Program operations, support, and improvements.....	157,942	150,103	150,103
(Office of Historical Accounting).....	(31,534)	(31,171)	(31,171)
Executive direction.....	2,736	2,216	2,216
Total, Office of Special Trustee for American Indians.....	160,678	152,319	152,319
	=====	=====	=====
TOTAL, DEPARTMENTAL OFFICES.....	494,204	641,107	635,718
(Mandatory).....	(27,720)	(27,720)	(27,720)
(Discretionary).....	(466,484)	(613,387)	(607,998)
	=====	=====	=====
 DEPARTMENT-WIDE PROGRAMS			
Wildland Fire Management			
Fire Operations:			
Preparedness.....	290,452	276,964	276,964
Fire suppression operations.....	398,951	270,611	270,611
Subtotal, Fire operations.....	689,403	547,575	547,575
Other Operations:			
Hazardous fuels reduction.....	183,314	156,763	183,314
Burned area rehabilitation.....	33,203	13,046	13,046
Fire facilities.....	6,137	6,137	6,137
Joint fire science.....	6,000	6,000	6,000
Subtotal, Other operations.....	228,654	181,946	208,497
Subtotal, Wildland fire management.....	918,057	729,521	756,072
Rescission of unobligated balances.....	-200,000	---	-82,000
Use of emergency suppression funds.....	---	---	-189,577
Total, Wildland fire management.....	718,057	729,521	484,495
FLAME Wildfire Suppression Reserve Account			
FLAME wildfire suppression reserve account.....	60,878	92,000	92,000
Total, all wildland fire accounts.....	778,935	821,521	576,495
Central Hazardous Materials Fund			
Central hazardous materials fund.....	10,155	10,149	10,149
Natural Resource Damage Assessment Fund			



DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
Damage assessments.....	3,896	3,743	3,743
Program management.....	1,937	1,906	1,906
Restoration support.....	616	614	614
Total, Natural Resource Damage Assessment Fund..	6,449	6,263	6,263
Working Capital Fund.....	85,651	73,119	62,019
TOTAL, DEPARTMENT-WIDE PROGRAMS.....	881,190	911,052	654,926
GENERAL PROVISIONS			
State royalty administrative cost deduction (Office State royalty administrative cost deduction (BOEMRE).. (net receipt sharing - both on and offshore)	-42,000	-42,000	-42,000
Geothermal Energy Receipts (Sec. 423).....	-8,000	---	---
Geothermal receipts amendment (P.L. 111-212).....	8,000	---	---
TOTAL, GENERAL PROVISIONS.....	-42,000	-42,000	-42,000
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR....	10,627,630	11,111,830	10,317,436
Appropriations.....	(10,913,196)	(11,141,830)	(10,433,436)
Rescissions.....	(-285,566)	(-30,000)	(-116,000)
(Mandatory).....	(52,920)	(57,420)	(57,420)
(Discretionary).....	(10,574,710)	(11,054,410)	(10,260,016)
TITLE II - ENVIRONMENTAL PROTECTION AGENCY			
Science and Technology			
Air toxics and quality.....	120,517	---	---
Clean Air and Climate.....	---	134,370	124,576
(Climate protection program).....	---	(16,345)	(16,345)
Climate protection program.....	16,828	---	---
Enforcement.....	15,293	15,326	15,293
Homeland security.....	46,176	42,036	42,036
Indoor air and Radiation.....	1,264	6,758	6,758
IT / Data management / Security.....	3,657	4,108	3,657
Operations and administration.....	69,660	76,521	72,137
(Rent).....	(30,237)	(35,661)	(35,661)
(Utilities).....	(19,851)	(20,195)	(20,195)
(Security).....	(10,327)	(10,714)	(10,714)
Pesticide licensing.....	6,578	6,831	6,578
Research: Air, climate and energy.....	---	108,000	99,000
Research: Chemical safety and sustainability.....	---	138,057	131,498
(Research: Computational toxicology).....	(21,054)	(21,211)	(21,211)
(Research: Endocrine disruptor).....	(15,950)	(16,888)	(16,888)
Research: Clean air.....	102,404	---	---

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
Research: Human health and ecosystems.....	243,894	---	---
Research: Land protection.....	13,372	---	---
Research: National priorities.....	---	---	5,000
Research: Pesticides and toxics.....	27,285	---	---
Research: Safe and sustainable water resources.....	117,297	118,776	113,654
Research: Sustainable and healthy communities.....	---	171,026	171,026
Research: Sustainability.....	25,486	---	---
Water: Human health protection.....	3,769	3,787	3,787
Total, Science and Technology.....	813,480	825,596	795,000
(transfer from Superfund).....	(26,780)	(23,016)	(23,016)
Environmental Programs and Management			
Air toxics and quality.....	207,272	---	---
Brownfields.....	23,680	26,397	23,680
Clean air and climate.....	---	315,286	286,568
(Climate protection program).....	---	(111,419)	(99,642)
Climate protection program.....	107,530	---	---
Compliance.....	106,874	119,648	106,874
Enforcement.....	255,850	268,218	249,965
(Environmental justice).....	(6,856)	(7,397)	(6,856)
Environmental protection: National priorities.....	---	---	15,000
Geographic programs:			
Great Lakes Restoration Initiative.....	299,400	350,000	300,000
Chesapeake Bay.....	54,391	67,350	57,391
San Francisco Bay.....	5,333	4,847	5,847
Puget Sound.....	38,095	19,289	30,000
Long Island Sound.....	5,333	2,962	3,962
Gulf of Mexico.....	4,572	4,464	5,464
South Florida.....	1,653	2,061	2,061
Upper Mississippi River Basin.....	---	6,000	---
Lake Champlain.....	3,048	1,399	2,399
Lake Pontchartrain.....	1,143	955	1,955
CARE(Community Action for a Renewed Environment)....	1,865	2,384	---
Other geographic activities.....	1,209	1,296	1,296
Subtotal.....	416,042	463,007	410,375
Homeland security.....	12,856	11,300	11,300
Indoor air and radiation.....	25,887	33,770	33,770
Information exchange / Outreach.....	133,979	145,210	130,896
(Children and other sensitive populations:			
Agency coordination).....	(7,491)	(10,795)	(7,491)
(Environmental education).....	(9,713)	(9,885)	(9,713)
International programs.....	19,068	19,447	17,632
IT / Data management / Security.....	99,549	95,413	94,859
Legal/science/regulatory/economic review.....	122,657	128,610	110,946
Operations and administration.....	496,017	507,535	487,880
(Rent).....	(162,578)	(170,807)	(170,807)
(Utilities).....	(13,182)	(11,221)	(11,221)
(Security).....	(30,836)	(29,266)	(29,266)
Pesticide licensing.....	116,889	110,523	110,523

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
Resource Conservation and Recovery Act (RCRA).....	118,043	116,871	112,643
Toxics risk review and prevention.....	100,123	115,297	100,123
(Endocrine disruptors).....	(8,554)	(8,268)	(8,268)
Underground storage tanks (LUST / UST).....	12,966	12,866	12,866
Water: Ecosystems			
National estuary program / Coastal waterways.....	26,748	27,058	27,058
Wetlands.....	26,505	27,368	21,199
Subtotal.....	53,253	54,426	48,257
Water: Human health protection.....	104,188	107,324	101,256
Water quality protection.....	223,747	225,486	217,101
Total, Environmental Programs and Management....	2,756,470	2,876,634	2,682,514
Office of Inspector General			
Audits, evaluations, and investigations.....	44,701	45,997	42,000
(transfer from Superfund).....	(9,955)	(10,009)	(9,955)
Buildings and Facilities			
Homeland security: Protection of EPA personnel and infrastructure.....	7,055	8,038	7,055
Operations and administration.....	29,373	33,931	29,373
Total, Buildings and Facilities.....	36,428	41,969	36,428
Hazardous Substance Superfund			
Audits, evaluations, and investigations.....	9,955	10,009	9,955
Compliance.....	1,234	1,222	1,222
Enforcement.....	191,621	191,615	187,033
Homeland security.....	41,707	41,834	41,834
Indoor air and radiation.....	2,454	2,487	2,471
Information exchange / Outreach.....	1,431	1,433	1,433
IT /data management/security.....	17,408	16,080	16,080
Legal/science/regulatory/economic review.....	1,528	1,677	1,528
Operations and administration.....	136,648	138,069	135,969
(Rent).....	(43,798)	(47,112)	(47,112)
(Uilities).....	(3,741)	(3,765)	(3,765)
(Security).....	(8,396)	(8,282)	(8,282)
Research: Chemical safety and sustainability*.....	4,027	3,342	3,342
Research: Sustainable communities**.....	20,546	17,706	17,706
Research: Sustainability.....	95	---	---

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
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Superfund cleanup:			
Superfund: Emergency response and removal.....	200,498	194,895	189,895
Superfund: Emergency preparedness.....	9,345	9,263	9,263
Superfund: Federal facilities.....	31,135	26,242	26,242
Superfund: Remedial.....	605,368	574,499	565,922
Superfund: Support to other Federal agencies.....	5,908	5,858	5,858
Subtotal.....	852,254	810,757	797,180
Total, Hazardous Substance Superfund.....	1,280,908	1,236,231	1,215,753
(transfer to Inspector General).....	(-9,955)	(-10,009)	(-9,955)
(transfer to Science and Technology).....	(-26,780)	(-23,016)	(-23,016)
* Formerly Research: Human health and ecosystems			
** Formerly Research: Land protection			
Leaking Underground Storage Tank Trust Fund (LUST)			
Enforcement.....	789	832	789
Operations and administration.....	1,854	1,591	1,591
Research: Sustainable communities*.....	397	454	397
Underground storage tanks (LUST / UST).....	109,835	109,604	101,532
(LUST/UST).....	(12,410)	(11,982)	(11,982)
(LUST cooperative agreements).....	(63,066)	(63,192)	(59,050)
(Energy Policy Act grants).....	(34,359)	(34,430)	(30,500)
Total, Leaking Underground Storage Tank Trust Fund.....	112,875	112,481	104,309
* Formerly Research: Land protection			
Inland Oil Spill Program (formerly Oil Spill Response)			
Compliance.....	135	138	138
Enforcement.....	2,288	2,902	2,288
Oil.....	14,698	19,472	14,698
Operations and administration.....	537	536	536
Research: Sustainable communities*.....	684	614	614
Total, Inland Oil Spill Program.....	18,342	23,662	18,274
* Formerly Research: Land protection			
State and Tribal Assistance Grants (STAG)			
Alaska Native villages.....	9,980	10,000	10,000
Brownfields projects.....	99,800	99,041	95,000
Clean water state revolving fund (SRF).....	1,521,950	1,550,000	1,468,806
Diesel emissions grants.....	49,900	---	30,000
Drinking water state revolving fund (SRF).....	963,070	990,000	919,363
Mexico border.....	9,980	10,000	5,000
Subtotal, Infrastructure assistance grants.....	2,654,680	2,659,041	2,528,169
Categorical grants:			
Beaches protection.....	9,880	9,900	9,880
Brownfields.....	49,396	49,495	49,396
Environmental information.....	9,980	10,200	9,980
Hazardous waste financial assistance.....	103,139	103,412	103,139
Lead.....	14,535	14,855	14,535
Multi-media tribal implementation.....	---	20,000	---

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
Nonpoint source (Sec. 319).....	175,505	164,757	164,757
Pesticides enforcement.....	18,674	19,085	18,674
Pesticides program implementation.....	13,493	13,140	13,140
Pollution control (Sec. 106).....	238,786	250,264	238,786
(Water quality monitoring).....	(18,463)	(11,300)	(18,463)
Pollution prevention.....	4,930	5,039	4,930
Public water system supervision.....	105,489	109,700	105,489
Radon.....	8,058	8,074	8,058
State and local air quality management.....	236,107	305,500	236,107
Toxics substances compliance.....	5,089	5,201	5,089
Tribal air quality management.....	13,273	13,566	13,273
Tribal general assistance program.....	67,739	71,375	67,739
Underground injection control (UIC).....	10,869	11,109	10,869
Underground storage tanks.....	2,495	1,550	1,550
Wetlands program development.....	16,796	15,167	15,167
Subtotal, Categorical grants.....	1,104,233	1,201,389	1,090,558
Total, State and Tribal Assistance Grants.....	3,758,913	3,860,430	3,618,727
Subtotal, ENVIRONMENTAL PROTECTION AGENCY.....	8,822,117	9,023,000	8,513,005
Rescission.....	-140,000	-50,000	-50,000
TOTAL, TITLE II, ENVIRONMENTAL PROTECTION AGENCY	8,682,117	8,973,000	8,463,005
Appropriations.....	(8,822,117)	(9,023,000)	(8,513,005)
Rescissions.....	(-140,000)	(-50,000)	(-50,000)

TITLE III - RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Forest and Rangeland Research

Forest inventory and analysis.....	66,805	61,939	64,372
Research and development programs.....	239,832	233,834	231,401
(Global Climate Change Science).....	(31,793)	(28,357)	---
Total, Forest and rangeland research.....	306,637	295,773	295,773

State and Private Forestry

Forest Health Management:

Federal lands forest health management.....	56,737	55,613	47,501
Cooperative lands forest health management.....	48,821	43,942	40,063
Subtotal.....	105,558	99,555	87,564

Cooperative Fire Protection:

State fire assistance.....	32,358	33,201	30,537
Volunteer fire assistance.....	6,680	7,000	6,680
Subtotal.....	39,038	40,201	37,217

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
<hr/>			
Cooperative Forestry:			
Forest stewardship.....	32,548	29,449	28,860
Forest legacy.....	52,894	135,000	53,388
Community forest and open space conservation.....	1,000	5,000	2,000
Urban and community forestry.....	32,040	32,377	31,377
Forest resource information and analysis.....	5,026	---	4,925
Subtotal, Cooperative Forestry.....	123,508	201,826	120,550
International forestry.....	9,492	---	8,000
Total, State and Private Forestry.....	277,596	341,582	253,331
<hr/>			
National Forest System			
Land management planning.....	45,033	205,602	40,000
Inventory and monitoring.....	167,219	---	161,980
Recreation, heritage and wilderness.....	281,627	290,498	281,627
Grazing management.....	49,738	45,445	55,445
Forest products.....	336,049	---	336,049
Vegetation and watershed management.....	184,341	---	184,341
Wildlife and fish habitat management.....	140,260	---	140,260
(Integrated resource restoration).....	---	(854,242)	---
Restoration of Management and Resources.....	---	659,242	---
Collaborative Forest Landscape Restoration Fund.....	14,970	40,000	40,000
Priority watersheds and jobs stabilization.....	---	80,000	---
Legacy roads and trails.....	---	75,000	---
Minerals and geology management.....	83,560	78,805	83,560
Landownership management.....	91,765	85,875	85,875
Law enforcement operations.....	144,254	144,059	144,059
Valles Caldera National Preserve.....	3,432	---	3,432
Total, National Forest System.....	1,542,248	1,704,526	1,556,628
<hr/>			
Capital Improvement and Maintenance			
Facilities:			
Maintenance.....	90,450	82,661	62,661
Construction.....	44,550	18,124	13,124
Subtotal.....	135,000	100,785	75,785
Roads:			
Maintenance.....	167,868	148,944	155,491
Construction.....	27,327	8,874	27,327
Subtotal.....	195,195	157,818	182,818
Trails:			
Maintenance.....	69,821	63,422	63,422
Construction.....	18,560	18,766	18,560
Subtotal.....	88,381	82,188	81,982
Deferred maintenance.....	9,158	9,136	9,136
Legacy road and trail remediation.....	44,910	---	45,000
Subtotal, Capital improvement and maintenance...	472,644	349,927	394,721
Deferral of road and trail fund payment.....	-13,000	-12,000	-12,000
Total, Capital improvement and maintenance.....	459,644	337,927	382,721

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
<hr/>			
Land Acquisition			
Acquisitions.....	19,235	78,520	41,605
Acquisition management.....	9,000	7,400	7,500
Cash equalization.....	400	---	---
Critical inholdings/wilderness protection.....	4,299	---	---
Critical Inholdings/Cash Equalization.....	---	4,080	3,500
Total, Land Acquisition.....	32,934	90,000	52,605
Acquisition of land for national forests, special acts	1,048	955	955
Acquisition of lands to complete land exchanges.....	250	227	227
Range betterment fund.....	3,600	3,262	3,262
Gifts, donations and bequests for forest and rangeland research.....	50	45	45
Management of national forest lands for subsistence uses.....	2,577	---	2,577
Wildland Fire Management			
Fire operations:			
Wildland fire preparedness.....	673,650	1,006,052	1,006,052
Wildland fire suppression operations.....	995,511	538,720	538,720
Subtotal, Fire operations.....	1,669,161	1,544,772	1,544,772
Other operations:			
Hazardous fuels.....	349,584	62,015	317,584
(Hazardous Fuels Base Program)*.....	(334,614)	(249,015)	(312,584)
(Collaborative Forest Landscape Restoration Fund)**	(9,980)	---	---
(Biomass Grants).....	(4,990)	(5,000)	(5,000)
Rehabilitation.....	11,477	---	---
Fire plan research and development.....	23,869	21,734	21,734
Joint fire sciences program.....	7,984	7,262	7,262
Forest health management (federal lands).....	20,710	12,983	15,983
Forest health management (co-op lands).....	11,405	6,366	8,366
State fire assistance.....	64,870	45,564	55,564
Volunteer fire assistance.....	8,982	6,366	6,366
Subtotal, Other operations.....	498,881	162,290	432,859
Subtotal, Wildland fire management.....	2,168,042	1,707,062	1,977,631
* Non-WUI haz fuels moved to IRR under FY12 request			
**Moved to IRR under FY12 request			
Rescission.....	-200,000	-192,000	---
Use of emergency suppression funds.....	---	---	-240,000
Total, Wildland fire management.....	1,968,042	1,515,062	1,737,631
FLAME Wildfire Suppression Reserve Account			
FLAME wildfire suppression reserve account.....	290,418	315,886	315,886
Rescission.....	-200,000	---	---
Total, all wildland fire accounts.....	2,058,460	1,830,948	2,053,517

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
Forest Service payments to communities (leg proposal).	---	328,000	---
Total, Forest Service without Wildland fire.....	2,626,584	2,774,297	2,548,124
TOTAL, FOREST SERVICE.....	4,685,044	4,933,245	4,601,641
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
INDIAN HEALTH SERVICE			
Indian Health Services			
Clinical Services:			
IHS and tribal health delivery			
Hospital and health clinic programs.....	1,762,865	1,963,886	1,813,868
Dental health program.....	152,634	170,859	159,696
Mental health program.....	72,786	81,117	75,710
Alcohol and substance abuse program.....	194,409	211,693	194,608
Contract health services.....	779,927	948,646	844,927
(Catastrophic health emergency fund).....	(47,904)	(58,000)	(51,500)
Subtotal.....	2,962,621	3,376,201	3,088,809
Preventive Health:			
Public health nursing.....	63,943	70,613	66,739
Health education.....	16,649	18,190	17,084
Community health representatives program.....	61,505	65,746	61,505
Immunization (Alaska).....	1,930	2,064	1,930
Subtotal.....	144,027	156,613	147,258
Urban health program.....	43,053	46,745	43,053
Indian health professions.....	40,661	42,016	40,661
Tribal management.....	2,581	2,762	2,581
Direct operations.....	68,583	73,636	71,768
Self-governance.....	6,054	6,329	6,054
Contract support costs.....	397,693	461,837	472,193
Total, Indian Health Services.....	3,665,273	4,166,139	3,872,377
Indian Health Facilities			
Maintenance and improvement.....	53,807	57,078	53,807
Sanitation facilities construction.....	95,665	79,710	79,710
Health care facilities construction.....	39,156	85,184	85,184
Facilities and environmental health support.....	192,701	210,992	199,733
Equipment.....	22,618	24,705	22,618
Subtotal, Indian Health Facilities.....	403,947	457,669	441,052
Total, Indian Health Facilities.....	403,947	457,669	441,052
TOTAL, INDIAN HEALTH SERVICE.....	4,069,220	4,623,808	4,313,429



DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
-----			
NATIONAL INSTITUTES OF HEALTH			
National Institute of Environmental Health Sciences...	79,054	81,085	79,054
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY			
Toxic substances and environmental public health.....	76,638	76,337	76,337
	=====	=====	=====
TOTAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES..	4,224,912	4,781,230	4,468,820
	=====	=====	=====
OTHER RELATED AGENCIES			
EXECUTIVE OFFICE OF THE PRESIDENT			
Council on Environmental Quality and Office of Environmental Quality.....	3,153	3,444	3,153
CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD			
Salaries and expenses.....	10,777	11,147	11,147
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION			
Salaries and expenses.....	7,984	9,570	7,750
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT			
Payment to the Institute.....	8,283	9,225	8,533
SMITHSONIAN INSTITUTION			
Salaries and Expenses			
Museum and Research Institutes:			
National Air and Space Museum.....	18,359	18,246	18,246
Smithsonian Astrophysical Observatory.....	24,336	24,035	24,035
Major scientific instrumentation.....	3,814	3,822	3,822
Universe Center.....	200	300	300
National Museum of Natural History.....	48,318	48,163	48,163
National Zoological Park.....	23,306	23,352	23,352
Smithsonian Environmental Research Center.....	3,765	3,773	3,773
Smithsonian Tropical Research Institute.....	14,867	12,239	12,239
Biodiversity Center.....	500	2,100	2,100
Arthur M. Sackler Gallery/Freer Gallery of Art.....	6,123	6,135	6,135
Center for Folklife and Cultural Heritage.....	2,295	2,300	2,300
Cooper-Hewitt, National Design Museum.....	4,051	4,244	4,244
Hirshhorn Museum and Sculpture Garden.....	4,347	4,356	4,356
National Museum of African Art.....	4,452	4,461	4,461
World Cultures Center.....	300	300	300
Anacostia Community Museum.....	2,059	2,063	2,063
Archives of American Art.....	1,876	1,880	1,880
National Museum of African American History and Culture.....	13,298	13,437	13,437
National Museum of American History.....	22,392	22,637	22,637
National Museum of the American Indian.....	32,335	31,900	31,900

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
National Portrait Gallery.....	5,987	5,999	5,999
Smithsonian American Art Museum.....	9,325	9,343	9,343
American Experience Center.....	300	800	800
Subtotal, Museums and Research Institutes.....	246,605	245,885	245,885
Mission enabling:			
Program support and outreach:			
Outreach.....	9,592	9,291	9,291
Communications.....	2,490	2,594	2,594
Institution-wide programs.....	11,607	10,928	10,928
Office of Exhibits Central.....	3,006	3,012	3,012
Museum Support Center.....	1,870	1,874	1,874
Museum Conservation Institute.....	3,230	3,236	3,236
Smithsonian Institution Archives.....	2,189	2,193	2,193
Smithsonian Institution Libraries.....	9,963	9,983	9,983
Subtotal, Program support and outreach.....	43,947	43,111	43,111
Office of Chief Information Officer.....	45,526	46,144	46,144
Administration.....	33,293	33,949	33,949
Inspector General.....	2,602	2,607	2,607
Facilities services:			
Facilities maintenance.....	70,000	72,107	72,107
Facilities operations, security and support.....	192,916	192,727	192,727
Subtotal, Facilities services.....	262,916	264,834	264,834
Subtotal, Mission enabling.....	388,284	390,645	390,645
Total, Salaries and expenses.....	634,889	636,530	636,530
Facilities Capital			
Revitalization.....	91,940	84,830	84,830
Facilities planning and design.....	32,810	15,170	15,170
Construction.....	---	125,000	75,000
Total, Facilities Capital.....	124,750	225,000	175,000
TOTAL, SMITHSONIAN INSTITUTION.....	759,639	861,530	811,530
NATIONAL GALLERY OF ART			
Salaries and Expenses			
Care and utilization of art collections.....	36,828	36,708	36,708
Operation and maintenance of buildings and grounds....	29,209	35,499	32,289
Protection of buildings, grounds and contents.....	23,729	23,509	23,509
General administration.....	20,759	23,065	21,560
Total, Salaries and Expenses.....	110,525	118,781	114,066

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
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Repair, Restoration and Renovation of Buildings			
Base program.....	48,125	19,219	14,516
	=====	=====	=====
TOTAL, NATIONAL GALLERY OF ART.....	158,650	138,000	128,582
	=====	=====	=====
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS			
Operations and maintenance.....	22,455	23,200	23,200
Capital repair and restoration.....	13,892	13,650	13,650
	=====	=====	=====
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.....	36,347	36,850	36,850
	=====	=====	=====
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS			
Salaries and expenses.....	11,203	11,005	11,005
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES			
National Endowment for the Arts			
Grants and Administration			
Grants:			
Direct grants.....	62,243	58,208	56,208
Challenge America grants.....	7,984	8,000	8,000
Our Town.....	5,000	5,000	5,000
	-----	-----	-----
Subtotal.....	75,227	71,208	69,208
State partnerships:			
State and regional.....	39,469	34,737	36,311
Underserved set-aside.....	10,683	9,402	9,828
	-----	-----	-----
Subtotal.....	50,152	44,139	46,139
	-----	-----	-----
Subtotal, Grants.....	125,379	115,347	115,347
	-----	-----	-----
Program support.....	1,876	2,845	2,845
Administration.....	27,435	28,063	28,063
	-----	-----	-----
Total, Arts.....	154,690	146,255	146,255
National Endowment for the Humanities			
Grants and Administration			
Grants:			
Bridging cultures.....	1,500	4,000	3,500
Federal/State partnership.....	42,450	40,100	40,500
Preservation and access.....	16,500	15,600	15,200
Public programs.....	15,000	13,800	13,425
Research programs.....	16,250	14,900	14,525

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
Education programs.....	13,750	13,550	13,200
Program development.....	500	500	500
We The People Initiative grants.....	3,219	---	3,000
Digital humanities initiatives.....	4,000	4,250	4,150
Subtotal, Grants.....	113,169	106,700	108,000
Matching Grants:			
Treasury funds.....	4,800	2,750	2,385
Challenge grants.....	9,471	8,750	8,370
Subtotal, Matching grants.....	14,271	11,500	10,755
Administration.....	27,250	28,055	27,500
Total, Humanities.....	154,690	146,255	146,255
	=====	=====	=====
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.....	309,380	292,510	292,510
	=====	=====	=====
COMMISSION OF FINE ARTS			
Salaries and expenses.....	2,289	2,400	2,400
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS			
Grants.....	2,994	---	2,000
ADVISORY COUNCIL ON HISTORIC PRESERVATION			
Salaries and expenses.....	5,896	6,108	6,108
NATIONAL CAPITAL PLANNING COMMISSION			
Salaries and expenses.....	8,490	8,154	8,154
UNITED STATES HOLOCAUST MEMORIAL MUSEUM			
Holocaust Memorial Museum.....	49,024	52,694	50,798
PRESIDIO TRUST			
Operations.....	14,970	12,000	12,000

DIVISION E - DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference
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DWIGHT D. EISENHOWER MEMORIAL COMMISSION			
Salaries and expenses.....	---	6,000	2,000
Capital construction.....	---	83,768	30,990
	=====	=====	=====
Total, DWIGHT D. EISENHOWER MEMORIAL COMMISSION.	---	89,768	32,990
	=====	=====	=====
TOTAL, TITLE III, RELATED AGENCIES.....	10,299,035	11,258,880	10,495,971
Appropriations.....	(10,699,035)	(11,450,880)	(10,495,971)
Rescissions.....	(-400,000)	(-192,000)	---
	=====	=====	=====
TITLE IV - GENERAL PROVISIONS			
Cabin user fee.....	2,000	---	---
Across-the-board cut (.16%).....	---	---	-47,000
	=====	=====	=====
GRAND TOTAL.....	29,610,782	31,343,710	29,229,412
Appropriations.....	(30,436,348)	(31,615,710)	(29,395,412)
Rescissions.....	(-825,566)	(-272,000)	(-166,000)
Discretionary total.....	29,559,000	31,289,290	29,174,992

**DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012**

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2012, put in place by this division incorporates the following agreements of the managers. Funds for the individual programs and activities within the accounts in this division are displayed in the detailed table at the end of the statement of the managers for this Act. Funding levels that are not displayed in the detailed table are identified within this statement of the managers. In implementing this conference agreement, the Departments and agencies should be guided by the language and instructions set forth in Senate Report 112-84 accompanying the bill, S. 1599, unless specifically addressed in this statement. In cases where the language and instructions in the Senate report specifically address the allocation of funds, each has been reviewed by the conferees and those that are jointly concurred in have been endorsed in this statement of managers.

**TITLE I**

**DEPARTMENT OF LABOR**

**EMPLOYMENT AND TRAINING ADMINISTRATION  
TRAINING AND EMPLOYMENT SERVICES  
(INCLUDING TRANSFER OF FUNDS)**

The conference agreement includes \$3,195,383,000 for Training and Employment Services (TES). Of the amount appropriated under the heading TES, \$1,423,383,000 shall be available for obligation for the period July 1, 2012 through June 30, 2013, and the remaining \$1,772,000,000 shall be available as an advance appropriation for the period October 1, 2012 through June 30, 2013.

The conferees direct that, beginning with the fiscal year 2013 budget request, the TES detailed workload and performance tables in the congressional justification materials be modified to include, as a subset of the "Participants Served in Employment and Training Activities," the number of participants who participated in core and intensive services, the number of participants who participated in training services, the number of exiters, and the number of exiters who gained employment.

The conference agreement includes \$1,008,432,000 for Dislocated Worker Assistance employment and training activities, of which \$148,432,000 shall be available for obligation for the period July 1, 2012 through June 30, 2013, and the remaining \$860,000,000 shall be available as an advance appropriation for the period October 1, 2012 through June 30, 2013. The conferees continue to support the use of National Emergency Grants to meet unanticipated increases in demand for employment and training services and encourage a rapid execution of funding throughout the program year to address these needs throughout the country.

The conference agreement includes \$84,451,000 for migrant and seasonal farmworker formula grants. The conferees direct that \$5,689,000 shall be for migrant and seasonal farmworker housing grants, of which not less than 70 percent of this amount shall be used for permanent housing grants. The conferees further direct the Department of Labor to submit annual reports documenting the use of farmworker housing funds. The reports should include information on the amount of funds used for permanent and temporary housing activities, respectively; a list of the communities served; a list of the grantees and the states in which they are lo-

cated; the total number of individuals or families served; and a list of allowable temporary housing activities.

The conference agreement includes \$50,000,000 for the Workforce Innovation Fund.

The conference agreement includes new language that provides that funding previously made available under Public Law 112-10 designated for young parents training grants may be used for research and implementation activities related to the VOW to Hire Heroes Act of 2011 and other pilots, demonstrations, and research activities.

The conferees note that the National Guard's Youth Challenge program at the Department of Defense provides a structured high school curriculum in a residential setting for 16- to 18-year old high school dropouts across 27 states. However, the success of this program is hindered by the lack of a formalized employment training component. As the Department of Labor has a long history with such endeavors, the conferees encourage the Secretary of Labor to work with the Department of Defense, providing technical assistance and guidance where needed, in establishing a vocational training component within the Youth Challenge program.

The conference agreement includes a directive for the Government Accountability Office to assess the capabilities of the Adult and Dislocated Worker Employment and Training programs to adequately prepare participants for currently available jobs. The study shall include, but is not limited to, the following:

1. An evaluation of the means by which Workforce Investment Act (WIA) local areas identify currently available jobs and the skills required for those jobs in potential growth sectors of the economy. This may include an evaluation of decisions by regional and local WIA areas and an assessment of the quality of available labor market information and job projections.

2. An evaluation of the means by which WIA local areas direct program participants to prepare or train for currently or soon-to-be available jobs in the WIA area. To the extent that prospects for employment are greater outside the WIA area, the evaluation will assess the extent to which WIA areas help the participants of the programs prepare or train for these jobs.

3. A compilation of any recommendations on how participants may be better prepared for current openings and for openings in growth sectors of the economy.

The conference agreement includes \$6,475,000 for the Workforce Data Quality Initiative.

**OFFICE OF JOB CORPS**

The conference agreement includes \$1,706,171,000 for the Office of Job Corps (OJC). The budget request includes \$1,033,747,000 in fiscal year 2012 funding and, in addition, \$666,000,000 in advance funding for fiscal year 2013. The conferees provide full funding for OJC in fiscal year 2012, eliminating the need for advance appropriations, and direct the Secretary of Labor to submit future budget requests for OJC without advance appropriations beginning with the fiscal year 2013 budget submission.

**COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS**

The conference agreement includes \$449,100,000 for Community Service Employment for Older Americans.

**STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS**

The conference agreement includes \$4,094,672,000 for State Unemployment Insur-

ance and Employment Service Operations, including a total of \$60,000,000 to conduct in-person reemployment and eligibility assessments (REA) and unemployment insurance improper payment reviews.

The conference agreement for Unemployment Insurance (UI) State operations does not explicitly include funds for the expansion of REAs or for the new initiative requested for UI operations incentive grants for improved operations. Funds not required for workload should be used by the Department to increase REA funding and other activities to address improper payments, to fund State requests for technology improvement funding, and to initiate performance improvement grants.

The conference agreement does not include funding requested for expansion of the worker misclassification initiative.

**PROGRAM ADMINISTRATION**

The conference agreement includes \$147,360,000 for Program Administration.

The conference agreement does not include funding requested for expansion of the worker misclassification initiative.

**EMPLOYEE BENEFITS SECURITY ADMINISTRATION**

**SALARIES AND EXPENSES**

The conference agreement includes \$183,500,000 for the Employee Benefits Security Administration.

**WAGE AND HOUR DIVISION**

**SALARIES AND EXPENSES**

The conference agreement includes \$227,491,000 for the Wage and Hour Division.

The conference agreement does not include funding requested for expansion of the worker misclassification initiative.

**OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS**

**SALARIES AND EXPENSES**

The conference agreement includes \$105,386,000 for the Office of Federal Contract Compliance Programs.

The conference agreement does not include funding requested for expansion of the worker misclassification initiative.

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

**SALARIES AND EXPENSES**

The conference agreement includes \$565,857,000 for the Occupational Safety and Health Administration (OSHA).

The conferees note that OSHA's National Emphasis Program (NEP) on Recordkeeping has been underway since October, 2009, to assess the accuracy of injury and illness data recorded by employers. The conferees direct the Secretary of Labor to submit a report, not later than 90 days after enactment of this Act, to the Committees on Appropriations of the House and the Senate detailing the findings of this NEP, as well as other Department activities, related to the accuracy of employer reporting of injury and illness data.

**MINE SAFETY AND HEALTH ADMINISTRATION**

**SALARIES AND EXPENSES**

The conference agreement includes \$374,000,000 for the Mine Safety and Health Administration (MSHA).

The conference agreement provides sufficient funding to improve MSHA's emergency response operations and rescue capabilities through the upgrade of emergency response equipment and the purchase and deployment of new underground mine rescue communications systems for mine rescue teams, continue making progress on the elimination of

the backlog of mine safety and health appeals, support the reorganization and strengthening of the Office of Accountability within the assessments line, upgrade the Mt. Hope laboratory, continue the coal dust spot inspection program, and acquire continuous personal dust monitors for MSHA personnel.

#### BUREAU OF LABOR STATISTICS

##### SALARIES AND EXPENSES

The conference agreement includes \$610,224,000 for the Bureau of Labor Statistics (BLS).

##### GENERAL PROVISIONS

##### JOB CORPS COMPENSATION

The conference agreement modifies a provision that prohibits the use of Job Corps funding from being used to compensate an individual at a rate in excess of Executive Level II.

##### AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT

The conference agreement modifies a provision relating to grants made from the Department of Labor under the authority of the American Competitiveness and Workforce Improvement Act.

##### EMPLOYMENT AND TRAINING ADMINISTRATION COMPENSATION

The conference agreement modifies a provision to prohibit the use of funds provided to the Employment and Training Administration for the compensation of any individual at a rate in excess of Executive Level II.

##### TRANSFER AUTHORITY FOR TECHNICAL ASSISTANCE SERVICES

The conference agreement modifies a provision providing the Secretary of Labor with the authority to transfer funds made available to the Employment and Training Administration by this Act, or by Public Law 112-10, for technical assistance services to Program Administration.

##### DEFINITION OF FIDUCIARY REGULATION

The conference agreement includes a new provision relating to the "Definition of Fiduciary" regulation being developed by the Employee Benefits Security Administration (Regulatory Identification Number 1210-AB32). The conferees understand that it is the Secretary of Labor's intention to formally withdraw this proposed rule upon the issuance of a new notice of proposed rulemaking (NPRM). This section shall not be construed as preventing the Secretary from publishing a new or revised NPRM relating to the definition of a fiduciary, provided that interested parties and stakeholders are afforded a sufficient opportunity to review and comment on the proposed rulemaking.

##### WAGE METHODOLOGY FOR THE TEMPORARY NON-AGRICULTURAL EMPLOYMENT H-2B PROGRAM REGULATION

The conference agreement modifies a provision relating to the "Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program" regulation published by the Employment and Training Administration.

##### OCCUPATIONAL INJURY AND ILLNESS RECORDING AND REPORTING REQUIREMENTS—MUSCULOSKELETAL DISORDERS (MSD) COLUMN REGULATION

The conference agreement includes a new provision relating to the "Occupational Injury and Illness Recording and Reporting Requirements—Musculoskeletal Disorders (MSD) Column" regulation being developed by the Occupational Safety and Health Administration.

##### LOWERING MINERS' EXPOSURE TO COAL MINE DUST, INCLUDING CONTINUOUS PERSONAL DUST MONITORS REGULATION

The conference agreement includes a new provision relating to the "Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors" regulation being developed by the Mine Safety and Health Administration (MSHA). This section is not intended to restrict MSHA's ability to enforce the current rule while this section is in effect or address any compliance assistance or training needs arising from the publication of the final rule during the effective period of this section.

##### OVERTIME EXEMPTIONS FOR SERVICE ADVISORS IN AUTOMOTIVE DEALERSHIPS

The conference agreement includes a new provision relating to overtime exemptions as defined by the Fair Labor Standards Act.

#### TITLE II

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### HEALTH RESOURCES AND SERVICES ADMINISTRATION

The conference agreement includes \$6,450,534,000 for the Health Resources and Services Administration (HRSA). In addition, \$25,000,000 is made available under section 241 of the Public Health Service (PHS) Act.

The conference agreement includes bill language that divides HRSA into several accounts to improve transparency and accountability. The conferees direct that future budget requests reflect this new structure.

##### PRIMARY HEALTH CARE

The conference agreement includes \$1,598,957,000 for Primary Health Care.

##### HEALTH WORKFORCE

The conference agreement includes \$734,402,000 for Health Workforce.

Within the funds provided for Training in Oral Health Care, the conferees include \$7,563,000 each for general and pediatric dentistry.

The conference agreement includes language prohibiting health workforce funds to be used for section 340G-1, the Alternative Dental Health Care Providers Demonstration programs.

Within the funds provided for Public Health and Preventive Medicine Programs, the conferees direct HRSA to fund preventive medicine residencies at no less than fiscal year 2011 levels. The conferees have provided sufficient funding for a national coordinating center and \$2,500,000 for grants to incorporate competency-based integrative medicine curricula in graduate medical education.

Within the funds for Advanced Education Nursing, the conferees direct HRSA to allocate funding for nurse anesthetist education at no less than fiscal year 2011 levels.

##### MATERNAL AND CHILD HEALTH

The conference agreement includes \$863,607,000 for Maternal and Child Health.

The conference agreement includes bill language setting aside \$79,586,000 for Special Projects of Regional and National Significance (SPRANS). The agreement includes sufficient funding to continue State grants and the set-asides for oral health, epilepsy, sickle cell, and fetal alcohol syndrome at no less than fiscal year 2011 levels.

Within the funding provided for the Autism and Other Related Developmental Disorders program, the conferees direct HRSA to fund the Leadership Education in

Neurodevelopmental and Related Disabilities (LEND) program at no less than fiscal year 2011 levels.

##### RYAN WHITE HIV/AIDS PROGRAMS

The conference agreement includes \$2,351,665,000 for Ryan White HIV/AIDS Programs, of which \$2,326,665,000 is provided as budget authority and \$25,000,000 is made available under section 241 of the Public Health Service Act.

The conferees intend that HRSA allocate funds for the Minority AIDS Initiative within the Ryan White HIV Programs at no less than the fiscal year 2011 funding level.

##### HEALTH CARE SYSTEMS

The conference agreement includes \$83,526,000 for Health Care Systems.

##### RURAL HEALTH

The conference agreement includes \$139,832,000 for Rural Health.

*Rural Outreach Models.*—The conferees recognize the continuing challenges facing rural communities in providing adequate healthcare services. The conferees urge HRSA to consider projects that demonstrate new and innovative models of outreach in rural areas, such as the integration and coordination of health services; the utilization of technologies to improve access to health services; distance education for health professionals; and activities that improve mental healthcare services in rural areas.

##### FAMILY PLANNING

The conference agreement includes \$297,400,000 for Family Planning.

##### PROGRAM MANAGEMENT

The conference agreement includes \$161,815,000 for Program Management.

##### CENTERS FOR DISEASE CONTROL AND PREVENTION

The conference agreement includes \$5,667,735,000 in discretionary appropriations for the Centers for Disease Control and Prevention (CDC). In addition, \$371,357,000 is made available under section 241 of the Public Health Service (PHS) Act.

The conference agreement includes bill language that divides CDC into several accounts to improve transparency and accountability. The conferees direct that future budget requests, to include the fiscal year 2013 budget request, reflect this new structure. Further, the conferees direct CDC to provide additional programmatic information in budget justifications beginning in fiscal year 2014. This information shall be included for every activity identified in this Statement of the Managers and shall include: a short description of the nature of CDC's work on a particular subject; the number of new and continuing grants made; the average grant size; and a State-by-State table for any formula-based funding. The conferees understand that the fiscal year 2013 justification is already in draft form; therefore, the conferees expect an operating plan 90 days after enactment of this Act that details spending levels for all CDC budget lines included in this Statement of the Managers.

*Extramural Research.*—The conferees request a report from CDC by March 1 of each year that details the breakdown of intramural and extramural funding for each program of the various offices and centers at CDC. This report shall include the amount of funding in each Center dedicated to administrative activities.

##### IMMUNIZATION AND RESPIRATORY DISEASES

The conference agreement includes \$579,375,000 for Immunization and Respiratory Diseases. In addition, \$12,864,000 is

made available under section 241 of the PHS Act.

Within the program level total for Immunization and Respiratory Diseases, the conference agreement includes the following amounts:

Budget Activity	Conference
Section 317 Immunization Program .....	\$369,553,000
Program Operations .....	63,005,000
National Immunization Survey .....	12,864,000
Influenza .....	159,681,000

#### HIV/AIDS, VIRAL HEPATITIS, SEXUALLY TRANSMITTED DISEASES AND TUBERCULOSIS PREVENTION

The conference agreement includes \$1,105,995,000 for HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases and Tuberculosis Prevention.

Within the total for HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention, the conference agreement includes the following amounts:

Budget Activity	Conference
Domestic HIV/AIDS Prevention and Research .....	
HIV Prevention by Health Departments .....	\$336,912,000
HIV Surveillance .....	117,667,000
National/Regional/Local/Community/Other .....	138,059,000
Enhanced HIV Testing .....	65,401,000
Improving Program Effectiveness .....	102,406,000
School Health .....	30,000,000
Viral Hepatitis .....	19,784,000
Sexually Transmitted Diseases .....	154,666,000
Tuberculosis .....	141,100,000

Within the total for Domestic HIV/AIDS Prevention and Research programs, the conference agreement provides funding at no less than the fiscal year 2011 level to support activities that are targeted to address the growing HIV/AIDS epidemic and its disparate impact on communities of color, including African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians, and Pacific Islanders.

#### EMERGING AND ZOONOTIC INFECTIOUS DISEASES

The conference agreement includes \$253,919,000 for Emerging and Zoonotic Infectious Diseases.

Within the total for Emerging and Zoonotic Infectious Diseases, the conference agreement includes the following amounts:

Budget Activity	Conference
Vector-borne Diseases .....	\$23,232,000
Lyme Disease .....	8,773,000
Food Safety .....	27,172,000
Prion Disease .....	5,000,000
Chronic Fatigue Syndrome .....	4,737,000
Emerging Infectious Diseases .....	124,151,000
National Healthcare Safety Network .....	14,872,000
Quarantine .....	26,032,000

**Lyme Disease.**—The conferees encourage CDC to expand its activities related to developing sensitive and more accurate diagnostic tools and tests for Lyme disease, including the evaluation of emerging diagnostic methods and improving utilization of diagnostic testing to account for the multiple clinical manifestations of acute and chronic Lyme disease. CDC is encouraged to expand its epidemiological research activities on tick-borne diseases, to include an objective to determine the long-term course of illness for Lyme disease and to improve surveillance and reporting of Lyme and other tick-borne diseases in order to produce more accurate data on their prevalence. Finally, the conferees encourage CDC to evaluate the feasibility of developing a national reporting system on Lyme disease, including laboratory reporting; and to expand prevention of Lyme and tick-borne diseases through increased community-based public education and cre-

ating a physician education program that includes the full spectrum of scientific research on the diseases.

#### CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION

The conference agreement includes \$760,700,000 for Chronic Disease Prevention and Health Promotion.

Within the total for Chronic Disease Prevention and Health Promotion, the conference agreement includes the following amounts:

Budget activity	Conference
Tobacco .....	108,685,000
Nutrition, Physical Activity, and Obesity .....	34,189,000
School Health .....	13,600,000
Food Allergies .....	488,000
Health Promotion .....	17,682,000
Community Health Promotion .....	6,141,000
Glaucoma .....	3,337,000
Visual Screening Education .....	511,000
Alzheimer's Disease .....	1,812,000
Inflammatory Bowel Disease .....	680,000
Interstitial Cystitis .....	654,000
Excessive Alcohol Use .....	2,454,000
Chronic Kidney Disease .....	2,093,000
Prevention Research Centers .....	18,001,000
Heart Disease and Stroke .....	55,284,000
Diabetes .....	64,796,000
Cancer Prevention and Control .....	350,332,000
Breast and Cervical Cancer .....	206,001,000
WISEWOMAN .....	20,745,000
Breast Cancer Awareness for Young Women .....	4,908,000
Cancer Registries .....	50,295,000
Colorectal Cancer .....	43,070,000
Comprehensive Cancer .....	20,313,000
Johanna's Law .....	5,000,000
Ovarian Cancer .....	4,909,000
Prostate Cancer .....	13,188,000
Skin Cancer .....	2,150,000
Cancer Survivorship Resource Center .....	498,000
Oral Health .....	14,726,000
Safe Motherhood/Infant Health .....	44,049,000
Other Chronic Diseases .....	25,338,000
Arthritis .....	13,075,000
Epilepsy .....	7,801,000
National Lupus Patient Registry .....	4,462,000
Community Grants .....	14,018,000
Healthy Communities .....	0
REACH .....	14,018,000

The conferees expect the Office of Smoking and Health to transfer no less than the amount it did in fiscal year 2011 to the Environmental Health Laboratory. The conferees intend that this transfer is to be provided to the lab in a manner that supplements and in no way replaces existing funding for tobacco-related activities.

The conferees are pleased to learn that CDC has decided to retain the Division of Oral Health. This action is supported by a recent Institute of Medicine (IOM) report titled "Advancing Oral Health in America" that recommends oral health be given a high priority within HHS. This decision will allow CDC to focus on the prevention and elimination of oral disease, support state oral health infrastructure programs, and improve the coordination of oral health activities with other chronic disease prevention activities.

#### BIRTH DEFECTS AND DEVELOPMENTAL DISEASES

The conference agreement includes \$138,072,000 for birth defects and developmental diseases.

The conferees have rejected the consolidation proposed in the fiscal year 2012 budget for disability initiatives in the National Center on Birth Defects and Developmental Disabilities (NCBDDD). The conferees direct that any new consolidation put forward by the administration be accompanied by an assessment of the needs of people with disabilities that includes the categories of disabilities currently served, validates the value of such a consolidation, considers the input of stakeholders, and establishes the basis for any proposed efficiencies and commonalities.

Within the total for Birth Defects and Developmental Diseases, the conference agreement includes the following amounts:

Budget activity	Conference
Child Health and Development .....	\$62,295,000
Birth Defects .....	20,304,000
Craniofacial Malformation .....	1,809,000
Fetal Death .....	808,000
Fetal Alcohol Syndrome .....	9,891,000
Folic Acid .....	2,795,000
Infant Health .....	7,925,000
Autism .....	21,380,000
Health and Development for People with Disabilities .....	56,920,000
Disability & Health (incl. Child Development) .....	17,893,000
Limb Loss .....	2,836,000
Tourette Syndrome .....	1,701,000
Early Hearing Detection and Intervention .....	10,672,000
Muscular Dystrophy .....	5,865,000
Paralysis Resource Center .....	6,739,000
Attention Deficit Hyperactivity Disorder .....	1,718,000
Fragile X .....	1,684,000
Spina Bifida .....	5,812,000
Congenital Heart Failure .....	2,000,000
Public Health Approach to Blood Disorders .....	18,857,000
Hemophilia .....	16,670,000
Thalassemia .....	1,861,000

**Congenital Heart Disease.**—The conferees are concerned that there is a lack of rigorous epidemiological and longitudinal data on individuals of all ages with congenital heart disease and has included funding to begin to compile this information. The conferees are particularly interested in information on prevalence, barriers to effective care, survival outcomes and neurocognitive outcomes.

#### PUBLIC HEALTH SCIENTIFIC SERVICES

The conference agreement includes \$144,795,000 for public health scientific services. In addition, \$247,769,000 is made available under section 241 of the PHS Act.

Within the total for Public Health Scientific Services, the conference agreement includes the following amounts:

Budget activity	FY 2012 Committee
Health Statistics .....	138,683,000
Surveillance, Epidemiology, and Informatics .....	217,747,000
Public Health Workforce .....	36,134,000

The conferees remain supportive of the Primary Immunodeficiency Education and Awareness Program. The program has successfully leveraged federal money and private contributions to improve the quality of life for these patients.

#### ENVIRONMENTAL HEALTH

The conference agreement includes \$105,598,000 for environmental health programs.

Within the total for Environmental Health, the conference agreement includes the following amounts:

Budget activity	Conference
Environmental Health Laboratory .....	\$42,628,000
Newborn Screening Quality Assurance Program .....	6,865,000
Newborn Screening /Severe Combined Immuno. Diseases .....	970,000
Environmental Health Activities .....	35,526,000
Safe Water .....	7,150,000
Volcanic Emissions .....	197,000
Environmental and Health Outcome Tracking .....	0
Amyotrophic Lateral Sclerosis (ALS) Registry .....	5,903,000
Climate Change .....	7,401,000
Built Environment and Health Initiative .....	2,634,000
Asthma .....	25,444,000
Lead Poisoning .....	2,000,000

The conferees direct CDC to continue its support of the National Asthma Control Program as currently structured.

The conferees intend that the funds provided for the CDC lead poisoning program be used to maintain expertise and analysis at the national level and to provide a resource for States and localities.

#### INJURY PREVENTION AND CONTROL

The conference agreement includes \$138,480,000 for injury prevention and control activities.

Within the total for Injury Prevention and Control, the conference agreement includes the following amounts:



Budget activity	Conference
Intentional Injury .....	\$93,690,000
Domestic Violence and Sexual Violence .....	31,315,000
Child Maltreatment .....	6,974,000
Youth Violence Prevention .....	15,000,000
Domestic Violence Community Projects .....	5,423,000
Rape Prevention .....	39,474,000
Unintentional Injury .....	31,315,000
Traumatic Brain Injury .....	6,039,000
Elderly Falls .....	1,963,000
Injury Control Research Centers .....	9,996,000
National Violent Death Reporting System .....	3,479,000

#### NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

The conference agreement includes \$182,903,000 for Occupational Safety and Health. In addition, \$110,724,000 is made available under section 241 of the PHS Act.

Within the total for Occupational Safety and Health, the conference agreement includes the following amounts:

Budget activity	FY 2012 Committee
Education and Research Centers .....	\$24,321,000
Personal Protective Technology .....	16,828,000
Healthier Workforce Centers .....	5,026,000
National Occupational Research Agenda .....	111,367,000
Mining Research .....	52,687,000
Other Occupational Safety and Health Research .....	83,398,000
Miners Choice .....	647,000
National Mesothelioma Registry and Tissue Bank .....	1,022,000

Within the total for the National Occupational Research Agenda, the conferees provide no less than fiscal year 2011 levels for the Agriculture, Forestry, and Fishing Program.

#### ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

The conference agreement includes \$55,358,000 for CDC's responsibilities with respect to the Energy Employee Occupational Illness Compensation Program.

#### GLOBAL HEALTH

The conference agreement includes \$349,547,000 for global health activities.

Within the total for Global Health, the conference agreement includes the following amounts:

Budget activity	FY 2012 Committee
Global AIDS Program .....	\$118,023,000
Global Immunization Program .....	160,854,000
Polio Eradication .....	111,597,000
Other Global/Measles .....	49,257,000
Global Disease Detection and Emergency Response .....	41,902,000
Parasitic Diseases/Malaria .....	19,467,000
Global Public Health .....	9,301,000

#### PUBLIC HEALTH PREPAREDNESS AND RESPONSE

The conference agreement includes \$1,306,906,000 for public health preparedness and response activities.

Within the total for Public Health Preparedness and Response, the conference agreement includes the following amounts:

Budget activity	Conference
Public Health Emergency Preparedness Cooperative Agreements .....	\$643,069,000
Centers for Public Health Preparedness .....	7,997,000
Advanced Practice Centers .....	0
All Other State and Local Capacity .....	7,784,000
CDC Preparedness and Response .....	138,570,000
BioSense .....	20,772,000
Lab Reporting .....	8,092,000
Strategic National Stockpile .....	509,486,000

#### CDC-WIDE ACTIVITIES

The conference agreement includes \$621,445,000 for CDC-wide activities.

Within the total for CDC-Wide Activities, the conference agreement includes the following amounts:

Budget activity	FY 2012 Committee
Preventive Health/Health Services Block .....	\$80,000,000

Budget activity	FY 2012 Committee
Business Services Support .....	397,026,000
Buildings and Facilities .....	25,000,000
Public Health Leadership .....	119,419,000

The conference agreement includes language making Vessel Sanitation Program user fees available through September 30, 2013.

**Working Capital Fund.**—The conferees have included bill language that allows CDC to begin creating a Working Capital Fund (WCF) to achieve greater cost efficiencies across the administrative operations of the agency. The conferees expect this WCF to begin making disbursements no sooner than fiscal year 2014. CDC shall notify the House and Senate Committees on Appropriations prior to any funds being transferred to or deposited in the WCF.

The conferees direct CDC to create a strong auditing system for the WCF, which shall include annual auditing of the calculation by which programs are charged to ensure that WCF funds are used solely for administrative costs and that CDC Centers and Offices are not over-charged for services. The conferees instruct that the structure of the WCF shall assume no more than a 2 year availability of any funds within it, that no construction of facilities shall be allowable costs, and that all allowable costs are clearly defined. The conferees further direct that the governance system be designed to include a role for all Center Directors in overseeing the costs incurred. The Committees on Appropriations expect quarterly briefings on the progress being made in drafting the charter and the methodology being used to set up the WCF.

Within the amount provided for Business Services, the conferees have made \$30,000,000 available until September 30, 2013.

#### NATIONAL INSTITUTES OF HEALTH

The conference agreement includes \$30,689,990,000 for the accounts that comprise the National Institutes of Health (NIH) total appropriation. This total does not include any funding for the Global Fund to Fight AIDS, Tuberculosis and Malaria; the conferees understand that all fiscal year 2012 funding for the Global Fund is provided through Division I (Department of State, Foreign Operations, and Related Programs). The conference agreement continues the allocation to NIH of \$8,200,000 in program evaluation set-aside funding. Appropriation levels for individual institutes and centers are described in the table at the end of this statement of managers.

The conferees recognize NIH's mission to invest in basic biomedical research and apply that knowledge to enhance our Nation's health and well-being, lengthen life, and reduce the burdens of illness and disability. NIH is strongly urged to ensure its policies continue to support a robust extramural community and make certain sufficient research resources are available to the more than 300,000 NIH-supported scientists at over 3,100 institutions across the country. The conferees affirm the critical importance of new and competing research project grants (RPGs) to the mission of NIH and are concerned that in the past few years, NIH has failed to support the number of new, competing RPGs that it estimated would be awarded in its annual congressional budget justifications. The conferees expect NIH to evaluate its new grant-estimating methodology to improve its accuracy and support as many scientifically meritorious new and competing RPGs as possible, at a reasonable

award level, with the funding provided in this Act.

In recent years, extramural research has accounted for nearly 90 percent of NIH's budget. The conferees strongly urge NIH to maintain at least that level in fiscal year 2012. NIH should also establish safeguards to ensure the percentage of funds used to support basic research across NIH is maintained.

The Office of the Director (OD) shall ensure, as practicable, the programs and offices within OD receive increases proportional to the overall increase, unless otherwise specified. The conferees request quarterly notification on obligations from the NIH Director's Discretionary Fund to the Committees on Appropriations of the House of Representatives and the Senate.

The conferees expect NIH to continue the long-standing policy for Common Fund projects to be short-term, high-impact awards, with no projects receiving funding for more than 10 years. The conferees recognize that certain investigator-initiated programs such as Pioneer Awards may be exceptions to the 10-year limit. Any other proposed exceptions should be explained in the fiscal year 2013 congressional budget justification.

The conference agreement includes language to eliminate the National Center for Research Resources (NCRR) and create the National Center for Advancing Translational Sciences (NCATS).

NCATS will study steps in the therapeutics development and implementation process, consult with experts in academia and the biotechnology and pharmaceutical industries to identify bottlenecks in the processes that are amenable to re-engineering, and develop new technologies and innovative methods for streamlining the processes. In order to evaluate these innovations and new approaches, NCATS will undertake targeted therapeutics development and implementation projects. In all of these efforts, the conferees expect that NCATS will complement, not compete with, the efforts of the private sector.

While the conferees welcome the creation of NCATS, they were disappointed by the way the administration requested it. The President's proposed budget for fiscal year 2012 included a vague description of NCATS but did not formally request funding for the restructuring or provide any details about which components of NIH would be consolidated into the new Center. The failure to do so caused unnecessary uncertainty about the proposal and contributed to the impression that it was being rushed. The conferees are also aware of concerns that the NIH process for evaluating the merits of the NCATS reorganization did not comply with the NIH Reform Act of 2006 with respect to the role of the Scientific Management Review Board (SMRB).

Lessons learned with NCATS should guide NIH as it considers another proposed restructuring, one that would involve consolidating NIDA, NIAAA and components of other Institutes and Centers (ICs) into a new Institute devoted to research on substance use, abuse and addiction. The conferees understand that this approach should include full consideration by the SMRB and that if the administration ultimately decides to seek such a restructuring, it should provide sufficient details in a formal budget request to Congress.

The following table provides the specific funding levels for the institutes and centers

and displays the comparable adjustments related to the reorganization.

	(Dollars in thousands)	FY 2011 Enacted*	Reallocation of resources	FY 2011 reorganization comparable	FY 2012 enacted
National Cancer Institute (NCI) .....		\$5,058,577	—4,163	\$5,054,414	\$5,081,788
Therapeutics for Rare and Neglected Disease (TRND) .....			—4,163		
National Heart, Lung, and Blood Institute (NHLBI) .....		3,069,723	—1,489	3,068,234	3,084,851
Clinical Research Resources .....			+995		
Biotechnology Research Resources .....			+29		
Research Management & Support .....			+14		
TRND .....			—2,527		
National Institute of Dental & Craniofacial Research (NIDCR) .....		409,608	—337	409,271	411,488
TRND .....			—337		
Nat. Inst. of Diabetes & Digestive & Kidney Diseases (NIDDK) .....		1,792,224	—1,476	1,790,748	1,800,447
TRND .....			—1,476		
National Institute of Neurological Disorders and Stroke (NINDS) .....		1,622,003	—1,335	1,620,668	1,629,445
TRND .....			—1,335		
National Institute of Allergy and Infectious Diseases (NIAID) .....		4,478,668	—3,689	4,474,979	4,499,215
TRND .....			—3,689		
National Institute of General Medical Sciences (NIGMS) .....		2,033,782	+338,010	2,371,792	2,434,637
Institutional Development Awards (IDeA) .....		+226,480			
Biotechnology Research Resources .....			+97,114		
Research Infrastructure .....			+8,853		
Research Management & Support .....			+7,237		
TRND .....			—1,674		
Nat. Inst. of Child Health and Human Development (NICHD) .....		1,317,854	—1,085	1,316,769	1,323,900
TRND .....			—1,085		
National Eye Institute (NEI) .....		700,828	—577	700,251	704,043
TRND .....			—577		
National Institute of Environmental Health Sciences (NIEHS) .....		683,724	—555	683,169	686,869
TRND .....			—555		
National Institute on Aging (NIA) .....		1,100,481	—906	1,099,575	1,105,530
TRND .....			—906		
Nat. Inst. Arthritis & Musculoskeletal & Skin Diseases (NIAMS) .....		534,349	—440	533,909	536,801
TRND .....			—440		
Nat. Inst. on Deafness & Other Communication Disorders (NIDCD) .....		415,155	—341	414,814	417,061
TRND .....			—341		
National Institute of Mental Health (NIMH) .....		1,476,294	—1,215	1,475,079	1,483,068
TRND .....			—1,215		
National Institute on Drug Abuse (NIDA) .....		1,050,542	—865	1,049,677	1,055,362
TRND .....			—865		
National Institute on Alcohol Abuse and Alcoholism (NIAAA) .....		458,286	—377	457,909	460,389
TRND .....			—377		
National Institute of Nursing Research (NINR) .....		144,381	—119	144,262	145,043
TRND .....			—119		
National Human Genome Research Institute (NHGRI) .....		511,497	—421	511,076	513,844
TRND .....			—421		
National Institute of Biomedical Imaging and Bioengineering (NIBIB) .....		313,802	+23,370	337,172	338,998
Biotechnology Research Resources .....			+22,977		
Research Management & Support .....			+651		
TRND .....			—258		
National Institute on Minority Health and Health Disparities (NIMHD) .....		209,714	+65,757	275,471	276,963
Research Centers in Minority Institutions .....			+58,686		
Biotechnology Research Resources .....			+1,784		
Research Infrastructure .....			+2,578		
Research Management & Support .....			+2,882		
TRND .....			—173		
National Center for Research Resources (NCRR) .....		1,257,754	—1,257,754	0	0
National Center for Complementary and Alternative Medicine (NCCAM) .....		127,713	—105	127,608	128,299
TRND .....			—105		0
John E. Fogarty International Center (FIC) .....		69,436	—58	69,378	69,754
TRND .....			—58		0
National Library of Medicine (NLM) .....		336,733	—277	336,456	338,278
TRND .....			—277		0
Office of the Director (OD) .....		1,166,963	+287,042	1,454,005	1,461,880
Comparative Medicine (incl. Nat'l Primate Res. Centers) .....			+194,921		
Shared & High-end Instrumentation .....			+64,114		
Clinical Research Resources .....			+769		
Biotechnology Research Resources .....			+8,505		
Research Infrastructure .....			+6,655		
Research Management & Support .....			+9,594		
Science Education Partnership Award .....			+18,480		
Clinical Research Resources .....			+534		
Biotechnology Research Resources .....			+552		
Research Management & Support .....			+716		
Office of Rare Diseases Research .....			—17,798		
National Center for Advancing Translational Sciences (NCATS) .....		0	+563,405	563,405	576,456
Clinical & Translational Science Awards (CTSAs) .....			+457,700		
Clinical Research Resources .....			+27,879		
Biotechnology Research Resources .....			+18,633		
Research Management & Support .....			+16,316		
NCBI/PA .....			+1,079		
TRND .....			+24,000		
Office of Rare Diseases Research .....			+17,798		
Cures Acceleration Network (CAN) .....			0		

Note: The FY 2011 enacted level does not include transfers.

*Cures Acceleration Network (CAN).*—The conferees provide NCATS with up to \$10,000,000 to support the CAN Board and related activities. The conferees expect a high bar for any use of waiver authority for CAN grant matching funds; any use should be extremely limited to maximize funds towards the CAN goals. The conferees encourage the CAN Board to create general principles and measurable outcomes to track success. The conferees request NCATS to charter an Institute of Medicine (IOM) work group to review, evaluate, and identify issues related to the CAN authority and provide a report for use

by the CAN Board to help it identify ways to accelerate and expand the number of cures. The report should include a survey and inventory of activities at NIH, FDA, AHRQ, CDC, the Patent and Trademark Office (PTO), and in the private sector that relate to the CAN program. The conferees urge IOM to include balanced participation by the entities listed above as well as the representatives of the pharmaceutical and biotechnology industry and the biotech venture capital community. The report should address patent authority, marketability, use of high-throughput analysis, regulatory

timelines, and cost structure issues related to the purpose of CAN.

*Accelerating Commercialization of Therapies to Patients.*—The conferees understand the need to develop models to assist research universities and institutes on the best ways to leverage and commercialize federally supported basic and applied biomedical research discoveries. This is a key reason why the conferees have agreed to create NCATS. The conferees note the market has started to develop public-private sector models that are beginning to show results in translating

basic research far more quickly than traditional models. These types of models use pre-defined technology-licensing terms to rapidly license new products and build a core of options for commercialization partnerships with pharmaceutical and biotechnology companies to establish joint ventures to further advance products to the market. The conferees strongly urge NIH to study and foster these models.

The conferees expect any NIH-supported partnerships to expand translational pharmaceutical development in a manner that does not inhibit creative market models. Top priorities of the Center should include developing tools to improve the “de-risking” process and advancing the drug development process to the point at which it can reasonably be expected to be picked up by the private sector. The conferees suggest the selection of Center projects should consider future market acceptance as one component of the criteria to evaluate and select potential Center projects. The conferees direct NIH to host a trans-NIH workshop with key research organizations, venture capitalists, pharmaceutical firms, the PTO, the FDA, and a sample of research universities and institutes to work together with NIH and the drug development market. The workshop should also consider how existing NIH and government mechanisms can be used to encourage models around the country to speed commercialization of therapies through a market-based approach.

*Clinical and Translational Science Awards (CTSAs).*—The conferees are encouraged by the success of the CTSA consortium and recommend the program receive full funding as it nears full implementation. The conferees expect the NCATS Director to ensure the current focus on the full spectrum of translational research is maintained, and CTSA resources are not diverted. The inclusion of patient-centered research, community engagement, training, dissemination science, and behavioral research is extremely important to the translation and application of basic science discoveries and success of the CTSAs. CTSAs now represent an investment of half a decade of innovation in translational research. To ensure the benefits of this investment are maintained, the conferees urge NIH to support a study by the IOM that would evaluate the CTSA program and recommend whether changes to the current mission are needed. The review should include stakeholders’ input and be available no later than 18 months after the enactment of this bill.

*Therapeutics for Rare and Neglected Disease (TRND) Program.*—The conferees continue support for TRND at a level of \$24,000,000 within NCATS. The conferees urge NIH to provide an annual report on the TRND program that identifies the number of projects started each year, cost per project, and the outcome of each project. The first report should be provided to the Committees on Appropriations by July 1, 2012.

*Institutional Development Awards.*—The conferees provide \$276,480,000 to increase support for the Institutional Development Awards (IDeA) program. The conferees recognize the importance of the Centers of Biomedical Research Excellence (COBRE) and the IDeA Networks of Biomedical Research Excellence (INBRE) programs. The conferees believe the IDeA program has made a significant contribution to biomedical research and creating a skilled workforce. Therefore, the conferees provide a \$45,882,000 increase and recommend it be divided equally toward a new COBRE competition and to support new

awards for the IDeA Clinical Trial and Translation Program to develop infrastructure for clinical and translational research in IDeA States. The conferees encourage the NIH Director to expand the program to support co-funding of IDeA projects across NIH ICs to foster the development of efforts in IDeA State programs. Further, as an Office of Experimental Program to Stimulate Competitive Research (EPSCoR) program, the focus of IDeA should continue to be on improving the necessary infrastructure and strengthening the biomedical research capacity and capability of research institutions. Unfortunately, many institutions in EPSCoR-qualifying States who could benefit from the IDeA program are ineligible for funding. The conferees encourage NIH to revise current eligibility criteria to take into account how the decreasing success rate for R01 grants NIH-wide is affecting IDeA eligibility. In particular, the conferees believe the IDeA Director should have the authority to consider funding institutions in any State that is EPSCoR eligible. The conferees urge NIH to develop criteria to incorporate flexibility into the program to address these concerns. The conferees request an update on both the IDeA eligibility criteria proposals and funding level by State and major activities, to include the co-funding activity, in the fiscal year 2013 congressional budget justification.

*Third Party Collections 3-Year Pilot.*—Since fiscal year 1997, Congress has included bill language authorizing NIH to “collect third party payments for the cost of clinical services that are incurred in NIH research facilities.” NIH has not yet exercised that authority. A recent study released in September that was conducted by PricewaterhouseCoopers LLP (PwC) found that there are numerous potential advantages as well as potential disadvantages to implementing a third party billing program. “The potential use of third party billing represents a significant investment and enduring change for the NIH Clinical Center,” the study states. “As such, additional efforts beyond the 14-week study represented in this report may be undertaken to more fully consider the challenges associated with the use of third party billing and the opportunities that may exist.” The conferees concur with this observation and therefore direct NIH to conduct a 3-year pilot study to assess the viability of third party reimbursement at NIH by looking at one of the services commonly used by a significant number of outpatients at some point in the patient’s protocol. One possible example would be radiology services, but this is not the only option. The Committees on Appropriations expect to be briefed on the proposed subject area and scope of the pilot before it is finalized. The conferees include \$10,000,000 for the Clinical Center for the costs of building the billing infrastructure for the pilot.

*Neuroblastoma.*—The conferees note the promising results of a recent clinical trial using a chimeric antibody to treat newly diagnosed neuroblastoma patients. The conferees support efforts to facilitate access to this new therapy for relapsed patients and request an update in the fiscal year 2013 congressional budget request.

*Clinical Trials.*—The conferees are aware of a 2010 IOM study on clinical trials that identified a number of concerns which may apply across all ICs.

The conferees direct NIH to conduct a trans-NIH review of the applicability of the 12 IOM recommendations to all NIH ICs that conduct clinical trials. The review should ex-

amine ways to develop and strengthen NIH-wide policies with a focus on opportunities to improve the incorporation of innovative science, increase speed of initiation and completion, improve the means of setting priorities, and develop better incentives for participation in clinical trials.

The conferees note the report found it takes over 900 days to open a clinical trial, but trials supported through the American Recovery and Reinvestment Act developed methods to open studies within 90 days. The conferees encourage NIH to consider guidance to incorporate the 90-day opening model into other NIH-wide clinical trial activity.

The review should examine the policies of each IC regarding funding for variable accrual costs per case, and ensure consistent guidelines across NIH. Specifically, the review should examine the viability and effect on speed of opening trials of a multi-tier system in which payments for cost-per-accrual vary according to the time required to open the trial. Furthermore, the review should examine the methods and processes ICs use to prioritize clinical trials based on peer-review input, funding, and other ways to optimize selection of studies.

The conferees request a report by September 30, 2012, that identifies the findings, proposed policy changes, implementation timeline, and key measures NIH will use to monitor clinical trial activity.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

The conference agreement includes \$3,354,313,000 for the Substance Abuse and Mental Health Services Administration (SAMHSA). In addition, the conference agreement makes available \$129,667,000 under section 241 of the Public Health Service (PHS) Act.

The conference agreement includes bill language that divides SAMHSA into several accounts to improve transparency and accountability. The conferees direct that future budget requests, to include the fiscal year 2013 budget request, reflect this new structure. Further, the conferees direct SAMHSA to include in its budget justification the specific funding increases, decreases and FTE changes being requested by program, project or activity, along with a detailed description of activities funded under each program, the number of new and continuing grants made; the average grant size; and a State-by-State table for any formula-based funding for all budget lines included in this Statement of the Managers. The conferees expect that SAMHSA shall not make changes to any program, project, or activity as outlined by the budget tables included in this Statement of the Managers without prior notification to the House and Senate Committees on Appropriations.

The conferees have provided funding for Programs of Regional and National Significance under each of SAMHSA’s statutorily-created Centers rather than consolidate funding into a single account for Innovation and Emerging Issues, as proposed in the budget request.

MENTAL HEALTH

The conference agreement includes \$934,853,000 for Mental Health. In addition, \$21,039,000 is made available under section 241 of the PHS Act.

Within the total provided for Mental Health Programs of Regional and National Significance, the conference agreement includes the following amounts:

Budget activity	Conference
Capacity:	

Budget activity	Conference
Co-Occurring State Incentive Grant .....	0
Seclusion & Restraint .....	2,449,000
Youth Violence Prevention .....	23,200,000
National Traumatic Stress Network .....	45,800,000
Children and Family Programs .....	6,486,000
Consumer and Family Network Grants .....	6,236,000
MH System Transformation and Health Reform .....	10,623,000
Project LAUNCH .....	34,706,000
Primary and Behavioral Health Care Integration .....	30,807,000
Community Resilience and Recovery Initiative .....	0
Suicide Lifeline .....	5,522,000
GLS—Youth Suicide Prevention—States .....	29,738,000
GLS—Youth Suicide Prevention—Campus .....	4,975,000
AI/AN Suicide Prevention Initiative .....	2,944,000
Homelessness Prevention Programs .....	30,830,000
Older Adult Programs .....	0
Minority AIDS .....	9,283,000
Criminal and Juvenile Justice Programs .....	6,684,000
Science and Service:	
GLS—Suicide Prevention Resource Center .....	4,957,000
Information Dissemination and Training .....	7,878,000
Consumer & Consumer Support I.A. Centers .....	1,927,000
Primary/Behavioral Health Integration TA .....	2,000,000
Minority Fellowship Program .....	5,099,000
Disaster Response .....	1,054,000
Homelessness .....	2,306,000
HIV/AIDS Education .....	774,000

Within the funds provided for the National Child Traumatic Stress Network, the conferees provide \$1,000,000 for continued data analysis and reports related to the National Center for Child Traumatic Stress core data set.

The conferees intend that funds provided to Project LAUNCH should not duplicate activities eligible for funding elsewhere in HHS.

The conferees intend that all grants awarded for the Primary and Behavioral Health Integration program are funded under the authorities in section 520(K) of the PHS Act. In addition, the conferees have provided \$2,000,000 under a separate budget line for SAMHSA to provide technical assistance related to this program.

Within the funds provided for the Minority Fellowship Program, the conferees have provided an increase in funding to allow SAMHSA to increase the pool of culturally competent mental health professionals by granting professional counselors eligibility to participate in the program.

#### SUBSTANCE ABUSE TREATMENT

The conference agreement includes \$2,123,993,000 for Substance Abuse Treatment. In addition, \$81,200,000 is made available under section 241 of the PHS Act.

Within the total provided for Programs of Regional and National Significance, the conference agreement includes the following amounts:

Budget activity	Conference
Capacity:	
Co-occurring State Incentive Grants (SIGs) .....	0
Opioid Treatment Programs/Regulatory Activities .....	8,903,000
Screening, Brief Intervention, Referral, & Treatment ..	28,237,000
TCE—General .....	28,033,000
Pregnant & Postpartum Women .....	16,000,000
Strengthening Treatment Access and Retention .....	1,675,000
Recovery Community Services Program .....	2,450,000
Access to Recovery .....	98,454,000
Children and Families .....	30,678,000
Treatment Systems for Homeless .....	41,650,000
Minority AIDS .....	65,988,000
Criminal Justice Activities .....	67,635,000
NASPER .....	0
Science and Service:	
Addiction Technology Transfer Centers .....	9,081,000
Minority Fellowship Program .....	547,000
Special Initiatives/Outreach .....	2,271,000

The conferees direct SAMHSA to ensure that Addiction Technology Transfer Centers continue to maintain a primary focus on addiction treatment and recovery services in order to strengthen the addiction workforce.

The conferees direct SAMHSA to ensure that all funding appropriated to the Center for Substance Abuse Treatment for drug treatment courts is allocated to serve people diagnosed with a substance use disorder as their primary condition.

The conferees direct SAMHSA to ensure that funds provided for SBIRT are used for existing evidence-based models of providing early intervention and treatment services to those at risk of developing substance abuse disorders.

#### SUBSTANCE ABUSE PREVENTION

The conference agreement includes \$186,361,000 for Substance Abuse Prevention.

Within the total provided for Programs of Regional and National Significance, the conference agreement includes the following amounts:

Budget activity	Conference
Capacity:	
Strategic Prevention Framework/Partnerships for Success .....	110,015,000
Mandatory Drug Testing .....	5,206,000
Minority AIDS .....	41,385,000
Sober Truth on Preventing Underage Drinking (STOP Act) .....	7,000,000
National Adult-Oriented Media Public Service Campaign .....	1,000,000
Community-based Coalition Enhancement Grants .....	5,000,000
Intergovernmental Coordinating Committee on the Prevention of Underage Drinking .....	1,000,000
Science and Service:	
Fetal Alcohol Spectrum Disorder .....	9,821,000
Center for the Application of Prevention Technologies ..	8,074,000
Science and Service Program Coordination .....	4,789,000
Minority Fellowship Program .....	71,000

The conferees direct SAMHSA to fund the remaining cohort of Strategic Prevention Framework State Incentive Grant grantees at amounts not less than what they received in fiscal year 2011.

The conferees note that building on the infrastructure of current and past Drug Free Communities grantees is an effective way to invest minimal federal dollars to address underage drinking issues at the community level.

#### HEALTH SURVEILLANCE AND PROGRAM SUPPORT

The conference agreement includes \$109,106,000 for health surveillance and program support activities. In addition, \$27,428,000 is made available under section 241 of the PHS Act.

The conferees have included \$3,500,000 to conduct Military Families Initiatives policy academies.

#### AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

##### HEALTHCARE RESEARCH AND QUALITY

The conference agreement includes a program level of \$369,053,000 for the Agency for Healthcare Research and Quality. The conference agreement makes these funds available through section 241 of the Public Health Service (PHS) Act.

Within the total for the Crosscutting Activities Related to Quality, Effectiveness and Efficiency Research portfolio, the conferees provide \$43,364,000 for investigator-initiated research.

#### CENTERS FOR MEDICARE AND MEDICAID SERVICES

##### GRANTS TO STATES FOR MEDICAID

The conference agreement includes \$184,279,110,000 for the Federal share of current law State Medicaid costs. In addition, the agreement includes \$90,614,082,000 for program costs in the first quarter of fiscal year 2013.

#### PAYMENTS TO HEALTH CARE TRUST FUNDS

The conference agreement includes \$230,741,378,000 for the Payments to Health Care Trust Funds account.

#### PROGRAM MANAGEMENT

The conference agreement includes \$3,879,476,000 for the Program Management account. The agreement maintains the State

Health Insurance Assistance Program within the Program Management account. The conferees recommend the following levels within the Program Management account:

Program Management	
Research, Demonstration and Evaluation .....	\$21,200,000
Program Operations .....	2,663,935,000
State Survey and Certification .....	355,876,000
State High Risk Insurance Pools .....	44,000,000
Federal Administration .....	794,465,000

The conferees include funding for Research, Demonstration, and Evaluation activities, including the Medicare Current Beneficiary Survey. The conferees encourage CMS to review the programs within this account to determine if they are funded in the appropriate budget line. Specifically, CMS is encouraged to evaluate the advantages and disadvantages of moving the Medicare Current Beneficiary Survey into the Program Operations activity.

**Ambulatory Surgical Centers (ASC).**—The conferees understand that in 2008, ASCs provided 3.3 million Medicare recipients with outpatient surgical services, including screening services. The conferees have heard concerns related to the use of the consumer price index for urban consumers (CPI-U) to update the payment rates of ASCs, a different method than is used for other comparable service providers. The conferees request that CMS develop a report that compares other potential options for updating the payment rates of ASCs and report back the findings in the fiscal year 2013 budget request.

**CMS Test Environment for Testing Industry Solutions in Secure Settings.**—The conferees direct and provide \$5,000,000 for CMS to provide a test environment “sandbox” where vendors can work independently and with CMS to seek solutions and execute “proof of concept” tests to Medicare issues in a secure environment, using Medicare data, on CMS technical architecture. The conferees recommend support within the Enterprise IT Activities function to establish an isolated, stand-alone test environment for independent vendor testing of industry solutions that could provide significant benefit to CMS operations. The test environment will provide controlled access to Medicare data to run “proof of concept” tests that determine solution effectiveness in addressing Medicare issues such as improper payment and quality measurement. The test environment must ensure data privacy and security, comply with CMS technical architecture standards, provide temporary access and secure connectivity for vendor testing, and make relevant data sets available for product testing. The conferees request a report and timeline in the fiscal year 2013 budget request.

**Comparison of Residency Position.**—The conferees request CMS conduct an analysis evaluating the implementation of Section 5503 of Public Law 111–148 on the allocation of Medicare Graduate Medical Education (GME) resident slots to hospitals. This analysis shall compare how residency slots are allocated according to two assignment strategies. Strategy one is the allocation of GME slots according to the current final CMS Federal Rule as published in the *Federal Register* on November 24, 2010. The current final rule states that fiscal year 2009 report data not be included if it was reported after March 23, 2010. Strategy two involves an assessment of GME slot allocation which includes all fiscal year 2009 cost reports, including data for hospitals whose fiscal year ended on December 31, 2009, and as such have

cost data reported after March 23, 2010. The report of this analysis shall include the number of Medicare GME slots allocated to each hospital under the two different allocation strategies. The conferees request CMS provide the final report with the detailed hospital level information under each option to the House and Senate Appropriations Committees not later than 6 months after enactment.

**Dialysis Facilities.**—The conferees are concerned by reports of delays in the processing for surveys and certifications for dialysis facilities and encourage CMS to reduce the wait times. Further, the conferees request CMS report back to the Congress within 6 months on major impediments related to processing applications timely and provide its plan to address these impediments.

The conferees urge CMS to develop an overall strategic plan that links its vision for operations, program integrity, information technology, and other areas into a comprehensive approach with measurable objectives and resources. The conferees request a copy of this plan no later than 180 days after enactment.

#### HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

The conference agreement includes \$310,377,000 from the Medicare trust funds for the Health Care Fraud and Abuse Control Account.

#### ADMINISTRATION FOR CHILDREN AND FAMILIES LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement includes \$3,478,246,000 for the Low Income Home Energy Assistance Program.

#### REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes \$769,789,000 for Refugee and Entrant Assistance programs.

Within the total provided for Transitional and Medical Services, the conferees include \$65,000,000 for the voluntary agency matching grant program.

Within the total for Unaccompanied Alien Children, the conference agreement includes up to \$6,100,000 for the pro bono legal services pilot to ensure legal representation for both released and detained children.

#### CHILD CARE AND DEVELOPMENT BLOCK GRANT

The conference agreement includes \$2,282,627,000 for the Child Care and Development Block Grant.

#### CHILDREN AND FAMILIES SERVICES PROGRAMS

The conference agreement includes \$9,926,709,000 for Children and Families Services Programs. In addition, \$5,762,000 is made available under section 241 of the Public Health Service (PHS) Act.

The conferees direct that not later than 120 days after enactment, ACF shall submit to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives the results of the study related to suspected and known instances of child abuse and neglect, as required under section 110(d) of the Child Abuse Prevention and Treatment Reauthorization Act of 2010.

The conference agreement includes up to \$10,000,000 for the Healthy Foods Financing Initiative within the Community Economic Development Program.

#### PROMOTING SAFE AND STABLE FAMILIES

The conference agreement includes \$345,000,000 in mandatory funds for Promoting Safe and Stable Families.

#### ADMINISTRATION ON AGING AGING SERVICES PROGRAMS

The conference agreement includes \$1,473,703,000 for Aging Services Programs. The conferees urge the Administration on Aging (AA) to improve its consultation with the Committees on Appropriations regarding any reallocation of funds that may occur after the submission of its congressional justification. The conferees have not transferred the SHIP program from CMS.

#### OFFICE OF THE SECRETARY

##### GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes \$475,221,000 for General Departmental Management. In addition, the conference agreement includes \$69,211,000 in funding from the Public Health Service program evaluation set-aside.

Within the funds for the Office of the Secretary, the conference agreement designates \$1,000,000 for the Office of the Assistant Secretary for Financial Resources to begin implementing a new, integrated system that can accurately track and report the Department's finances, including by source year of the appropriation.

The conference agreement provides \$9,000,000 for the Office of the Assistant Secretary for Public Affairs.

The conference agreement provides \$250,000 for the Advisory Council on Alzheimer's Research, Care and Services, \$1,000,000 for a competitive grant program to provide assistance regarding transportation assistance for individuals with disabilities, \$1,000,000 to continue the national health education program on lupus for healthcare providers, and \$3,010,000 to continue the preventing violence against women initiative, all as proposed in Senate Report 112-84.

In addition, the conference agreement includes \$1,000,000 for the Assistant Secretary for Health to contract with the National Academy of Sciences to conduct a scientific peer review of the 12th Report on Carcinogens determinations related to formaldehyde and styrene. Included in the review should be all relevant, peer-reviewed research related to both formaldehyde and styrene.

The conference agreement includes no funding for the Adolescent Family Life program, as proposed in the budget request.

The conference agreement provides \$104,790,000 for the teenage pregnancy prevention initiative. In addition, \$8,455,000 is to be derived from the Public Health Service program evaluation set-aside, including \$4,000,000 to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches.

The conference agreement also includes \$5,000,000 for an abstinence education program.

#### OFFICE OF MEDICARE HEARINGS AND APPEALS

The conference agreement includes \$72,147,000 for the Office of Medicare Hearings and Appeals.

#### OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

The conference agreement includes \$61,257,000 for the Office of the National Coordinator for Health Information Technology, of which \$16,446,000 is provided in budget authority and \$44,811,000 is made available through the Public Health Service program evaluation set-aside.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$50,178,000 for the Office of Inspector General.

#### OFFICE FOR CIVIL RIGHTS

The conference agreement includes \$41,016,000 in budget authority only for the Office for Civil Rights.

#### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$984,452,000 for the Public Health and Social Services Emergency Fund.

Within the total for Preparedness and Emergency Operations, the conference agreement includes \$10,000,000 to prepare for and respond to non-Stafford Act National Special Security Events and makes such funds available until September 30, 2014.

The conferees direct the Biomedical Advanced Research and Development Authority to develop a plan to deliver recombinant anthrax vaccine to the Strategic National Stockpile by 2015 and brief the House and Senate Committees on Appropriations on such a plan not later than 60 days after enactment of this Act.

#### GENERAL PROVISIONS

##### SALARY CAP ON GRANTS AND OTHER EXTRAMURAL MECHANISMS

The conference agreement includes a general provision capping the permitted use of grant and contract funds that may be used to pay the salary of a grantee to Executive Level II and applies the cap to all HHS operating divisions funded in this Act.

#### TRANSFER AUTHORITY

##### (TRANSFER OF FUNDS)

The conference agreement modifies a general provision providing the Secretary of Health and Human Services the authority to transfer up to 1 percent of discretionary funds between appropriations accounts.

#### CENTERS FOR DISEASE CONTROL AND PREVENTION STAFF TRAINING

The conference agreement modifies a general provision regarding Centers for Disease Control and Prevention Individual Learning Accounts.

#### NIH MINOR REPAIRS AND ALTERATIONS

The conference agreement modifies a general provision allowing NIH to use up to \$45,000,000 for alteration, repair or improvement of its facilities and caps the amount that can be spent on any single project to \$3,500,000.

#### GUN CONTROL

The conference agreement modifies a provision previously carried in the CDC account that prohibits any HHS operating division funded in this Act from being used to advocate or promote gun control.

#### FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

The conference agreement includes a general provision prohibiting creation of a new Federally Funded Research and Development Center unless certain conditions are met.

#### TITLE III

##### DEPARTMENT OF EDUCATION

##### EDUCATION FOR THE DISADVANTAGED

The conference agreement includes \$15,750,983,000 for Education for the Disadvantaged. The conference agreement provides \$4,909,806,000 in fiscal year 2012 and \$10,841,177,000 in fiscal year 2013 funding for this account.

For Title I School Improvement Grants, the conference agreement continues bill language permitting fiscal year 2012 appropriations to be used by local educational agencies to serve any Title I, part A-eligible school that has not made adequate yearly progress for at least two years or is in a State's lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to

those schools with graduation rates below 60 percent.

The conference agreement includes language permitting the Secretary to establish a maximum subgrant size of \$2,000,000 for Title I School Improvement Grants and allows the Secretary to reserve up to 5 percent of school improvement funds for State and local capacity building.

The conferees note that many children in schools receiving SIG funds face myriad personal, familial, and community challenges (including poverty-related stressors), and these challenges follow students into their schools, often resulting in distracting, disruptive, and ineffective learning environments. Even the best school leaders and teachers cannot achieve optimal results unless poverty-related barriers to teaching, learning, and school organization are addressed and effective conditions for learning are established. These barriers to teaching and learning must be addressed in addition to in-school factors in order to achieve sustained academic success.

The conferees direct the Department to require that all schools receiving SIG funds have a plan in place for addressing the academic and non-academic needs of their students, including improving the overall school climate where necessary, in addition to addressing factors such as the usage of time, instructional practices, and professional development and supports. The conferees expect the plan to assess and address as appropriate the mental health needs and interventions of the students at the school in an integrated manner within the overall turnaround strategy; related training and professional development for all staff that increase classroom efficacy such as classroom organization and management, including teachers and administrators; access to school-based counseling services; the development of school-based systems, such as teams, to identify and address individual student academic, behavioral, health, or social needs and to support a positive and developmentally appropriate school climate; and how parents, families and the community will be engaged in this and other aspects of the school turnaround process.

For the Striving Readers program, the conference agreement includes \$160,000,000 and bill language to continue a comprehensive literacy program for States.

#### IMPACT AID

The conference agreement includes \$1,293,631,000 for Impact Aid. In addition, the conference agreement includes bill language providing for competitive grants for Impact Aid construction grants.

#### SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes \$4,550,018,000 for the School Improvement Programs account. The conference agreement provides \$2,868,577,000 in fiscal year 2012 and \$1,681,441,000 in fiscal year 2013 funding for this account.

Within the amount provided for Teacher Quality State Grants, the conference agreement provides a set aside of one and one-half percent of funds for competitive awards for teacher or principal training or professional enhancement activities to national not-for-profit organizations.

The conference agreement includes bill language that allows funds under the Education of Native Hawaiians program to be used for construction, renovation, and modernization of any elementary school, secondary school, or related structure run by the Department of Education of the State of

Hawaii that serves a predominantly Native Hawaiian student body.

The conference agreement also includes bill language that requires the Alaska Native Education program to be awarded without regard to earmarks included in the program's authorizing statute. The conference agreement also allows funds within this program to be used for construction.

The conferees intend that in providing the technical assistance and guidance described in Senate Report 112-84, the Department of Education should not give priority to, show preference for, or provide direction about whether communities use 21st Century Community Learning Center funds for after school, before school, summer school or extended school day programs, unless specifically requested by a State or local educational agency.

The conference agreement provides \$27,000,000 for the Advanced Placement program. The conferees intend that \$20,000,000 of these funds be used to continue the Advanced Placement Test Fee program and that \$7,000,000 be used for continuation costs for the Advanced Placement Incentive Program.

#### INDIAN EDUCATION

The conference agreement includes \$131,027,000 for Indian Education.

The conferees recognize that tribal education departments and agencies are uniquely situated at the local level to implement innovative education programs to improve Native American education. Accordingly, the conference agreement includes \$2,000,000 under the National Activities line for a pilot project to increase the role of tribal education departments in Native American education. In the pilot, tribal education agencies would directly administer some Elementary and Secondary Education Act programs to enter into collaborative agreements with States to work closely with school districts located on Indian reservations or former Indian reservations located in Oklahoma. The conferees expect the Department of Education to collaborate with the Bureau of Indian Affairs on this effort.

#### INNOVATION AND IMPROVEMENT

The conference agreement includes \$1,530,429,000 for Innovation and Improvement.

The conference agreement includes \$550,000,000 for the Race to the Top program and authorizes the Secretary to make grants under this authority to local educational agencies. The conferees expect that the Secretary will include a robust early childhood education component in administering the Race to the Top competition. The conference agreement also authorizes the Secretary to use up to five percent of funds under the Race to the Top and Investing in Innovation authorities for technical assistance and evaluation of these programs.

The conference agreement continues language in the Teacher Incentive Fund program that provides for competitive grants to implement performance-based compensation systems for teachers, principals and other personnel in high-need schools.

In the charter schools program, the conference agreement continues language requiring \$23,000,000 to be used to support charter school facilities needs. The conference agreement also includes language allowing the Secretary to reserve up to \$55,000,000 to make multiple awards to nonprofit charter management organizations and other entities that are not-for-profit entities for replication and expansion of successful charter school models.

The conference agreement also includes bill language for the charter school program requiring the Secretary of Education to reserve up to \$11,000,000 for national activities for technical assistance, evaluation and to make grants to authorized public chartering agencies in order to increase the number of high-performing charter schools.

Within FIE, the conference agreement includes funding for the following activities in the following amounts:

Budget activity	Conference agreement
Arts in Education .....	\$25,000,000
Data Quality and Evaluation .....	1,300,000
Full Service Community Schools .....	10,113,000
National Clearinghouse for Educational Facilities .....	733,000
Peer Review .....	100,000

The conference agreement also includes \$28,654,000 for a literacy initiative within FIE as described in Senate Report 112-84.

#### SAFE SCHOOLS AND CITIZENSHIP EDUCATION

The conference agreement includes \$256,237,000 for Safe Schools and Citizenship Education. Within this total, \$60,000,000 is provided for Promise Neighborhoods with funding available through December 31, 2012.

#### ENGLISH LANGUAGE ACQUISITION

The conference agreement includes \$733,530,000 for English Language Acquisition.

#### SPECIAL EDUCATION

The conference agreement includes \$12,647,066,000 for Special Education. The conference agreement provides \$3,363,683,000 in fiscal year 2012 and \$9,283,383,000 in fiscal year 2013 funding for this account.

The conference agreement includes \$2,000,000 to remain available through September 30, 2013 for a program to improve the outcomes of children receiving Supplemental Security Income (SSI) benefits and their families. The agreement allows States to subgrant funds to other public and private non-profit entities. The conferees note that additional funds for this PROMISE initiative are available through the Rehabilitation Services and Disability Research Account and Social Security Administration.

#### REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes \$3,512,019,000 for Rehabilitation Services and Disability Research.

The conference agreement includes language allowing the Secretary to use amounts that remain available after reallocation of State vocational rehabilitation funds for activities to improve the outcomes of children receiving SSI benefits and their families, allows States to make subgrants of such funds to other public and private, non-profit entities and extends availability of these funds to September 30, 2013.

The conference agreement provides \$2,000,000 for competitive grants to support alternative financing programs that provide for the purchase of assistive technology (AT) devices. The conferees' goal in providing these funds is to allow greater access to affordable financing to help people with disabilities purchase the specialized technologies needed to live independently, to succeed at school and work and to otherwise live active and productive lives. The conferees intend that applicants incorporate credit building activities in their programs, including financial education and information about other possible funding sources. Successful applicants must emphasize consumer choice and control and build programs

that will provide financing for the full array of AT devices and services and ensure that all people, regardless of type of disability or health condition, age, level of income and residence have access to the program.

#### SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

##### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

The conference agreement includes \$65,546,000 for operations for the National Technical Institute for the Deaf. The conferees have consolidated funds into the operations line for NTID this year due to fiscal constraints, but will consider construction funding for NTID in the future as needs may warrant.

##### GALLAUDET UNIVERSITY

The conference agreement includes \$125,754,000 for Gallaudet University. The conference agreement includes bill language designating \$7,990,000 of this amount for construction and provides that the funds are available until expended.

##### CAREER, TECHNICAL, AND ADULT EDUCATION

The conference agreement includes \$1,738,946,000 for Career, Technical, and Adult Education. The conference agreement provides \$947,946,000 in fiscal year 2012 funding and \$791,000,000 in fiscal year 2013 funding for this account.

##### STUDENT FINANCIAL ASSISTANCE

The conference agreement includes \$24,538,521,000 for Student Financial Assistance.

The conference agreement includes \$22,824,000,000 for the Pell Grant program. The funds in this conference agreement will support a \$4,860 maximum discretionary Pell grant for the 2012-2013 award year.

The conferees concur that the Department shall provide the same funding in fiscal year 2012 for the Work Colleges program authorized under section 448 of the Higher Education Act from the Federal Work-Study Program appropriation.

##### STUDENT AID ADMINISTRATION

The conference agreement includes \$1,045,363,000 for student aid administration. Within the total, \$370,000,000 is provided for servicing activities and \$675,363,000 is provided for salaries and expenses to remain available until September 30, 2013.

The conferees direct the Department to provide a report by April 1, 2012 and quarterly reports thereafter detailing their obligation plan by quarter for spending mandatory and discretionary funding for student aid administrative activities broken out by servicer, activity and funding source.

##### HIGHER EDUCATION

The conference agreement includes \$1,873,196,000 for Higher Education.

The conference agreement provides \$74,177,000 for International Education and Foreign Language Studies. The conferees acknowledge that funding provided in the conference agreement for international education will likely only allow funding for continuation costs. The conferees encourage the Department to look for ways to support undergraduate study abroad programs as authorized by section 604 of the Higher Education Act (HEA).

The conference agreement includes language that allows international education funds to be used to support visits and study in foreign countries to develop language skills and allows up to one percent of international education funds to be used for evaluation, outreach and information dissemination. The conferees direct the Secretary to

use international education domestic program funding to maintain a focus on continuing instruction in foreign languages that are less commonly taught, emphasize those critical for national security, and to maintain a pool of international experts for national security needs.

The conference agreement continues language that requires recipients of a multi-year award under the tribal colleges program to continue to receive the amount they would have received prior to the Higher Education Act's reauthorization in accordance with the original award terms.

The conference agreement includes language which consolidates the Javits Fellowship program within the Graduate Assistance in Areas of National Need Program as proposed by the Administration.

Within the amount for FIPSE, the conference agreement includes \$1,130,000 for the Training for Realtime Writers program. The conferees direct that these funds be awarded in accordance with section 872 of the HEA.

Within the amount for FIPSE, \$2,103,000 is included for the European Union-United States Atlantis Program. The conferees direct that these funds be awarded in accordance with section 744 of the HEA.

Within the amount for FIPSE, \$267,000 is for continuation of a data contract.

The conferees continue to be concerned with the tardiness of the Department in making TRIO and GEARUP awards this year. Accordingly, the conferees direct the Department to provide a report to the Committees on Appropriations of both the House and the Senate outlining the causes of grant award delays and providing an action plan for remedying this situation in the future.

##### HOWARD UNIVERSITY

The conference agreement provides \$234,507,000 for support for Howard University and Howard University Hospital.

##### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM

The conference agreement includes \$20,541,000 for the HBCU Capital Financing Program. The conference agreement provides a total loan principal of \$367,255,000 and includes language to allow funds to be used to support loans without regard to section 344(a) of the Higher Education Act.

##### INSTITUTE OF EDUCATION SCIENCES

The conference agreement includes \$594,788,000 for the Institute of Education Sciences to remain available through fiscal year 2013. The agreement provides \$11,000,000 for awards to public or private organizations or agencies to support activities to improve data coordination, quality and use at the local, State and national levels and modifies language to clarify that funds for statewide data systems may be used to link various State systems together.

##### DEPARTMENTAL MANAGEMENT

##### PROGRAM ADMINISTRATION

The conference agreement includes \$447,104,000 for Program Administration.

The conferees are aware that the Government Accountability Office issued a report this year which identified 82 federal programs designed to improve teacher quality spread across several federal agencies, including 64 at the Department of Education. The conferees note that the report "recognize[d] that there could be instances where some degree of program duplication, overlap, or fragmentation may be warranted due to the nature or magnitude of the federal effort". The conferees also note that under the fiscal year 2011 bill and this conference

agreement nearly 25 percent of the identified programs within the Department have been consolidated or eliminated. The conferees request the Department to issue a report within 180 days of enactment of this Act that identifies remaining programs designed to improve teacher quality, which agency administers the program, the most recent program evaluation data available for each (if any), and includes recommendations on how agencies can better collaborate and coordinate on administration of these programs.

##### GENERAL PROVISIONS

##### TRANSFER OF FUNDS

The conference agreement includes language allowing the Secretary to transfer not to exceed one percent of appropriated funds between appropriations, provided that no appropriation is increased by more than three percent as a result of such transfer, and that no new programs are created, nor programs for which funds were not appropriated are funded, as a result of such transfer. The conference agreement also requires the Secretary to notify the Committees on Appropriations of both the House and the Senate at least 15 days in advance of any transfer.

##### OUTLYING AREAS FUNDS CONSOLIDATION

The conference agreement includes a general provision that extends Palau's eligibility to participate in certain education programs through the end of fiscal year 2012.

##### PELL ELIGIBILITY

The conference agreement includes changes to limit the number of full-time equivalent Pell grants to a lifetime maximum of six years/twelve semesters; to lower the adjusted gross income level at which an expected family contribution will automatically receive a "zero" to \$23,000; to raise the minimum award for eligibility to ten percent of the maximum award; and to require students to either have completed a high school diploma, a GED, or have been homeschooled to be eligible for a Pell award, unless they were enrolled prior to July 1, 2012. The conference agreement further provides that these provisions will take effect on July 1, 2012 and that negotiated rulemaking will not apply to changes made by these amendments.

##### INTEREST SUBSIDY ELIMINATION

The conference agreement includes language that suspends for two years the interest subsidies on loans made on or after July 1, 2012 through June 30, 2014 during the six-month grace period following a student's withdrawal or graduation.

##### STUDENT LOAN INDEX

The conference agreement includes language that changes the index used for holders of federal student loans from commercial paper to LIBOR.

##### HBCU GULF HURRICANE DISASTER LOANS

The conference agreement includes language that authorizes the Secretary to modify terms of Gulf hurricane disaster loans to HBCUs if such modifications result in no net cost to the government and if such modifications are approved by the Departments of Education, Treasury and the Office of Management and Budget.

##### RACE TO THE TOP SUBGRANTING AUTHORITY

The conference agreement includes language that clarifies that a State may make subgrants to public or private agencies and organizations under the early childhood component of the Race to the Top program. Not later than 60 days after enactment of this Act, the conferees direct the Department to provide a briefing on expected outcomes of grantees awarded funds from the



fiscal year 2011 Race to the Top appropriation, including specifically how this subgranting authority will contribute to the successful implementation of State plans.

#### TITLE IV

##### RELATED AGENCIES

###### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

The conference agreement includes \$5,385,000 for the Committee for Purchase from People Who Are Blind or Severely Disabled.

###### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### OPERATING EXPENSES

The conference agreement includes \$751,672,000 for the operating expenses of the programs administered by the Corporation for National and Community Service (CNCS).

Within the total provided for Innovation, Assistance, and Other Activities, the conference agreement includes \$53,381,000, which includes \$44,900,000 for the Social Innovation Fund, \$3,992,000 for the Volunteer Generation Fund, and \$1,000,000 for the Martin Luther King Day of Service. The conferees have included language allowing CNCS to make minimum grants of \$200,000 to State Service Commissions to spread funding more equitably across the Nation.

##### NATIONAL SERVICE TRUST

###### (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$212,198,000 for the National Service Trust.

##### SALARIES AND EXPENSES

The conference agreement includes \$83,000,000 for the CNCS Salaries and Expenses.

##### INSPECTOR GENERAL

The conference agreement includes \$4,000,000 for the CNCS Inspector General Office.

##### ADMINISTRATIVE PROVISIONS

The conferees have included a new provision that clarifies the use of Education Awards at G.I. Bill institutions related to CNCS.

##### CORPORATION FOR PUBLIC BROADCASTING

The conference agreement includes a fiscal year 2014 advance appropriation of \$445,000,000 for the Corporation for Public Broadcasting (CPB).

In addition, the conferees request CPB provide a report within 180 days of enactment to House and Senate Committees on Appropriations on alternative sources of funding for public broadcasting stations in lieu of federal funding.

##### FEDERAL MEDIATION AND CONCILIATION SERVICE

##### SALARIES AND EXPENSES

The conference agreement includes \$46,250,000 for the Federal Mediation and Conciliation Service and does not include funding for the Labor-Management Cooperation Grant program.

##### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$17,637,000 for the Federal Mine Safety and Health Review Commission.

##### INSTITUTE OF MUSEUM AND LIBRARY SERVICES

###### OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

The conference agreement includes \$232,393,000 for the Institute of Museum and Library Services (IMLS).

Within the total for IMLS, the conference agreement includes funds for the following activities in the following amounts:

Budget activity	Conference
Library Services Technology Act:	
Grants to States .....	156,661
Native American Library Services .....	3,876
National Leadership: Libraries .....	11,968
Laura Bush 21st Century Librarian .....	12,548
Museum Services Act:	
Museums for America .....	18,064
21st Century Museum Professionals .....	1,972
Conservation Project Support .....	2,619
Native American/Hawaiian Museum Services .....	927
National Leadership: Museums .....	5,923
African American History and Culture Act:	
Museum Grants for African American History & Culture .....	1,413
Program Administration .....	16,422

Within the amount provided for Program Administration, the conference agreement includes \$1,889,000 for research and data collection activities.

##### MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$6,000,000 for the Medicaid and CHIP Payment and Access Commission.

##### MEDICARE PAYMENT ADVISORY COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$11,800,000 for the Medicare Payment Advisory Commission.

##### NATIONAL COUNCIL ON DISABILITY

The conference agreement includes \$3,264,000 for the National Council on Disability.

##### NATIONAL LABOR RELATIONS BOARD

##### SALARIES AND EXPENSES

The conference agreement includes \$278,833,000 for the National Labor Relations Board.

##### ADMINISTRATIVE PROVISIONS

The conference agreement includes a new provision that prohibits the National Labor Relations Board from issuing any new administrative directive or regulation related to electronic voting.

##### RAILROAD RETIREMENT BOARD

##### LIMITATION ON ADMINISTRATION

The conference agreement includes \$108,855,000 for administrative expenses of the Railroad Retirement Board.

##### SOCIAL SECURITY ADMINISTRATION

##### SUPPLEMENTAL SECURITY INCOME

The conference agreement includes \$37,582,991,000 for the Supplemental Security Income (SSI) program. Within this amount, the agreement includes \$8,000,000, available through fiscal year 2013, for the Research and Demonstration activity conducted under sections 1110 and 1144 of the Social Security Act to support research activities like PROMISE, the Occupational Information System, and the Disability Research Consortium. The conferees encourage the Commissioner to develop policies related to section 1110 research portfolio governance related to funding and ensure projects meet the intent of section 1110. Such policies should ensure that research projects, with very limited exceptions, are either discontinued or graduated into a more appropriate funding line within 5 years from project's beginning. The conferees direct SSA to include in its operating plan funding allocations by project at the level of detail included in its congressional budget justification and expect advance notification of any subsequent realignment of funds within those activities.

##### LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes \$10,984,494,000 for a Limitation on Administrative Expenses (LAE) for the SSA, including dedicated program integrity funding and applicable user fees.

*Information Technology Investments.*—The conferees direct SSA to include information in its congressional budget justification each year regarding LAE expired unobligated balances and the amount made available from these balances without fiscal year limitation for information technology investments. This should include actual or estimated amounts for the prior, current, and budget years. In addition, the conferees direct SSA to include a consolidated information technology plan in its congressional budget justification each year, including the total amount of Information Technology (IT) expenses and the actual or estimated amount paid for with LAE funds and no-year IT funds.

*Independent SSA Resource Analysis and Strategy.*—With a large percentage of SSA's workforce eligible for retirement, and short- and long-term constraint on available resources, the conferees are concerned that SSA faces continued service delivery challenges in the coming decades. Therefore, the conferees provide SSA with up to \$500,000 to contract with the National Academy of Public Administration to develop and submit a report proposing a long-range strategic plan for SSA's consideration. This report shall be conducted in consultation with SSA and its stakeholders and address the following: an evaluation of SSA's existing organizational structure, workforce capacity, physical infrastructure and review of SSA's electronic service delivery and investment in automation and information technology. The report shall be submitted within 180 days of enactment to the House and Senate Committees on Appropriations, the House Committee on Ways and Means and the Senate Committee on Finance.

*Annual Social Security Statement Review.*—The conferees note the public value of the annual Social Security statement. The conferees encourage the Commissioner to examine a broad range of options for continuing to provide the information included in the annual statement to the public and request a report no later than March 2012 to examine options to continue to do so. The report should examine the advantages and disadvantages, costs, benefits, and other potential implications to each method considered. The conferees request the Commissioner submit the report to the House and Senate Committees on Appropriations, the House Committee on Ways and Means and the Senate Committee on Finance.

*DOL and SSA Occupational Handbook.*—The conferees appreciate the steps SSA has taken to update occupational information used by the SSA to adjudicate claims for disability benefits. The conferees urge DOL and SSA to continue to work together on this effort and submit a joint report to the House and Senate Committees on Appropriations, the House Committee on Ways and Means, and the Senate Committee on Finance with a timeline, major milestones, and projected 5-year costs of this project within 180 days of enactment of this bill and to provide annual progress reports thereafter.

*Budget Request.*—The conferees direct SSA to include the following information in its annual budget requests, operating plans, and reprogramming requests:

SSI Extramural Research and Demonstration program, project, and activity details;



Annual fiscal year workload table on disability appeals at the same level of detail as provided in the House fiscal year 2011 questions for the record;

Annual performance targets for pending cases and processing times for the reconsideration level of appeal;

Updates on the new national data center project milestones and plans to use the projected IT refresh/replacement, operations, and repair/maintenance funds over the next 5 years to outfit the new facility;

FTE table by major component for the prior actual year at the level of detail as answered in the House fiscal year 2011 hearing question for the record; and

Identification of key assumption and cost drivers for each program.

The conferees note the required operating plan and reprogramming rules in the bill apply to SSA at the program, project, and activity level for all funds provided.

OFFICE OF THE INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$102,477,000 for the SSA Office of the Inspector General (OIG).

*Video Technology.*—The conferees note the recent Administrative Conference of the United States report that referred to ODAR's use of video technology as a model for other agencies. The conferees request a report by OIG within 180 days of enactment analyzing legislative and administrative options, including potential challenges, for expanding access to video hearings. The report should analyze the costs and benefits to the claimant, claimant representatives, and taxpayers related to the current use and potential expansion of the use of video hearings by SSA. The report should be sent to the House and Senate Appropriations Committees, the

House Committee on Ways and Means and the Senate Committee on Finance.

TITLE V

GENERAL PROVISIONS

LOBBYING RESTRICTION

The conference agreement modifies a general provision related to lobbying.

STATUS OF FUNDS REPORTING

The conference agreement includes a general provision that requires the Departments of Labor, Health and Human Services, and Education and the Social Security Administration to report quarterly on unobligated balances, by source year, beginning on October 1, 2012. The conferees direct the Departments of Labor, Health and Human Services, and Education and the Social Security Administration to continue providing quarterly status of funds reports as have been provided during fiscal year 2011.

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
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TITLE I - DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

Grants to States:

Adult Training, current year.....	58,922	136,645	58,922	---
Advance from prior year.....	(710,576)	(712,000)	(712,000)	(+1,424)
FY 2013.....	712,000	655,040	712,000	---
Subtotal.....	770,922	791,685	770,922	---
Youth Training.....	825,914	850,000	825,914	---
Dislocated Worker Assistance, current year.....	203,432	289,435	148,432	-55,000
Advance from prior year.....	(858,280)	(860,000)	(860,000)	(+1,720)
FY 2013.....	860,000	791,200	860,000	---
Subtotal.....	1,063,432	1,080,635	1,008,432	-55,000

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Workforce Innovation Fund.....	D 124,750	110,963	---	-124,750
FY 2013.....	D ---	125,760	---	---
Subtotal.....	124,750	236,723	---	-124,750
Subtotal, Grants to States.....	2,785,018	2,959,043	2,605,268	-179,750
Current Year.....	(1,213,018)	(1,387,043)	(1,033,268)	(-179,750)
FY 2013.....	(1,572,000)	(1,572,000)	(1,572,000)	---
Federally Administered Programs:				
Dislocated Worker Assistance National Reserve:				
Current year.....	D 24,112	29,160	24,112	---
Advance from prior year.....	NA (199,600)	(200,000)	(200,000)	(+400)
FY 2013.....	D 200,000	200,000	200,000	---
Subtotal.....	224,112	229,160	224,112	---
Subtotal, Dislocated Worker Assistance.....	1,287,544	1,309,795	1,232,544	-55,000

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DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Native Americans..... D	52,652	54,158	47,652	-5,000 FF UA
Migrant and Seasonal Farmworker programs..... D	84,451	86,620	84,451	--- FF UA
Women in Apprenticeship..... D	998	1,000	998	--- FF
YouthBuild activities..... D	79,840	115,000	79,840	--- FF
Workforce Innovation Fund..... D	---	---	50,000	+50,000
	=====	=====	=====	=====
Subtotal, Federally Administered Programs (FAP).	442,053	485,938	487,053	+45,000
Current Year.....	(242,053)	(285,938)	(287,053)	(+45,000)
FY 2013.....	(200,000)	(200,000)	(200,000)	---
National Activities:				
Pilots, Demonstrations, and Research..... D	9,980	6,616	6,616	-3,364
Reintegration of Ex-Offenders..... D	85,390	90,000	80,390	-5,000
Evaluation..... D	9,581	11,600	9,581	---
Green Jobs Innovation Fund..... D	---	60,000	---	---
Workforce Data Quality Initiative..... D	12,475	13,750	6,475	-6,000 FF
	=====	=====	=====	=====
Subtotal.....	117,426	181,966	103,062	-14,364 FF UA
	=====	=====	=====	=====
Total, Training and Employment Services (TES)...	3,344,497	3,626,947	3,195,383	-149,114
Current Year.....	(1,572,497)	(1,854,947)	(1,423,383)	(-149,114)
FY 2013.....	(1,772,000)	(1,772,000)	(1,772,000)	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

OFFICE OF JOB CORPS

Administration.....	D	29,132	31,430	29,132	---	FF
Operations.....	D	981,049	998,817	1,572,049	+591,000	FF
Advance from prior year.....	NA	(589,818)	(591,000)	(591,000)	(+1,182)	
FY 2013.....	D	591,000	591,000	---	-591,000	
Construction, Rehabilitation and Acquisition.....	D	4,990	3,500	104,990	+100,000	FF
Advance from prior year.....	NA	(99,800)	(100,000)	(100,000)	(+200)	
FY 2013.....	D	100,000	75,000	---	-100,000	
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Total, Office of Job Corps.....		1,706,171	1,699,747	1,706,171	---	UA
Current Year.....		(1,015,171)	(1,033,747)	(1,706,171)	(+691,000)	UA
FY 2013.....		(691,000)	(666,000)	---	(-691,000)	UA
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COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS 1/...	D	449,100	---	449,100	---	FF
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES.....	M	721,312	1,100,100	1,100,100	+378,788	

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS</b>				
Unemployment Compensation (UI):				
State Operations.....	TF 3,239,154	3,275,610	3,231,154	-8,000
National Activities.....	TF 11,287	11,310	11,287	---
Subtotal, Unemployment Compensation.....	3,250,441	3,286,920	3,242,441	-8,000
Employment Service (ES):				
Allotments to States:				
Federal Funds.....	D 22,638	83,864	22,638	---
(Workforce Innovation Fund) NA.....	---	(61,181)	---	---
Trust Funds.....	TF 679,531	680,893	679,531	---
Subtotal.....	702,169	764,757	702,169	FF
ES National Activities.....	TF 20,952	20,994	20,952	---
Subtotal, Employment Service.....	723,121	785,751	723,121	---
Federal Funds.....	(22,638)	(83,864)	(22,638)	---
Trust Funds.....	(700,483)	(701,887)	(700,483)	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

		FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Foreign Labor Certification:					
Federal Administration.....	TF	50,418	50,537	50,418	---
Grants to States.....	TF	15,099	15,129	15,099	---
Subtotal, Foreign Labor Certification.....		65,517	65,666	65,517	---
One-Stop Career Centers/Labor Market Information.....	D	63,593	63,720	63,593	---
Total, State UI and ES.....		4,102,672	4,202,057	4,094,672	-8,000
Federal Funds.....		(86,231)	(147,584)	(86,231)	---
Trust Funds.....		(4,016,441)	(4,054,473)	(4,008,441)	(-8,000)
STATE PAID LEAVE FUND.....	D	---	23,000	---	---
ADVANCES TO THE UI AND OTHER TRUST FUNDS 2/.....	M	290,000	---	---	-290,000
PROGRAM ADMINISTRATION					
Adult Employment and Training.....	D	46,765	51,577	46,765	---
Trust Funds.....	TF	8,536	9,960	8,536	---
Youth Employment and Training.....	D	12,283	14,442	12,283	---

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DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
-----				
Employment Security.....				
Trust Funds.....	3,483	4,713	3,483	---
Apprenticeship Services.....	39,417	41,298	39,417	---
Executive Direction.....	27,728	28,718	27,728	---
Trust Funds.....	7,061	7,083	7,061	---
TF.....	2,087	2,091	2,087	---
-----				
Total, Program Administration.....	147,360	159,882	147,360	---
Federal Funds.....	(97,320)	(106,533)	(97,320)	---
Trust Funds.....	(50,040)	(53,349)	(50,040)	---
=====				
Total, Employment and Training Admin. (ETA).....	10,761,112	10,811,733	10,692,786	-68,326
Federal Funds.....	6,694,631	6,703,911	6,634,305	-60,326
Current Year.....	(4,231,631)	(4,265,911)	(4,862,305)	(+630,674)
FY 2013.....	(2,463,000)	(2,438,000)	(1,772,000)	(-691,000)
Trust Funds.....	4,066,481	4,107,822	4,058,481	-8,000



DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

		FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>EMPLOYEE BENEFITS SECURITY ADMINISTRATION (EBSA)</b>					
<b>SALARIES AND EXPENSES</b>					
Enforcement and Participant Assistance .....	D	131,137	149,884	142,956	+11,819
Policy and Compliance Assistance .....	D	21,571	40,926	33,826	+12,255
Executive Leadership, Program Oversight and Admin.....	D	6,655	6,718	6,718	+63
Total, EBSA.....		159,363	197,528	183,500	+24,137
<b>PENSION BENEFIT GUARANTY CORPORATION (PBGC)</b>					
Pension Insurance Activities.....	NA	(74,506)	(86,023)	(86,023)	(+11,517)
Pension Plan Termination.....	NA	(242,300)	(243,372)	(243,372)	(+1,072)
Operational Support.....	NA	(147,261)	(147,506)	(147,506)	(+245)
Total, PBGC (program level).....		(464,067)	(476,901)	(476,901)	(+12,834)
WAGE AND HOUR DIVISION.....	D	227,491	240,937	227,491	---
OFFICE OF LABOR-MANAGEMENT STANDARDS.....	D	41,367	41,367	41,367	---
FEDERAL CONTRACT COMPLIANCE PROGRAMS.....	D	105,386	109,010	105,386	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

		FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
-----					
FEDERAL PROGRAMS FOR WORKERS' COMPENSATION      D					
Salaries and Expenses.....	D	115,939	121,354	115,939	---
Trust Funds.....	TF	2,124	2,184	2,124	---
-----					
Total, Salaries and Expenses.....		118,063	123,538	118,063	---
Federal Funds.....		(115,939)	(121,354)	(115,939)	---
Trust Funds.....		(2,124)	(2,184)	(2,124)	---
-----					
SPECIAL BENEFITS					
Federal Employees' Compensation Benefits.....	M	180,000	347,000	347,000	+167,000
Longshore and Harbor Workers' Benefits.....	M	3,000	3,000	3,000	---
-----					
Total, Special Benefits.....		183,000	350,000	350,000	+167,000
-----					
SPECIAL BENEFITS FOR DISABLED COAL MINERS					
Benefit Payments.....	M	198,000	177,000	177,000	-21,000

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Administration.....	M 5,220	5,227	5,227	+7
Subtotal, FY 2012 program level.....	203,220	182,227	182,227	-20,993
Less funds advanced in prior year.....	M -45,000	-41,000	-41,000	+4,000
Total, Current Year, FY 2012.....	158,220	141,227	141,227	-16,993
New advances, 1st quarter FY 2013.....	M 41,000	40,000	40,000	-1,000
Total, Special Benefits for Disabled Coal Miners	199,220	181,227	181,227	-17,993
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND				
Part B Administrative Expenses.....	M 53,778	52,147	52,147	-1,631
BLACK LUNG DISABILITY TRUST FUND				
Benefit Payments and Interest on Advances.....	M 237,808	241,689	241,689	+3,881
Workers' Compensation Programs, Salaries and Expenses.	M 33,075	32,906	32,906	-169
Departmental Management, Salaries and Expenses.....	M 25,394	25,217	25,217	-177
Departmental Management, Inspector General.....	M 327	327	327	---
Subtotal, Black Lung Disability.....	296,604	300,139	300,139	+3,535

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Treasury Department Administrative Costs..... M	356	356	356	---
Total, Black Lung Disability Trust Fund.....	296,960	300,495	300,495	+3,535
Total, Federal Programs for Workers' Compensation Federal Funds.....	851,021	1,007,407	1,001,932	+150,911
Current year.....	848,897	1,005,223	999,808	+150,911
FY 2013.....	(807,897)	(965,223)	(959,808)	(+151,911)
Trust Funds.....	(41,000)	(40,000)	(40,000)	(-1,000)
	2,124	2,184	2,124	---
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)				
SALARIES AND EXPENSES				
Safety and Health Standards..... D	20,288	25,982	20,000	-288
Federal Enforcement..... D	208,146	216,365	208,146	---
Whistleblower enforcement..... D	14,806	20,948	15,903	+1,097
State Programs..... D	104,393	105,893	104,393	---
Technical Support..... D	25,868	25,950	25,868	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Compliance Assistance:				
Federal Assistance.....	D 73,383	74,039	76,500	+3,117
State Consultation Grants.....	D 54,688	55,798	58,000	+3,312
Training Grants.....	D 10,729	12,000	10,729	---
Subtotal, Compliance Assistance.....	D 138,800	141,837	145,229	+6,429
Safety and Health Statistics.....	D 34,805	34,875	34,805	---
Executive Direction and Administration.....	D 11,513	11,536	11,513	---
Total, OSHA.....	558,619	583,386	565,857	+7,238
MINE SAFETY AND HEALTH ADMINISTRATION				
SALARIES AND EXPENSES				
Coal Enforcement.....	D 160,369	161,303	164,210	+3,841
Metal/Non-Metal Enforcement.....	D 87,644	89,990	88,831	+1,187
Standards Development.....	D 4,352	5,550	4,473	+121
Assessments.....	D 6,221	6,574	7,116	+895
Educational Policy and Development.....	D 38,148	36,338	38,398	+250
Technical Support.....	D 31,031	33,403	33,677	+2,646
Program Evaluation and Information Resources (PEIR).....	D 18,173	20,654	18,191	+18
Program Administration.....	D 15,906	30,465	19,104	+3,198
Total, Mine Safety and Health Administration.....	361,844	384,277	374,000	+12,156

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference Conference	Conference Vs. Comparable
=====				
Total, Worker Protection Agencies.....	1,572,133	1,680,043	1,615,664	+43,531
Federal Funds.....	(1,570,009)	(1,677,859)	(1,613,540)	(+43,531)
Trust Funds.....	(2,124)	(2,184)	(2,124)	---
=====				
BUREAU OF LABOR STATISTICS				
SALARIES AND EXPENSES				
Employment and Unemployment Statistics.....	210,673	219,043	210,673	---
Labor Market Information.....	67,303	69,136	67,303	---
Prices and Cost of Living.....	205,410	232,839	205,410	---
Compensation and Working Conditions.....	80,418	81,197	80,418	---
Productivity and Technology.....	12,078	10,201	12,078	---
Executive Direction and Staff Services.....	34,342	34,614	34,342	---
=====				
Total, Bureau of Labor Statistics.....	610,224	647,030	610,224	---
Federal Funds.....	542,921	577,894	542,921	---
Trust Funds.....	67,303	69,136	67,303	---
=====				
OFFICE OF DISABILITY EMPLOYMENT POLICY				
SALARIES AND EXPENSES.....	38,953	39,031	38,953	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

		FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>DEPARTMENTAL MANAGEMENT</b>					
<b>SALARIES AND EXPENSES</b>					
Executive Direction.....	D	33,283	33,213	33,283	---
Departmental IT Crosscut.....	D	---	---	---	---
Departmental Program Evaluation.....	D	8,500	18,400	8,500	---
Legal Services.....	D	119,121	132,578	129,121	+10,000
Trust Funds.....	TF	326	331	326	---
International Labor Affairs.....	D	92,484	101,504	92,484	---
Administration and Management.....	D	30,339	30,745	30,339	---
Adjudication.....	D	29,227	30,576	29,227	---
Women's Bureau.....	D	11,581	11,620	11,581	---
Civil Rights Activities.....	D	6,798	7,223	6,798	---
Chief Financial Officer.....	D	5,350	5,364	5,350	---
Total, Salaries and expenses.....		337,009	371,554	347,009	+10,000
Federal Funds.....		(336,683)	(371,223)	(346,683)	(+10,000)
Federal Funds (emergency).....		---	---	---	---
Trust Funds.....		(326)	(331)	(326)	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference Comparable	Conference Vs. Comparable
VETERANS EMPLOYMENT AND TRAINING				
State Administration, Grants.....	165,063	165,394	165,394	+331
Transition Assistance Program.....	6,986	9,000	9,000	+2,014
Federal Administration.....	35,242	35,222	35,222	-20
National Veterans Training Institute.....	2,444	2,449	2,444	---
Homeless Veterans Program.....	36,257	39,330	38,257	+2,000
Veterans Workforce Investment Programs.....	9,622	9,641	14,622	+5,000
				FF UA
Total, Veterans Employment and Training.....	255,614	261,036	264,939	+9,325
Federal Funds.....	45,879	48,971	52,879	+7,000
Trust Funds.....	209,735	212,065	212,060	+2,325
INFRASTRUCTURE TECHNOLOGY MODERNIZATION				
Departmental support systems.....	11,852	17,000	11,852	---
Infrastructure technology modernization.....	8,000	8,000	8,000	---
Total, IT Modernization.....	19,852	25,000	19,852	---
OFFICE OF INSPECTOR GENERAL				
Program Activities.....	77,937	78,453	77,937	---
Trust Funds.....	5,909	5,992	5,909	---
Total, Office of Inspector General.....	83,846	84,445	83,846	---



DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Total, Departmental Management.....	696,321	742,035	715,646	+19,325
Federal Funds.....	480,351	523,647	497,351	+17,000
Current Year.....	(480,351)	(523,647)	(497,351)	(+17,000)
Trust Funds.....	215,970	218,388	218,295	+2,325
Working Capital Fund..... D	---	4,620	---	---
Total, Workforce Investment Act Programs.....	5,059,292	5,335,335	4,915,178	-144,114
Current Year.....	(2,596,292)	(2,897,335)	(3,143,178)	(+546,886)
FY 2013.....	(2,463,000)	(2,438,000)	(1,772,000)	(-691,000)
Total, Title I, Department of Labor.....	14,411,701	14,808,361	14,557,142	+145,441
Federal Funds.....	10,059,823	10,410,831	10,210,939	+151,116
Current Year.....	(7,555,823)	(7,932,831)	(8,398,939)	(+843,116)
FY 2013.....	(2,504,000)	(2,478,000)	(1,812,000)	(-692,000)
Trust Funds.....	4,351,878	4,397,530	4,346,203	-5,675

Title I Footnotes:

- 1/ FY2012 Budget requested \$450 million in Department of Health and Human Services, Administration on Aging.
- 2/ Two year availability

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
-----				
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES				
HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA)				
HEALTH RESOURCES AND SERVICES				
Primary Health Care				
Community Health Centers.....	D 1,580,749	2,117,814	1,580,749	---
Free Clinics Medical Malpractice.....	D 40	40	40	---
National Hansen's Disease Program.....	D 16,077	16,075	16,075	-2
Hansen's Disease Program Buildings and Facilities.....	D 129	129	129	---
Payment to Hawaii, Treatment of Hansen's.....	D 1,964	1,976	1,964	---
	-----	-----	-----	-----
Subtotal.....	1,598,959	2,136,034	1,598,957	-2
Bureau of Health Professions (BHP)				
National Health Service Corps:				
Field placements.....	D ---	24,695	---	---
Marketing.....	D ---	---	---	---
Recruitment.....	D 24,848	98,782	---	-24,848
Undistributed.....	D ---	---	---	---
	-----	-----	-----	-----
Total, NHS Corps program level.....	24,848	123,477	---	-24,848

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>Health Professions</b>				
<b>Health Professions, Training for Diversity:</b>				
Centers of Excellence.....	D 24,452	24,602	22,952	-1,500
Health Careers Opportunity Program.....	D 21,998	22,133	15,000	-6,998
Faculty Loan Repayment.....	D 1,258	1,266	1,258	---
Scholarships for Disadvantaged Students.....	D 49,042	52,921	47,542	-1,500
Evaluation Tap Funding.....	NA ---	(7,079)	---	---
Subtotal, Training for Diversity.....	96,750	108,001	86,752	-9,998
<b>Training in Primary Care Medicine:</b>				
Evaluation Tap Funding.....	D 39,036	53,018	39,036	---
Subtotal, Training in Primary Care Medicine.....	39,036	139,932	39,036	---
<b>Oral Health Training:</b>				
Evaluation Tap Funding.....	D 32,781	35,419	32,781	---
Subtotal, Oral Health programs.....	32,781	49,928	32,781	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Interdisciplinary Community-Based Linkages:				
Area Health Education Centers.....	33,142	33,345	30,142	-3,000
Evaluation Tap Funding.....	---	(1,488)	---	---
Allied Health and Other Disciplines.....	1,933	---	---	-1,933
Geriatric Programs.....	33,542	36,907	30,997	-2,545
Evaluation Tap Funding.....	---	(6,840)	---	---
Mental and Behavioral Health.....	2,927	17,945	2,927	---
Subtotal, Interdisciplinary Community Linkages..	71,544	88,197	64,066	-7,478
Subtotal, Evaluation Tap Funding.....	---	8,328	---	---
Workforce Information and Analysis.....	2,815	---	2,815	---
Evaluation Tap Funding.....	---	(20,000)	---	---
State Grants for Health Workforce Development.....	---	51,000	---	---
Public Health and Preventive Medicine programs.....	9,609	---	8,209	-1,400
Evaluation Tap Funding.....	---	(10,068)	---	---
Subtotal.....	9,609	10,068	8,209	-1,400

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>Nursing Programs:</b>				
Advanced Education Nursing.....	64,046	64,438	64,046	---
Evaluation Tap Funding.....	---	(40,000)	---	---
Nurse Education, Practice, and Retention.....	39,653	40,141	39,653	---
Evaluation Tap Funding.....	---	(19,632)	---	---
Nursing Workforce Diversity.....	16,009	16,107	16,009	---
Evaluation Tap Funding.....	---	(3,893)	---	---
Loan Repayment and Scholarship Program.....	93,292	93,864	83,292	-10,000
Comprehensive Geriatric Education.....	4,539	---	4,539	---
Evaluation Tap Funding.....	---	(5,000)	---	---
Nurse Managed Health Centers.....	---	10,000	---	---
Evaluation Tap Funding.....	---	(10,000)	---	---
Nursing Faculty Loan Program.....	24,848	---	24,848	---
Evaluation Tap Funding.....	---	(30,000)	---	---
Subtotal, Nursing programs.....	242,387	224,550	232,387	-10,000
Subtotal, Evaluation Tap Funding.....	---	(108,525)	---	---
Subtotal, Health Professions.....	494,922	553,106	466,046	-28,876
Subtotal, Evaluation tap funding.....	---	255,423	---	---
Total, Health Professions.....	494,922	808,529	466,046	-28,876

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DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Children's Hospitals Graduate Medical Education..... D	268,356	---	268,356	---
Patient Navigator..... D	4,990	---	---	-4,990
Teaching Health Centers Planning Grants..... D	---	10,000	---	---
National Practitioner Data Bank..... D	19,750	28,016	28,016	+8,266
User Fees..... D	-19,750	-28,016	-28,016	-8,266
Health Care Integrity and Protection Data Bank..... D	3,758	---	---	-3,758
User Fees..... D	-3,758	---	---	+3,758
Total, BHP program level.....	793,116	686,583	734,402	-58,714
Maternal and Child Health Bureau				
Maternal and Child Health Block Grant..... D	656,319	654,489	646,319	-10,000
Sickle Cell Anemia Demonstration Program..... D	4,721	4,740	4,721	---
Traumatic Brain Injury..... D	9,878	9,918	9,878	---
Autism and Other Developmental Disorders..... D	47,708	55,000	47,708	---
Heritable Disorders..... D	9,952	9,992	9,952	---
Congenital Disabilities..... D	---	499	---	---
Healthy Start..... D	104,361	104,776	104,776	+415
Universal Newborn Hearing..... D	18,884	18,960	18,884	---
Emergency Medical Services for Children..... D	21,369	21,454	21,369	---
Subtotal, Maternal and Child Health Bureau.....	873,192	879,828	863,607	-9,585

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DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

		FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>HIV/AIDS Bureau</b>					
<b>Ryan White AIDS Programs:</b>					
Emergency Assistance.....	D	672,529	679,074	672,529	---
Comprehensive Care Programs.....	D	1,308,141	1,358,791	1,323,141	+15,000
AIDS Drug Assistance Program (ADAP) (NA).....	NA	(885,000)	(940,000)	(900,000)	(+15,000)
Early Intervention Program.....	D	205,564	211,522	205,564	---
Children, Youth, Women, and Families.....	D	77,313	77,787	77,313	---
AIDS Dental Services.....	D	13,511	13,594	13,511	---
Education and Training Centers.....	D	34,607	34,819	34,607	---
Subtotal, Ryan White AIDS programs.....		2,311,665	2,375,587	2,326,665	+15,000
Evaluation Tap Funding (NA).....	NA	(25,000)	(25,000)	(25,000)	---
Subtotal, Ryan White AIDS program level.....		(2,336,665)	(2,400,587)	(2,351,665)	(+15,000)
Subtotal, HIV/AIDS Bureau.....		2,311,665	2,375,587	2,326,665	+15,000
<b>Healthcare Systems Bureau</b>					
Organ Transplantation.....	D	24,896	25,991	24,896	---
National Cord Blood Inventory.....	D	11,910	13,883	11,910	---
Bone Marrow Program.....	D	23,374	26,544	23,374	---
Office of Pharmacy Affairs.....	D	4,480	5,220	4,480	---
340B Drug Pricing User Fees.....	D	---	5,000	---	---
User Fees.....	D	---	-5,000	---	---
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DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Poison Control.....	D 21,866	29,250	18,866	-3,000
Subtotal, Healthcare systems bureau.....	86,526	100,888	83,526	-3,000
Rural Health				
Rural Outreach Grants.....	D 55,658	57,266	55,658	---
Rural Health Research/Policy Development.....	D 9,885	9,929	9,885	---
Rural Hospital Flexibility Grants.....	D 41,118	26,200	41,118	---
Rural and Community Access to Emergency Devices.....	D 236	---	2,500	+2,264
State Offices of Rural Health.....	D 10,055	10,075	10,055	---
Black Lung Clinics.....	D 7,153	7,185	7,153	---
Radiation Exposure Screening and Education Program.....	D 1,939	1,948	1,939	---
Telehealth.....	D 11,524	11,575	11,524	---
Subtotal, Rural health.....	137,568	124,178	139,832	+2,264
Family Planning.....	D 299,400	327,356	297,400	-2,000
Program Management.....	D 161,815	170,808	161,815	---
Total, Health resources and services (HRSA).....	6,262,241	6,801,262	6,206,204	-56,037
Total, Health resources & services program level	(6,287,241)	(7,081,685)	(6,231,204)	(-56,037)
Total, Evaluation tap funding.....	(25,000)	(280,423)	(25,000)	---



DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
-----				
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT				
HEAL Liquidating Account.....	NA	---	(1,000)	---
HEAL Program Management.....	D	---	2,841	---
Total, HEAL.....	2,841	---	2,841	---
-----				
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND				
Post-FY 1988 Claims.....	H	235,000	235,000	+15,000
HRSA Administration.....	D	6,502	6,489	---
Total, Vaccine Injury Compensation Trust Fund...		241,502	241,489	+15,000
=====				
Total, Health Resources & Services Administration		7,042,764	6,450,534	-41,037
Total, Evaluation tap funding.....		(280,423)	(25,000)	---
Total, HRSA program level.....		(7,323,187)	(6,475,534)	(-41,037)

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>CENTERS FOR DISEASE CONTROL AND PREVENTION</b>				
<b>DISEASE CONTROL, RESEARCH, AND TRAINING</b>				
Immunization and Respiratory Diseases.....	D 479,049	647,200	579,375	+100,326
Evaluation Tap Funding.....	NA (12,864)	(12,864)	(12,864)	---
Pandemic Flu balances (Public Law 111-32).....	NA (156,344)	---	---	(-156,344)
Subtotal .....	(648,257)	(660,064)	(592,239)	(-56,018)
HIV/AIDS, Viral Hepatitis, STD, and TB Prevention.....	D 1,075,995	1,157,133	1,105,995	+30,000
Emerging and Zoonotic Infectious Diseases.....	D 252,443	289,118	253,919	+1,476
Chronic Disease Prevention and Health Promotion.....	D 813,987	725,207	760,700	-53,287
Birth Defects and Developmental Disabilities.....	D 136,072	143,899	143,072	+2,000
Public Health Scientific Services.....	D 147,795	205,942	144,795	-3,000
Evaluation Tap Funding.....	NA (247,769)	(217,674)	(247,769)	---
Subtotal .....	(395,564)	(423,616)	(392,564)	(-3,000)
Environmental Health.....	D 134,855	128,715	105,598	-29,257
Injury Prevention and Control.....	D 143,714	147,501	138,480	-5,234
National Institute for Occupational Safety & Health 1/ D 224,355		---	182,903	-41,452
Evaluation Tap Funding.....	NA (91,724)	(259,934)	(110,724)	(+19,000)
Subtotal .....	(316,079)	(259,934)	(293,627)	(-22,452)

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Energy Employees Occupational Illness Compensation Program.....	55,358	55,358	55,358	---
Global Health.....	340,265	381,245	349,547	+9,282
Public Health Preparedness and Response.....	1,336,901	1,422,618	1,306,906	-29,995
Pandemic Flu balances (Public Law 111-32).....	(88,515)	(30,000)	(30,000)	(-38,515)
Subtotal.....	1,405,416	1,452,618	1,336,906	-68,510
CDC-Wide Activities and Program Support.....	563,539	568,834	621,445	+57,906
CDC contracting and administrative reduction.....	---	---	-20,000	-20,000
Total, Centers for Disease Control.....	5,704,328	5,872,770	5,723,093	+18,765
Discretionary.....	5,648,970	5,817,412	5,667,735	+18,765
Evaluation Tap Funding (NA).....	(352,357)	(490,472)	(371,357)	(+19,000)
Pandemic Flu balances (Public Law 111-32)....	(224,859)	(30,000)	(30,000)	(-194,859)
Total, Centers for Disease Control Program Level	(6,281,544)	(6,393,242)	(6,124,450)	(-157,094)

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>NATIONAL INSTITUTES OF HEALTH</b>				
National Cancer Institute.....	5,058,577	5,196,136	5,081,788	+23,211
National Heart, Lung, and Blood Institute.....	3,089,723	3,147,992	3,084,851	+15,128
National Institute of Dental & Craniofacial Research..	409,608	420,369	411,488	+1,880
National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK).....	1,792,224	1,837,957	1,800,447	+8,223
National Institute of Neurological Disorders & Stroke..	1,622,003	1,664,253	1,629,445	+7,442
National Institute of Allergy and Infectious Diseases..	4,478,668	4,615,970	4,499,215	+20,547
Global HIV/AIDS Fund Transfer.....	297,300	300,000	---	-297,300
<b>Subtotal, NIAID program level.....</b>	<b>4,775,968</b>	<b>4,915,970</b>	<b>4,499,215</b>	<b>-276,753</b>
National Institute of General Medical Sciences.....	2,033,782	2,102,300	2,434,637	+400,855
National Institute of Child Health & Human Development	1,317,854	1,352,189	1,323,900	+6,046
National Eye Institute.....	700,828	719,059	704,043	+3,215
National Institute of Environmental Health Sciences...	683,724	700,537	686,869	+3,145
National Institute on Aging.....	1,100,481	1,129,987	1,105,530	+5,049
National Institute of Arthritis and Musculoskeletal and Skin Diseases.....	534,349	547,891	536,801	+2,452
National Institute on Deafness and Other Communication Disorders.....	415,155	426,043	417,061	+1,906
National Institute of Nursing Research.....	144,381	148,114	145,043	+662
National Institute on Alcohol Abuse and Alcoholism....	458,286	469,197	460,389	+2,103
National Institute on Drug Abuse.....	1,050,542	1,080,018	1,055,362	+4,820
National Institute of Mental Health.....	1,477,292	1,517,006	1,483,068	+5,776

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
National Human Genome Research Institute.....	511,497	524,807	513,844	+2,347
National Institute of Biomedical Imaging and Bioengineering.....	313,802	322,106	338,998	+25,196
National Center for Research Resources.....	1,257,754	1,297,900	---	-1,257,754
National Center for Complementary and Alternative Medicine.....	127,713	131,002	128,299	+586
National Institute on Minority Health and Health Disparities.....	209,714	214,608	276,963	+67,249
John E. Fogarty International Center.....	69,436	71,328	69,754	+318
National Center for Advancing Translation Sciences....	---	---	576,456	+576,456
National Library of Medicine (NLM).....	336,733	387,153	338,278	+1,545
Evaluation Tap Funding.....	(8,200)	(8,200)	(8,200)	---
Subtotal.....	344,933	395,353	346,478	+1,545
Office of the Director .....	1,166,963	1,298,412	1,461,880	+294,917
Common fund.....	(543,021)	(556,890)	(545,962)	(+2,941)
Buildings and Facilities.....	49,900	125,581	125,581	+75,681
Total, National Institutes of Health (NIH).....	30,688,289	31,747,915	30,689,990	+1,701
Global HIV/AIDS Fund Transfer out.....	-297,300	-300,000	---	+297,300
Pandemic Flu balances (Public Law 111-32)...	---	---	---	---
Evaluation Tap Funding.....	(8,200)	(8,200)	(8,200)	---
Total, NIH Program Level.....	(30,399,189)	(31,456,115)	(30,698,190)	(+299,001)

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DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference Conference	Conference Vs. Comparable
-----				
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES				
ADMINISTRATION (SAMHSA)				
-----				
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES				
Mental Health:				
Programs of Regional and National Significance.... D	338,276	273,342	276,278	-61,998
Mental Health block grant..... D	398,936	413,645	439,548	+40,612
Evaluation Tap Funding..... NA	(20,997)	(21,039)	(21,039)	(+42)
Subtotal, Program level.....	(419,933)	(434,684)	(460,587)	(+40,654)
Children's Mental Health..... D				
Grants to States for the Homeless (PATH)..... D	117,803	121,316	117,803	---
Protection and Advocacy..... D	64,917	65,047	64,917	---
State prevention grants..... D	36,307	36,380	36,307	---
Subtotal, Mental Health.....	956,239	999,730	934,853	-21,386
Subtotal, Mental health program level.....	(977,236)	(1,020,769)	(955,892)	(-21,344)
Substance Abuse Treatment:				
Programs of Regional and National Significance.... D	404,480	401,822	399,602	-4,878
Evaluation Tap Funding..... NA	(2,000)	(2,000)	(2,000)	---
Subtotal, Program level.....	(406,480)	(403,822)	(401,602)	(-4,878)

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Substance Abuse block grant.....	D 1,703,452	1,419,603	1,724,391	+20,939
Evaluation Tap Funding.....	NA (79,200)	(74,711)	(79,200)	---
Subtotal, Program level.....	(1,782,652)	(1,494,314)	(1,803,591)	(+20,939)
Subtotal, Substance Abuse Treatment.....	2,107,932	1,821,425	2,123,993	+16,061
Subtotal, Program level.....	(2,189,132)	(1,898,136)	(2,205,193)	(+16,061)
Substance Abuse Prevention: Programs of Regional and National Significance....	D 186,061	74,582	186,361	+300
Substance abuse prevention grants.....	D ---	395,000	---	---
Subtotal.....	186,061	469,582	186,361	+300
Total, Substance Abuse.....	2,375,193	2,367,718	2,391,554	+16,361
Health Surveillance and Program Support.....	D 129,306	96,166	109,106	-20,200
Evaluation Tap Funding (NA).....	NA (29,346)	(71,995)	(27,428)	(-1,918)
Subtotal, Program level.....	158,652	168,161	136,534	-22,118
Total, SAMHSA.....	3,379,538	3,386,903	3,354,313	-25,225
Evaluation Tap Funding.....	(131,543)	(169,745)	(129,667)	(-1,876)
Total, SAMHSA Program Level.....	(3,511,081)	(3,556,648)	(3,483,980)	(-27,101)

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DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference Conference	Conference Vs. Comparable
<b>AGENCY FOR HEALTHCARE RESEARCH AND QUALITY (AHRQ)</b>				
<b>HEALTHCARE RESEARCH AND QUALITY</b>				
Research on Health Costs, Quality, and Outcomes	(255,653)	(256,612)	(247,768)	(-17,885)
Program Level.....	NA			
Comparative Effectiveness Research (NA).....	NA	21,600	16,600	-4,400
Evaluation Tap funding.....	(21,000)	(21,600)	(16,600)	(-4,400)
Patient Safety Research and Health (NA).....	(93,230)	(92,194)	(91,157)	(-2,073)
Preventive/Care Management (NA).....	15,904	23,304	15,904	---
Evaluation Tap funding.....	(15,904)	(23,304)	(15,904)	---
Value Research (NA).....	(3,730)	(3,730)	(3,730)	---
Crosscutting (NA).....	(111,789)	(91,784)	(108,377)	(-3,412)
Subtotal, Health Costs, Quality, and Outcomes...	(255,653)	(256,612)	(247,768)	(-17,885)
Subtotal, Evaluation Tap Funding.....	(245,653)	(232,612)	(235,768)	(-9,885)
<b>Medical Expenditures Panel Surveys:</b>				
Evaluation Tap Funding (NA).....	NA	(59,300)	(59,300)	(+500)



DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
-----				
Program Support:				
Evaluation Tap Funding (NA).....	(67,600)	(74,485)	(73,985)	(+6,385)
Evaluation Tap Funding (NA).....	(372,053)	(366,397)	(369,053)	(-3,000)
Total, AHRQ Program Level.....	(372,053)	(366,397)	(369,053)	(-3,000)
	=====	=====	=====	=====
Total, Public Health Service (PHS) appropriation	46,263,726	48,050,352	46,217,930	-45,796
Total, Public Health Service Program Level.....	(47,378,738)	(49,395,589)	(47,152,207)	(-226,531)
CENTERS FOR MEDICARE AND MEDICAID SERVICES				
GRANTS TO STATES FOR MEDICAID				
Medicaid Current Law Benefits.....	M 242,714,348	253,884,907	253,884,907	+11,170,559
State and Local Administration.....	M 13,567,479	12,808,496	12,808,496	-758,983
Vaccines for Children.....	M 3,651,354	4,030,996	4,030,996	+379,642
	-----	-----	-----	-----
Subtotal, Medicaid Program Level.....	259,933,181	270,724,399	270,724,399	+10,791,218
Less funds advanced in prior year.....	M -86,789,382	-86,445,289	-86,445,289	+344,093
	-----	-----	-----	-----
Total, Grants to States for Medicaid.....	173,143,799	184,279,110	184,279,110	+11,135,311
New advance, 1st quarter.....	M 86,445,289	90,614,082	90,614,082	+4,168,793

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
PAYMENTS TO HEALTH CARE TRUST FUNDS				
Supplemental Medical Insurance.....	M 172,697,622	178,041,000	178,041,000	+5,343,378
Federal Uninsured Payment.....	M 275,000	262,000	262,000	-13,000
Program Management.....	M 229,000	222,000	222,000	-7,000
General Revenue for Part D Benefit.....	M 55,548,000	51,431,000	51,431,000	-4,117,000
General Revenue for Part D Administration.....	M 404,000	475,000	475,000	+71,000
HCFAC Reimbursement.....	M 310,378	581,000	310,378	---
Total, Payments to Trust Funds, Program Level...	229,464,000	231,012,000	230,741,378	+1,277,378
PROGRAM MANAGEMENT				
Research, Demonstration, Evaluation.....	TF 35,529	31,200	21,200	-14,329
Medicare Operations.....	TF 2,419,569	---	---	-2,419,569
Program operations.....	TF ---	3,062,025	2,663,935	+2,663,935
State Survey and Certification.....	TF 362,076	400,283	355,876	-6,200
High Risk Insurance Pools.....	TF 54,890	44,000	44,000	-10,890
Federal Administration.....	TF 766,791	859,465	794,465	+27,674
Total, Program management, Limitation on new BA.	3,638,855	4,396,973	3,879,476	+240,621
HEALTH CARE FRAUD AND ABUSE CONTROL				
Part D Drug Benefit/Medicare Advantage (HIP).....	TF 219,879	345,295	219,879	---
HHS Office of Inspector General.....	TF 29,730	97,556	29,730	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Medicaid/CHIP.....	31,038	44,644	31,038	---
Department of Justice.....	29,730	93,085	29,730	---
TF				
Total, Health Care Fraud and Abuse Control.....	310,377	580,580	310,377	---
Total, Centers for Medicare and Medicaid Services	493,002,320	510,882,745	509,824,423	+16,822,103
Federal funds.....	489,053,088	505,905,192	505,634,570	+16,581,482
Current year.....	(402,607,799)	(415,291,110)	(415,020,488)	(+12,412,689)
New advance, FY 2013.....	(86,445,289)	(90,614,082)	(90,614,082)	(+4,168,793)
Trust Funds.....	3,949,232	4,977,553	4,189,853	+240,621

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND  
FAMILY SUPPORT PROGRAMS

Payments to Territories.....	33,000	33,000	33,000	---
Repatriation.....	1,000	1,000	1,000	---
M				
H				
Subtotal, Welfare payments.....	34,000	34,000	34,000	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
-----				
Child Support Enforcement:				
State and Local Administration.....	M 3,507,323	2,942,035	2,942,035	-565,288
Federal Incentive Payments.....	M 513,000	519,000	519,000	+6,000
Access and Visitation.....	M 10,000	10,000	10,000	---
-----				
Subtotal, Child Support Enforcement.....	4,030,323	3,471,035	3,471,035	-559,288
=====				
Total, Family Support Payments Program Level....	4,064,323	3,505,035	3,505,035	-559,288
Less funds advanced in previous years.....	M -1,100,000	-1,200,000	-1,200,000	-100,000
-----				
Total, Family Support Payments, current year....	2,964,323	2,305,035	2,305,035	-659,288
New advance, 1st quarter, FY 2013.....	M 1,200,000	1,100,000	1,100,000	-100,000

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
-----				
LOW-INCOME HOME ENERGY ASSISTANCE (LIHEAP)				
Formula Grants.....	D 4,500,653	1,980,000	3,478,246	-1,022,407
Contingency Fund.....	D 199,927	589,551	---	-199,927
-----				
Total, LIHEAP, Program Level.....	4,700,580	2,569,551	3,478,246	-1,222,334
-----				
REFUGEE AND ENTRANT ASSISTANCE				
Transitional and Medical Services.....	D 352,625	394,224	373,000	+20,375
Victims of Trafficking.....	D 9,794	9,814	9,794	---
Social Services.....	D 153,697	179,005	153,697	---
Preventive Health.....	D 4,739	4,748	4,739	---
Targeted Assistance.....	D 48,493	48,590	48,493	---
Unaccompanied Minors.....	D 149,052	177,225	169,000	+19,948
Victims of Torture.....	D 11,066	11,088	11,066	---
-----				
Total, Refugee and Entrant Assistance.....	729,466	824,694	769,789	+40,323
-----				
				UA
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DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

		FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
-----					
PAYMENTS TO STATES FOR THE					
CHILD CARE AND DEVELOPMENT BLOCK GRANT	D				
Child Care and Development Block Grant.....	D	2,222,627	2,926,757	2,282,627	+60,000
SOCIAL SERVICES BLOCK GRANT (TITLE XX).....	M	1,700,000	1,700,000	1,700,000	---
CHILDREN AND FAMILIES SERVICES PROGRAMS					
Programs for Children, Youth and Families:					
Head Start, current funded.....	D	7,559,633	8,099,783	7,983,633	+424,000
Consolidated Runaway, Homeless Youth Program.....	D	97,539	102,734	97,539	---
Prevention Grants to Reduce Abuse of Runaway Youth	D	17,935	17,971	17,935	---
Child Abuse State Grants.....	D	26,482	26,535	26,482	---
Child Abuse Discretionary Activities.....	D	25,793	29,020	25,793	---
Community Based Child Abuse Prevention.....	D	41,606	41,689	41,606	---
Abandoned Infants Assistance.....	D	11,605	11,575	11,575	-30
Child Welfare Services.....	D	281,181	281,744	281,181	---
Child Welfare Training/	D				
Innovative Approaches to Foster Care.....	D	27,153	27,207	26,141	-1,012
Adoption Opportunities.....	D	39,253	39,332	39,253	---
Adoption Incentive.....	D	39,421	49,875	39,421	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Strengthening Communities Fund.....	---	20,000	---	---
Social Services and Income Maintenance Research.....	---	3,000	---	---
Evaluation Tap Funding.....	(5,762)	(5,762)	(5,762)	---
Developmental Disabilities Programs:				
State Councils.....	74,916	75,066	74,916	---
Protection and Advocacy.....	40,942	41,024	40,942	---
Voting Access for Individuals with Disabilities.....	17,375	---	5,245	-12,130
Developmental Disabilities Projects of National Significance.....	14,134	8,333	8,333	-5,801
University Centers for Excellence in Developmental Disabilities.....	38,865	38,943	38,865	---
Subtotal, Developmental Disabilities Programs...	186,232	163,366	168,301	-17,931
Native American Programs.....	48,675	48,773	48,675	---
Community Services:				
Community Services Block Grant Act programs:				
Grants to States for Community Services.....	678,640	350,000	678,640	---
Economic Development.....	17,964	20,000	30,000	+12,036
Rural Community Facilities.....	4,990	---	4,990	---
Subtotal.....	701,594	370,000	713,630	+12,036

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Job Opportunities for Low-Income Individuals.. D	1,641	---	---	-1,641
Individual Development Account Initiative..... D	23,977	23,907	19,907	-4,070
Subtotal, Community Services.....	727,212	393,907	733,537	+6,325
Domestic Violence Hotline.....	3,202	4,500	3,203	+1
Family Violence/Battered Women's Shelters..... D	129,792	135,052	129,792	---
Mentoring Children of Prisoners..... D	---	25,000	---	---
Independent Living Training Vouchers..... D	45,260	45,351	45,260	---
Faith-Based Center..... D	1,373	1,376	1,373	---
Disaster Human Services Case Management..... D	1,996	2,000	1,996	---
Program Direction..... D	208,013	224,808	204,013	-4,000
Total, Children and Families Services Programs..	9,519,356	9,794,598	9,926,709	+407,353
Current Year.....	(9,519,356)	(9,794,598)	(9,926,709)	(+407,353)
Evaluation Tap Funding.....	(5,762)	(5,762)	(5,762)	---
Total, Program Level.....	(9,525,118)	(9,800,360)	(9,932,471)	(+407,353)
PROMOTING SAFE AND STABLE FAMILIES .....	365,000	365,000	345,000	-20,000
Discretionary Funds..... D	63,184	63,311	63,184	---



DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

		FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
PAYMENTS FOR FOSTER CARE AND PERMANENCY					
Foster Care.....	M	3,967,000	4,288,000	4,288,000	+321,000
Adoption Assistance.....	M	2,480,000	2,495,000	2,495,000	+15,000
Kinship Guardianship.....	M	32,000	80,000	80,000	+48,000
Independent Living.....	M	140,000	140,000	140,000	---
Total, Payments to States.....		6,619,000	7,003,000	7,003,000	+384,000
Less Advances from Prior Year.....	M	-1,850,000	-1,850,000	-1,850,000	---
Total, payments, current year.....		4,769,000	5,153,000	5,153,000	+384,000
New Advance, 1st quarter.....	M	1,850,000	2,100,000	2,100,000	+250,000
Total, Administration for Children & Families. Current year.....		30,083,536	28,901,946	29,223,590	-859,946
FY 2013.....		(27,033,536)	(25,701,946)	(26,023,590)	(-1,009,946)
Evaluation Tap Funding.....		(3,050,000)	(3,200,000)	(3,200,000)	(+150,000)
		(5,762)	(5,762)	(5,762)	---
Total, ACF Program Level.....		30,089,298	28,907,708	29,229,352	-859,946

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference Conference	Conference Vs. Comparable
<b>ADMINISTRATION ON AGING</b>				
<b>AGING SERVICES PROGRAMS</b>				
<b>Grants to States:</b>				
Home and Community-based Supportive Services.....	D 367,611	416,476	367,611	---
Preventive Health.....	D 20,984	21,026	20,984	---
Protection of Vulnerable Older Americans-Title VII D	21,839	26,880	21,839	---
Subtotal.....	410,434	464,382	410,434	---
Family Caregivers.....	D 153,912	192,220	153,912	---
Native American Caregivers Support.....	D 6,376	8,388	6,376	---
Subtotal, Caregivers.....	160,288	200,608	160,288	---
<b>Nutrition:</b>				
Congregate Meals.....	D 439,901	440,718	439,901	---
Home Delivered Meals.....	D 217,241	217,644	217,241	---
Nutrition Services Incentive Program.....	D 160,693	160,991	160,693	---
Subtotal.....	817,835	819,353	817,835	---
Subtotal, Grants to States.....	1,388,557	1,484,343	1,388,557	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Grants for Native Americans.....	27,653	27,704	27,653	---
Program Innovations.....	19,069	11,509	---	-19,069
Aging Network Support Activities.....	8,183	7,948	7,888	-295
Alzheimer's Disease Demonstrations.....	11,441	11,462	4,018	-7,423
Lifespan Respite Care.....	2,495	10,000	2,495	---
Chronic Disease Self-Management Program.....	---	10,000	---	---
Adult Protective Services Demonstration.....	---	16,500	---	---
Community Service Employment for Older Americans.....	---	450,000	---	---
Program Administration--Aging services.....	19,939	24,543	23,107	+3,168
Program Administration--CLASS Administration.....	---	120,000	---	---
Senior Medicare Patrol Program.....	9,420	9,438	9,420	---
Elder Rights Support Activities.....	4,096	4,103	4,096	---
Aging and Disability Resources.....	6,469	3,434	6,469	---
State Health Insurance Program.....	---	46,960	---	---
TF	---	---	---	---
Total, Administration on Aging.....	1,497,322	2,237,944	1,473,703	-23,619
Federal funds.....	1,497,322	2,190,984	1,473,703	-23,619
Trust Funds.....	---	(46,960)	---	---
Total, Administration on Aging program level....	1,497,322	2,237,944	1,473,703	-23,619

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DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>OFFICE OF THE SECRETARY</b>				
<b>GENERAL DEPARTMENTAL MANAGEMENT</b>				
<b>General Departmental Management:</b>				
Federal Funds.....	D 201,713	250,905	220,014	+18,301
Trust Funds.....	TF 5,851	---	---	-5,851
Subtotal.....	207,564	250,905	220,014	+12,450
Teen Pregnancy Prevention Community Grants.....	D 104,790	---	104,790	---
Teen Pregnancy Prevention approaches	D			
Evaluation Tap Funding.....	NA (4,455)	(8,455)	(8,455)	(+4,000)
Subtotal, Pregnancy Grants.....	(109,245)	(8,455)	(113,245)	(+4,000)
Abstinence Education.....	D ---	---	5,000	+5,000
Adolescent Family Life (Title XX).....	12,474	---	---	-12,474
Minority Health.....	D 55,888	57,980	55,888	---
Office of Women's Health.....	D 33,746	33,746	33,746	---
Minority HIV/AIDS.....	D 53,783	---	53,783	---
Evaluation Tap Funding.....	NA ---	(53,891)	---	---
Transformation of the Commissioned Corps.....	D 8,071	7,013	---	-8,071

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Embryo Adoption Awareness Campaign.....	2,004	2,000	2,000	-4
Healthcare-associated infections activities.....	1,450	5,000	---	-1,450
Acquisition reform.....	---	7,000	---	---
Planning and Evaluation, Evaluation Tap Funding .....	(60,756)	(64,356)	(60,756)	---
Total, General Departmental Management.....	479,770	363,644	475,221	-4,549
Federal Funds.....	(473,919)	(363,644)	(475,221)	(+1,302)
Trust Funds.....	5,851	---	---	-5,851
Evaluation Tap Funding (NA).....	(65,211)	(126,702)	(69,211)	(+4,000)
Total, General Departmental Management Program..	544,981	490,346	544,432	-549
OFFICE OF MEDICARE HEARINGS AND APPEALS.....	TF	81,019	72,147	+1,142
OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY .....	D	42,246	16,446	-25,800
Evaluation Tap Funding.....	NA	(19,011)	(44,811)	(+25,800)
Total, Program Level.....	(61,257)	(78,413)	(61,257)	---
OFFICE OF INSPECTOR GENERAL				
Inspector General Federal Funds.....	D	50,178	50,178	---
Evaluation tap funding, Planning and Evaluation ..	D	---	---	---
HIPAA/HCFAC funding (NA).....	NA	(197,998)	(193,387)	(-4,611)
HCFAC funding (NA).....	NA	(29,730)	(97,556)	(+67,826)

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
HCFA collections (NA).....	---	(12,000)	(12,000)	(+12,000)
Medicaid Integrity Program.....	---			
Deficit Reduction Act (P.L. 109-171) (NA).....	---	(25,000)	(25,000)	(+25,000)
Total, Inspector General Program Level.....	(277,906)	(391,272)	(378,121)	(+100,215)
OFFICE FOR CIVIL RIGHTS:				
Federal Funds.....	37,709	46,717	41,016	+3,307
Trust Funds.....	3,307	---	---	-3,307
Total, Office for Civil Rights.....	41,016	46,717	41,016	---
RETIREMENT PAY AND				
MEDICAL BENEFITS FOR COMMISSIONED OFFICERS				
Retirement Payments.....	386,040	418,082	418,082	+32,042
Survivors Benefits.....	27,888	31,625	31,625	+3,737
Dependents' Medical Care.....	103,608	114,798	114,798	+11,190
Total, Medical Benefits for Commissioned Officers	517,536	564,505	564,505	+46,969

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND</b>				
Assistant Secretary for Preparedness and Response D				
Operations.....	12,548	38,624	33,053	+20,505
ASPR Co-located Office Facility.....	---	10,000	---	---
Preparedness and Emergency Operations.....	32,999	34,647	29,647	-3,352
National Disaster Medical System.....	55,925	52,850	52,850	-3,075
Hospital Preparedness Cooperative Agreement Grants:				
Formula Grants.....	377,997	352,411	352,411	-25,586
Other Costs.....	---	23,055	23,055	+23,055
Emergency Systems for Advanced Registration of				
Volunteer Health Professionals (ESAR-VHP).....	5,861	5,000	5,000	-861
Bioterrorism Advanced Research and Development				
Authority.....	415,000	765,000	415,000	---
Medical Countermeasure Dispensing.....	---	5,000	---	---
Global Medicine, Science, and Public Health.....	8,731	---	---	-8,731
Policy, Strategic Planning, and Communications.....	4,358	15,708	15,708	+11,350
Subtotal, AS for Preparedness and Response.....	913,419	1,302,295	926,724	+13,305

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

		FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Assistant Secretary for Administration	D				
Assistant Secretary for Administration, Cybersecurity	D	56,680	40,000	40,000	-16,680
Office of Security and Strategic Information.....	D	7,428	6,460	6,460	-968
Public Health and Science	D				
Medical Reserve Corps.....	D	11,925	11,268	11,268	-657
Office of the Secretary	D				
Parklawn Lease Expiration.....	D	34,930	---	---	-34,930
Pandemic Influenza Preparedness:	D				
Fiscal year 2013.....	D	65,447	---	---	-65,447
Subtotal, Office of the Secretary.....	D	100,377	---	---	-100,377



DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Subtotal, Non-pandemic flu/BARDA/BioShield/Parklawn D	574,452	585,023	569,452	-5,000
Total, PHSSEF.....	1,089,829	1,360,023	984,452	-105,377
Total, Office of the Secretary.....	2,291,580	2,526,250	2,203,965	-87,615
Federal Funds.....	2,211,417	2,445,231	2,131,818	-79,599
Trust Funds.....	80,163	81,019	72,147	-8,016
Evaluation Tap Funding (NA).....	(84,222)	(158,102)	(114,022)	(+29,800)
Total, Office of the Secretary Program Level....	2,375,802	2,684,352	2,317,987	-57,815
Total, Title II, Dept of Health & Human Services	573,138,484	592,599,237	588,943,611	+15,805,127
Federal Funds.....	569,109,089	587,493,705	584,681,611	+15,572,522
Current year.....	(479,613,800)	(493,679,623)	(490,867,529)	(+11,253,729)
FY 2013.....	(89,495,289)	(93,814,082)	(93,814,082)	(+4,318,793)
Trust Funds.....	4,029,395	5,105,532	4,262,000	+232,605
Pandemic Flu balances (Public Law 111-32)....	(224,859)	(30,000)	(30,000)	(-194,859)

Title II Footnotes:

1/ Includes Mine Safety and Health

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
-----				
TITLE III - DEPARTMENT OF EDUCATION				
EDUCATION FOR THE DISADVANTAGED				
Grants to Local Educational Agencies (LEAs)				
Basic Grants:				
Advance from prior year.....	NA (3,448,145)	(2,962,510)	(2,962,510)	(-485,635)
Forward funded.....	D 3,618,248	2,806,504	3,618,248	---
Current funded.....	D 3,992	4,000	3,992	---
Subtotal, Basic grants current year approp..	3,622,240	2,810,504	3,622,240	---
Subtotal, Basic grants total funds available	(7,070,385)	(5,773,014)	(6,584,750)	(-485,635)
Basic Grants FY 2013 Advance.....	D 2,962,510	3,787,442	2,962,510	---
Subtotal, Basic grants, program level.....	6,584,750	6,597,946	6,584,750	---
Concentration Grants:				
Advance from prior year.....	NA (1,365,031)	(1,362,301)	(1,362,301)	(-2,730)
FY 2013 Advance.....	D 1,362,301	1,365,031	1,362,301	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>Targeted Grants:</b>				
Forward funded.....	---	---	30,000	+30,000 FF
Advance from prior year.....	(3,014,000) D	(3,258,183)	(3,258,183)	(+244,183)
FY 2013 Advance.....	3,258,183 D	3,264,712	3,258,183	---
Subtotal (excluding emergencies).....	3,258,183	3,264,712	3,288,183	+30,000
<b>Education Finance Incentive Grants:</b>				
Forward Funded .....	---	---	30,000	+30,000 FF
Advance from prior year.....	(3,014,000) D	(3,258,183)	(3,258,183)	(+244,183)
FY 2013 Advance.....	3,258,183 D	3,264,712	3,258,183	---
Subtotal.....	3,258,183	3,264,712	3,288,183	+30,000
Subtotal, Grants to LEAs, program level.....	14,463,417	14,792,401	14,523,417	+60,000
<b>Title I Rewards.....</b>				
	---	300,000	---	---
Subtotal, Grants to LEAs, program level.....	14,463,417	14,792,401	14,523,417	+60,000

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
School Improvement Grants.....	534,562	600,000	534,562	FF
Early Learning Challenge Fund.....	---	350,000	---	FF
Striving Readers.....	---	---	160,000	+160,000
State Agency Programs:				FF
Migrant.....	393,981	394,771	393,981	FF
Neglected and Delinquent/High Risk Youth.....	50,326	50,427	50,326	FF
Subtotal, State Agency programs.....	444,307	445,198	444,307	---
Evaluation.....	8,151	---	3,200	-4,951
High School Graduation Initiative.....	48,902	---	48,902	---
Migrant Education:				---
High School Equivalency Program.....	36,595	36,668	36,595	---
Total, Education for the disadvantaged.....	15,535,934	16,224,267	15,750,983	+215,049
Current Year.....	(4,694,757)	(4,542,370)	(4,909,806)	(+215,049)
FY 2013.....	(10,841,177)	(11,681,897)	(10,841,177)	---
Subtotal, Forward Funded.....	(4,597,117)	(4,201,702)	(4,817,117)	(+220,000)

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>IMPACT AID</b>				
Basic Support Payments.....	1,135,724	1,138,000	1,155,724	+20,000
Payments for Children with Disabilities.....	48,505	48,602	48,505	---
Facilities Maintenance (Sec. 8008).....	4,854	4,864	4,854	---
Construction (Sec. 8007).....	17,474	17,509	17,474	---
Payments for Federal Property (Sec. 8002).....	67,074	67,208	67,074	---
Total, Impact aid.....	1,273,631	1,276,183	1,293,631	+20,000
<b>SCHOOL IMPROVEMENT PROGRAMS</b>				
Effective Teaching and Learning: Literacy.....	---	383,348	---	---
Effective Teaching and Learning: STEM.....	---	206,046	---	---
Effective Teaching and Learning for Well-Rounded Educ. D	---	246,084	---	---
College Pathways.....	---	86,000	---	---
State Grants for Improving Teacher Quality.....	786,613	---	786,613	FF
Advance from prior year.....	(1,678,078)	(1,681,441)	(1,681,441)	(+3,363)
FY 2013.....	1,681,441	---	1,681,441	---
Subtotal, State Grants for Improving Teacher Quality, program level.....	2,468,054	---	2,468,054	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Mathematics and Science Partnerships.....	175,127	---	150,000	-25,127 FF
Supplemental Education Grants.....	17,652	17,687	17,652	---
21st Century Community Learning Centers.....	1,153,854	1,266,166	1,153,854	---
State Assessments/Enhanced Assessment Instruments.....	389,951	420,000	389,951	---
Foreign Language Assistance.....	26,874	---	---	-26,874 FF
Consolidated Runaway and Homeless Youth programs.....	65,296	65,427	65,296	---
Training and Advisory Services (Civil Rights).....	6,975	6,989	6,975	---
Education for Native Hawaiians.....	34,246	34,315	34,246	---
Alaska Native Education Equity.....	33,248	33,315	33,248	---
Rural Education.....	174,532	174,882	179,532	+5,000 FF
Comprehensive Centers.....	51,210	56,313	51,210	---
Total, School improvement programs.....	4,597,019	2,996,572	4,550,018	-47,001
Current Year.....	(2,915,578)	(2,996,572)	(2,868,577)	(-47,001)
FY 2013.....	(1,681,441)	---	(1,681,441)	---
Subtotal, Forward Funded.....	(2,745,373)	(1,926,475)	(2,725,246)	(-20,127)
INDIAN EDUCATION				
Grants to Local Educational Agencies.....	104,122	104,331	106,122	+2,000

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>Federal Programs:</b>				
Special Programs for Indian Children..... D	19,022	19,060	19,022	---
National Activities..... D	3,883	3,891	5,883	+2,000
Subtotal, Federal Programs.....	22,905	22,951	24,905	+2,000
Total, Indian Education.....	127,027	127,282	131,027	+4,000
<b>INNOVATION AND IMPROVEMENT</b>				
Race to the Top..... D	698,600	900,000	550,000	-148,600
Investing in Innovation Fund..... D	149,700	300,000	149,700	---
Effective Teachers and Leaders State Grants..... D	---	2,500,000	---	---
Teacher and Leader Innovation Fund..... D	---	500,000	---	---
Teacher and Leader Pathways..... D	---	250,000	---	---
Expanding Educational Options..... D	---	372,000	---	---
Transition to Teaching..... D	41,124	---	26,103	-15,021
Teaching of Traditional American History..... D	45,908	---	---	-45,908
School Leadership..... D	29,162	---	29,162	---
Charter Schools Grants..... D	255,519	---	255,519	---
Voluntary Public School Choice..... D	25,767	---	---	-25,767
Magnet Schools Assistance..... D	99,800	110,000	99,800	---
Fund for the Improvement of Education (FIE)..... D	40,900	13,000	65,900	+25,000
Advanced research projects..... D	---	50,000	---	---
Teacher Incentive Fund..... D	399,200	---	300,000	-99,200
Ready-to-Learn television..... D	27,245	---	27,245	---

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DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Advanced Placement..... D	43,253	---	27,000	-16,253
Total, Innovation and Improvement.....	1,856,178	4,995,000	1,530,429	-325,749
Current Year.....	(1,856,178)	(4,995,000)	(1,530,429)	(-325,749)
SAFE SCHOOLS AND CITIZENSHIP EDUCATION				
Safe and Healthy Students..... D	---	364,966	---	---
Promise Neighborhoods..... D	29,940	150,000	60,000	+30,060
National Programs..... D	119,226	---	65,000	-54,226
Alcohol Abuse Reduction..... D	6,907	---	---	-6,907
Elementary and Secondary School Counseling..... D	52,395	---	52,395	---
Carol M. White Physical Education Program..... D	78,842	---	78,842	---
Civic Education..... D	1,155	---	---	-1,155
Total, Safe Schools and Citizenship Education...	288,465	514,966	256,237	-32,228
ENGLISH LANGUAGE ACQUISITION				
Current funded..... D	47,679	48,750	47,679	---
Forward funded..... D	685,851	701,250	685,851	---
Total, English Language Acquisition.....	733,530	750,000	733,530	---

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DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

		FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
-----					
SPECIAL EDUCATION					
-----					
State Grants:					
Grants to States Part B current year.....	D	2,889,817	2,272,108	2,298,817	-591,000 FF
Part B advance from prior year.....	NA	(8,575,198)	(8,592,383)	(8,592,383)	(+17,185)
Grants to States Part B (FY 2013).....	D	8,592,383	9,433,103	9,283,383	+691,000
-----					
Subtotal, program level.....		11,482,200	11,705,211	11,582,200	+100,000
Preschool Grants.....	D	373,351	374,099	373,351	---
Grants for Infants and Families.....	D	438,548	489,427	443,548	+5,000 FF
-----					
Subtotal, program level.....		12,294,099	12,568,737	12,399,099	+105,000
-----					
IDEA National Activities (current funded):					
State Personnel Development.....	D	46,846	48,000	44,000	-2,846
Technical Assistance and Dissemination.....	D	56,885	57,644	54,885	-2,000
Personnel Preparation.....	D	88,466	90,653	88,466	---
Parent Information Centers.....	D	27,972	28,028	28,972	+1,000
Technology and Media Services.....	D	28,644	33,289	29,644	+1,000
-----					
Subtotal, IDEA special programs.....		248,813	257,614	245,967	-2,846

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Mentoring for Individuals with Disabilities..... D	---	5,000	---	---
PROMISE.....	---	30,000	2,000	+2,000
Total, Special education.....	12,542,912	12,861,351	12,647,066	+104,154
Current Year.....	(3,950,529)	(3,428,248)	(3,363,683)	(-586,846)
FY 2013.....	(8,592,383)	(9,433,103)	(9,283,383)	(+691,000)
Subtotal, Forward Funded.....	(3,701,716)	(3,135,634)	(3,115,716)	(-586,000)
REHABILITATION SERVICES AND DISABILITY RESEARCH				
Vocational Rehabilitation State Grants..... M	3,084,696	3,121,712	3,121,712	+37,016
Discretionary supplement ..... D	---	19,266	---	---
Subtotal, VR State grants program level.....	3,084,696	3,140,978	3,121,712	+37,016
Client Assistance State grants..... D	12,263	12,288	12,263	---
Training..... D	35,582	33,251	35,582	---
Demonstration and Training programs..... D	6,459	---	5,335	-1,124
Migrant and Seasonal Farmworkers..... D	1,856	---	1,264	-592
Protection and Advocacy of Individual Rights (PAIR)... D	18,065	18,101	18,065	---
Supported Employment State grants..... D	29,123	---	29,123	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Independent Living:				
Independent Living grants..... D	---	103,716	---	---
State Grants..... D	23,403	---	23,403	---
Centers..... D	80,105	---	80,105	---
Services for Older Blind Individuals..... D	34,083	34,151	34,083	---
Subtotal.....	137,591	137,867	137,591	---
National activities to improve rehabilitation..... D	---	8,000	---	---
Access through cloud computing..... D	---	10,000	---	---
Workforce innovation fund..... D	---	30,000	---	---
Helen Keller National Center for Deaf/Blind Youth and Adults..... D	9,163	9,181	9,163	---
National Inst. Disability and Rehab. Research (NIDRR). D	109,023	110,485	109,023	---
Assistive Technology..... D	30,898	30,960	32,898	+2,000
Subtotal, Discretionary programs.....	390,023	419,399	390,307	+284
Total, Rehabilitation services.....	3,474,719	3,541,111	3,512,019	+37,300

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES</b>				
AMERICAN PRINTING HOUSE FOR THE BLIND..... D	24,551	24,600	24,551	---
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID):				
Operations..... D	65,306	63,037	65,546	+240
Construction..... D	240	2,000	---	-240
Total, NTID.....	65,546	65,037	65,546	---
<b>GALLAUDET UNIVERSITY:</b>				
Operations..... D	117,764	118,000	117,764	---
Construction..... D	4,990	---	7,990	+3,000
Total, Gallaudet University.....	122,754	118,000	125,754	+3,000
Total, Special Institutions for Persons with Disabilities.....	212,851	207,637	215,851	+3,000

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DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>CAREER, TECHNICAL AND ADULT EDUCATION</b>				
<b>Career Education:</b>				
Basic State Grants/Secondary & Technical Education				
State Grants, current funded..... D	332,659	209,000	332,659	---
Advance from prior year..... NA	(791,000)	(791,000)	(791,000)	---
FY 2013..... D	791,000	791,000	791,000	---
Subtotal, Basic State Grants, program level.	1,123,659	1,000,000	1,123,659	---
National Programs..... D	7,844	7,860	7,844	---
Subtotal, Career Education.....	1,131,503	1,007,860	1,131,503	---
<b>Adult Education:</b>				
State Grants/Adult Basic and Literacy Education: D				
State Grants, current funded..... D	596,120	635,000	596,120	---
National Leadership Activities..... D	11,323	23,346	11,323	---
Subtotal, Adult education.....	607,443	658,346	607,443	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
State Grants for Incarcerated Youth Offenders..... D	---	17,186	---	FF UA
Total, Career and adult education.....	1,738,946	1,683,392	1,738,946	---
Current Year.....	(947,946)	(892,392)	(947,946)	---
FY 2013.....	(791,000)	(791,000)	(791,000)	---
Subtotal, Forward Funded.....	(947,946)	(892,392)	(947,946)	---
STUDENT FINANCIAL ASSISTANCE				
Pell Grants -- maximum grant (NA)..... NA	(4,860)	(4,860)	(4,860)	---
Pell Grants.....	22,955,996	28,600,059	22,824,000	-131,996
Federal Supplemental Educational Opportunity Grants... D	735,990	757,465	735,990	---
Federal Work Study..... D	978,531	980,492	978,531	---
Total, Student Financial Assistance (SFA).....	24,670,517	30,338,016	24,538,521	-131,996
STUDENT AID ADMINISTRATION				
Salaries and Expenses .....	675,363	725,104	675,363	---
Servicing Activities..... D	316,649	370,314	370,000	+53,351
Total, Student Aid Administration.....	992,012	1,095,418	1,045,363	+53,351

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>HIGHER EDUCATION</b>				
Aid for Institutional Development:				
Strengthening Institutions.....	83,832	84,000	80,776	-3,056
Hispanic Serving Institutions.....	104,395	117,429	100,622	-3,773
Promoting Post-Baccalaureate Opportunities for Hispanic Americans.....	9,336	10,500	9,028	-308
Strengthening Historically Black Colleges (HBCUs). Strengthening Historically Black Graduate Institutions.....	236,991	266,586	228,412	-8,579
Strengthening Predominantly Black Institutions....	61,302	61,425	59,070	-2,232
Asian American Pacific Islander.....	9,602	10,801	9,280	-322
Strengthening Alaska Native and Native Hawaiian-Serving Institutions.....	3,199	3,600	3,125	-74
Strengthening Native American-Serving Nontribal Institutions.....	13,412	15,084	12,883	-529
Strengthening Tribal Colleges.....	3,199	3,600	3,125	-74
	26,820	30,169	25,762	-1,058
Subtotal, Aid for Institutional development.....	552,088	603,194	532,083	-20,005

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
International Education and Foreign Language:				
Domestic Programs..... D	66,712	108,360	66,712	---
Overseas Programs..... D	7,465	15,576	7,465	---
Institute for International Public Policy..... D	1,552	1,945	---	-1,552
Subtotal, International Education & Foreign Lang	75,729	125,881	74,177	-1,552
Fund for the Improvement of Postsec. Ed. (FIPSE)..... D	19,607	150,000	3,500	-16,107
Postsecondary Program for Students with Intellectual Disabilities..... D	10,978	---	10,978	---
Minority Science and Engineering Improvement..... D	9,484	9,503	9,484	---
Tribally Controlled Postsec Voc/Tech Institutions..... D	8,146	8,162	8,146	---
Federal TRIO Programs..... D	826,522	920,089	841,522	+15,000
GEAR UP..... D	302,816	323,212	302,816	---
Javits Fellowships..... D	8,084	---	---	-8,084
Graduate Assistance in Areas of National Need..... D	30,968	40,717	30,968	---
Teacher Quality Partnerships..... D	42,914	---	42,914	---
Child Care Access Means Parents in School..... D	16,002	16,034	16,000	-2
GPRA Data/HEA Program Evaluation..... D	608	609	608	---
Hawkins Centers of Excellence..... D	---	40,000	---	---
Thurgood Marshall Legal Education Opportunities..... D	---	3,000	---	---
Total, Higher Education.....	1,903,946	2,240,401	1,873,196	-30,750



DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>HOWARD UNIVERSITY</b>				
Academic Program.....	202,026	202,431	202,019	-7
Endowment Program.....	3,593	3,600	3,600	+7
Howard University Hospital.....	28,888	28,946	28,888	---
Total, Howard University.....	234,507	234,977	234,507	---
<b>COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS(CHAFEL) ..</b>				
	460	478	460	---
<b>HBCU CAPITAL FINANCING PROGRAM</b>				
HBCU Federal Administration.....	353	354	353	---
HBCU Loan Subsidies.....	20,188	20,228	20,188	---
Total, HBCU Capital Financing Program.....	20,541	20,582	20,541	---
<b>INSTITUTE OF EDUCATION SCIENCES (IES)</b>				
Research, Development and Dissemination.....	199,796	260,413	190,146	-9,650
Statisticals.....	108,304	117,021	108,954	+650
Regional Educational Laboratories.....	57,535	69,650	57,535	---
Research in Special Education.....	50,983	58,085	50,000	-983
Special Education Studies and Evaluations.....	11,437	11,460	11,437	---
Statewide Data Systems.....	42,166	100,000	38,149	-4,017

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Assessment:				
National Assessment.....	129,861	135,121	129,861	---
National Assessment Governing Board.....	8,706	8,723	8,706	---
Subtotal, Assessment.....	138,567	143,844	138,567	---
Total, IES.....	608,788	760,473	594,788	-14,000
DEPARTMENTAL MANAGEMENT				
PROGRAM ADMINISTRATION				
Salaries and Expenses.....	447,104	476,327	447,104	---
Building Modernization.....	8,184	2,711	---	-8,184
Total, Program administration.....	455,288	479,038	447,104	-8,184
OFFICE FOR CIVIL RIGHTS.....	102,818	107,772	102,818	---
OFFICE OF THE INSPECTOR GENERAL.....	59,933	67,187	59,933	---
Total, Departmental management.....	618,039	653,997	609,855	-8,184
Total, Title III, Department of Education.....	71,430,022	80,522,103	71,276,968	-153,054
Current Year.....	(49,524,021)	(58,616,103)	(48,679,967)	(-844,054)
FY 2013.....	(21,906,001)	(21,906,000)	(22,597,001)	(+691,000)

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
-----				
TITLE IV - RELATED AGENCIES				
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED..... D				
	5,385	5,841	5,385	---
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE				
OPERATING EXPENSES				
Domestic Volunteer Service Programs:				
Volunteers in Service to America (VISTA)..... D	98,876	100,000	95,000	-3,876
National Senior Volunteer Corps:				
Foster Grandparents Program..... D	110,774	111,100	110,774	---
Senior Companion Program..... D	46,810	47,000	46,810	---
Senior Corps Demonstration..... D	---	5,000	---	---
Retired Senior Volunteer Program..... D	50,299	63,000	50,299	---
Subtotal, Senior Volunteers.....	207,883	226,100	207,883	---
Subtotal, Domestic Volunteer Service Programs....	306,759	326,100	302,883	-3,876

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
National and Community Service Programs:				
AmeriCorps State and National Grants..... D	347,360	399,790	345,000	-2,360
Disability Placement Funds..... D	4,990	5,000	---	-4,990
Innovation, Assistance, and Other Activities..... D	60,379	80,500	53,381	-6,998
Evaluation..... D	5,988	6,000	3,000	-2,988
National Civilian Community Corps..... D	28,942	35,000	31,942	+3,000
Learn and Serve America..... D	---	39,500	---	---
State Commission Administrative Grants..... D	16,966	17,000	13,466	-3,500
Training and Technical Assistance..... D	7,485	7,500	2,000	-5,485
Subtotal, National & Community Service Programs.	472,110	590,290	448,789	-23,321
Total, Operating expenses.....	778,869	916,390	751,672	-27,197
National Service Trust..... D	201,200	235,326	212,198	+10,998
Salaries and Expenses..... D	87,824	97,694	83,000	-4,824
Office of Inspector General..... D	7,685	8,450	4,000	-3,685
Total, Corp. for National and Community Service.	1,075,578	1,257,860	1,050,870	-24,708

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
CORPORATION FOR PUBLIC BROADCASTING:				
FY 2014 (current) with FY 2013 comparable.....	445,000	451,000	445,000	---
FY 2013 advance with FY 2012 comparable (NA).....	(445,000)	(445,000)	(445,000)	---
FY 2012 advance with FY 2011 comparable (NA).....	(445,000)	(445,000)	(445,000)	---
Digitalization program, current funded.....	5,988	6,000	---	-5,988
Subtotal, FY 2012 appropriation.....	5,988	6,000	---	-5,988
UA				
FEDERAL MEDIATION AND CONCILIATION SERVICE.....	46,559	48,025	46,250	-309
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.....	10,337	22,417	17,637	+7,300
INSTITUTE OF MUSEUM AND LIBRARY SERVICES.....	237,393	242,605	232,393	-5,000
MEDICARE PAYMENT ADVISORY COMMISSION.....	12,425	13,100	11,800	-625
MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION.....	---	11,000	6,000	+6,000
NATIONAL COUNCIL ON DISABILITY.....	3,264	3,400	3,264	---
NATIONAL HEALTH CARE WORKFORCE COMMISSION.....	---	3,000	---	---
NATIONAL LABOR RELATIONS BOARD.....	282,833	287,699	278,833	-4,000
NATIONAL MEDIATION BOARD.....	13,436	13,961	13,436	---
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.....	11,689	12,773	11,689	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>RAILROAD RETIREMENT BOARD</b>				
Dual Benefits Payments Account.....	56,886	51,000	51,000	-5,886
Less Income Tax Receipts on Dual Benefits.....	-3,000	-2,000	-2,000	+1,000
Subtotal, Dual Benefits.....	53,886	49,000	49,000	-4,886
Federal Payment to the RR Retirement Account.....	150	150	150	---
Limitation on Administration.....	108,855	112,239	108,855	---
Inspector General.....	8,170	9,259	8,170	---
<b>SOCIAL SECURITY ADMINISTRATION</b>				
Payments to Social Security Trust Funds.....	21,404	20,404	20,404	-1,000
<b>SUPPLEMENTAL SECURITY INCOME</b>				
Federal Benefit Payments.....	52,387,000	47,554,000	47,554,000	-4,833,000
Beneficiary Services.....	60,000	47,000	47,000	-13,000
Research and Demonstration.....	42,928	38,000	8,000	-34,928

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Administration.....	D 3,486,286	3,844,000	3,373,991	-112,295
Subtotal, SSI program level.....	55,976,214	51,483,000	50,982,991	-4,993,223
Less funds advanced in prior year.....	M -16,000,000	-13,400,000	-13,400,000	+2,600,000
Subtotal, regular SSI current year.....	39,976,214	38,083,000	37,582,991	-2,393,223
New advance, 1st quarter, FY 2013.....	M 13,400,000	18,200,000	18,200,000	+4,800,000
Total, SSI program.....	53,376,214	56,283,000	55,782,991	+2,406,777
LIMITATION ON ADMINISTRATIVE EXPENSES				
OASDI Trust Funds.....	TF 5,556,741	5,931,407	5,310,602	-246,139
HI/SMI Trust Funds.....	TF 2,049,942	2,253,780	2,093,751	+43,809
Social Security Advisory Board.....	TF 2,295	2,150	2,150	-145
Acquisition Workforce Capacity and Capabilities.....	D ---	1,863	---	---
SSI.....	D 3,144,970	3,546,000	3,148,991	+4,021
Program Integrity adjustment.....	-272,454	-315,000	---	+272,454
Subtotal, regular LAE.....	10,481,494	11,420,200	10,555,494	+74,000

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>User Fees:</b>				
SSI User Fee activities.....	D 185,628	163,000	155,000	-30,628
SSPA User Fee Activities.....	D ---	1,000	---	---
Subtotal, User fees.....	185,628	164,000	155,000	-30,628
Subtotal, Limitation on administrative expenses..	10,667,122	11,584,200	10,710,494	+43,372
<b>Program Integrity Funding:</b>				
SSI Limitation on administrative expenses.....	TF 272,454	315,000	---	-272,454
OASDI Trust Funds.....	TF 142,714	325,000	49,000	-93,714
SSI.....	TF 341,316	298,000	225,000	-116,316
Subtotal, Program integrity funding.....	756,484	938,000	274,000	-482,484
Total, Limitation on Administrative Expenses....	11,423,606	12,522,200	10,984,494	-439,112



DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
<b>OFFICE OF THE INSPECTOR GENERAL</b>				
Federal Funds.....	28,942	30,000	28,942	---
Trust Funds.....	73,535	77,113	73,535	---
Total, Office of the Inspector General.....	102,477	107,113	102,477	---
Adjustment: Trust fund transfers from general revenues TF	-3,486,286	-3,844,000	-3,373,991	+112,295
Total, Social Security Administration.....	61,437,415	65,088,717	63,516,375	+2,078,960
Federal funds.....	53,612,188	56,499,267	55,987,337	+2,375,149
Current year.....	(40,212,188)	(38,299,267)	(37,787,337)	(-2,424,851)
New advances, 1st quarter.....	(13,400,000)	(18,200,000)	(18,200,000)	(+4,800,000)
Trust funds.....	7,825,227	8,589,450	7,529,038	-296,189
Total, Title IV, Related Agencies.....	63,758,363	67,638,046	65,805,107	+2,046,744
Federal Funds.....	55,803,686	58,913,998	58,147,244	+2,343,558
Current Year.....	(41,958,686)	(40,262,998)	(39,502,244)	(-2,456,442)
FY 2013 Advance.....	(13,400,000)	(18,200,000)	(18,200,000)	(+4,800,000)
FY 2014 Advance.....	(445,000)	(451,000)	(445,000)	---
Trust Funds.....	7,954,677	8,724,048	7,657,863	-296,814

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

RECAP

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Mandatory, total in bill.....	557,434,753	577,048,325	576,727,703	+19,292,950
Less advances for subsequent years.....	-102,936,289	-112,054,082	-112,054,082	-9,117,793
Plus advances provided in prior years.....	105,784,382	102,936,289	102,936,289	-2,848,093
Total, mandatory, current year.....	560,282,846	567,930,532	567,609,910	+7,327,064
Discretionary, total in bill.....	165,303,817	178,519,422	163,855,125	-1,448,692
Less advances for subsequent years.....	-24,814,001	-24,795,000	-24,814,001	---
Plus advances provided in prior years.....	24,772,666	24,814,001	24,814,001	+41,335
Subtotal, discretionary, current year.....	165,262,482	178,538,423	163,855,125	-1,407,357
Discretionary Scorekeeping adjustments:				
Office of Job Corps (DOL) (rescission).....	-75,000	-25,000	---	+75,000
Investment in Reinvestment Fund (DOL) (rescission).....	-3,900	---	---	+3,900
PHSSEF (PL111-32) (rescission) (emergency).....	-1,259,000	---	---	+1,259,000
SSI User Fee Collection.....	-185,628	-164,000	-155,000	+30,628
SSA no-year IT funds (rescission).....	-275,000	---	---	+275,000
Average Weekly Insured Unemployment (AWIU) Conting	5,000	5,000	5,000	---
Career Pathways Innovation Fund (rescission).....	-125,000	---	---	+125,000
Refugee and Entrant Assistance (rescission).....	-25,000	---	---	+25,000
Academic Competitiveness & SMART grants (rescission)	-560,000	---	---	+560,000
Pell grants (CBO adjustment).....	---	3,175,984	---	---
Higher Ed reconciliation (rescission).....	-31,000	---	---	+31,000

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs. Comparable
Medicare Eligible Accruals (permanent, indefinite).	37,470	38,614	38,614	+1,144
BARDA Transfer (from Bioshield to PHSSEF).....	-415,000	-765,000	-415,000	---
Highly Qualified Teacher fix (Sec. 163).....	3,000	---	---	-3,000
Childrens Health Insurance Program (rescission)...	-3,500,000	---	-6,367,964	-2,867,964
Rescissions (CHIMPs) (PL111-148):				
Consumer Operated and Oriented Plan (CO-OP).....	-2,200,000	---	-400,000	+1,800,000
Independent Payment Advisory Board.....	---	---	-10,000	-10,000
Pel1 grant mandatory adjustment.....	-492,000	---	---	+492,000
CB0 estimate of discretionary FY12				
across-the-board (excluding Pel1) (rescission)...	---	---	-267,000	-267,000
Plus rescissions of emergency appropriations.....	1,259,000	---	---	-1,259,000
Total, discretionary.....	157,420,424	180,804,021	156,283,775	-1,136,649
Adjustment to balance with 2011 enacted.....	21,576	---	---	-21,576
Total, discretionary (FY 2011 enacted).....	157,442,000	180,804,021	156,283,775	-1,158,225
Grand total, current year (incl FY 2011 comparable)...	717,703,270	748,734,553	723,893,685	+6,190,415

# **DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012**

The following is an explanation of the effects of Division G, which makes appropriations for the Legislative Branch for fiscal year 2012. Unless otherwise noted, reference to the House and Senate reports are to House Report 112-148 and Senate Report 112-80. The language included in House Report 112-148 and Senate Report 112-80 should be complied with and carry the same emphasis as the language included in the explanatory state-

ment, unless specifically addressed to the contrary in this explanatory statement. While repeating some report language for emphasis, this explanatory statement does not intend to negate the language referred to above unless expressly provided herein.

## **TITLE I LEGISLATIVE BRANCH SENATE**

The conferees agree to appropriate \$868,593,000 for Senate operations. This item

relates solely to the Senate, and is in accordance with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention.

The conferees note one technical correction to the chart included in Senate Report 112-80 under the heading Senators' Official Personnel and Office Expense Allowance Fiscal Year 2012 to take into account a population change for the state of Colorado that was inadvertently omitted.

	Admini- strative and clerical as- sistance al- lowance 10/ 1/2011	Legislative assistance allowance 10/1/2011	O.O.E.A. al- lowance 10/ 1/2011	Total allow- ance 10/1/ 2011
Colorado .....	2,431,275	477,874	180,096	3,089,245

### **HOUSE OF REPRESENTATIVES**

The conferees agree to appropriate \$1,225,680,000 for House operations. This item relates solely to the House, and is in accordance with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention.

#### **SECURITY IN CONGRESSIONAL DISTRICT OFFICES**

The conferees are aware of efforts underway by the House Sergeant At Arms (HSAA) and the Capitol Police (USCP) to improve security in Congressional district offices. With the assistance of the HSAA and USCP, many Member offices had security assessments conducted and were provided a list of recommended security upgrades as a result of those assessments. Member offices currently pay for their office leases, including physical security, through their office budgets, also called the Members' Representational Allowance, which have been reduced. While the payment for district security is decentralized, the guiding principles and policies should not be. Therefore, the HSAA, along with USCP, shall assist offices in prioritizing improvements and highlighting alternative office locations that yield greater security with less cost. In addition the House's Chief Administrative Officer is directed to provide outreach to Member offices and offer assistance in lease negotiations as Member offices

look to relocate or negotiate more favorable terms that incorporate heightened security concerns.

#### **JOINT ITEMS JOINT ECONOMIC COMMITTEE**

The conference agreement includes \$4,203,000 for salaries and expenses.

#### **JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 2013**

The conference agreement includes \$1,237,000, for salaries and expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States.

#### **JOINT COMMITTEE ON TAXATION**

The conference agreement includes \$10,004,000 for salaries and expenses.

#### **OFFICE OF THE ATTENDING PHYSICIAN**

The conference agreement includes \$3,400,000.

#### **OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES**

The conference agreement includes \$1,363,000.

#### **ADMINISTRATIVE PROVISION**

The conferees have included an administrative provision which authorizes employees of the Office of Congressional Accessibility Services to participate in the Senate employee student loan repayment program.

### **CAPITOL POLICE**

#### **SALARIES**

The conference agreement includes \$277,133,000 for salaries of officers, members, and employees of the Capitol Police. This level will support a staffing level of 1,775 sworn officers and 370 civilian personnel.

#### **GENERAL EXPENSES**

The conference agreement includes \$63,004,000 for general expenses of the Capitol Police.

#### **WORKFORCE MANAGEMENT/MISSION REQUIREMENTS**

The conferees support the directive contained in House Report 112-148 regarding workforce management and mission requirements in lieu of the directive in Senate Report 112-80.

#### **OVERTIME**

The conferees recommend no more than 634,667 hours of additional duty in fiscal year 2012 as depicted below. The conferees direct that the Department report on the expenditure of overtime within individual accounts by pay period to the House and Senate Committees on Appropriations, and that the Committees are notified prior to any transfer within accounts, including the associated hours of additional duty.

	Funding	Hours (est.)
Scheduled .....	\$28,915,170	503,364
Annualization of overtime savings .....	(700,370)	0
Unscheduled .....	1,141,850	20,000
DPD .....	876,018	15,326
Conventions .....	1,626,240	28,000
Training .....	1,371,840	24,000
LOC—non-reimbursable events .....	214,896	3,700
Dome Skirt .....	1,853,739	31,917
Red Tunnel Project .....	485,548	8,360
Dome Skirt and other project re-estimations .....	(677,000)	0
Total .....	\$35,107,931	634,667

### **THREAT ASSESSMENT**

The conferees understand that the Capitol Police conduct many different types of threat assessments and direct the Chief of Police to work with the House and Senate Committees on Appropriations to develop methods of updating the Committees on threat assessment activities.

#### **ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)**

The conferees have included a routine administrative provision, section 1101, which continues authorization for transfers between various accounts upon the approval of the Committees on Appropriations of the House and Senate. The conferees have also

included an administrative provision, section 1102, which authorizes the Secretary of the Senate and the Chief Administrative Officer of the House to waive erroneous payments to officers and employees.

#### **OFFICE OF COMPLIANCE**

#### **SALARIES AND EXPENSES**

The conference agreement includes \$3,817,000, of which \$700,000 shall remain available until September 30, 2013 for salaries and expenses of the Office of Compliance.

### **CONGRESSIONAL BUDGET OFFICE**

#### **SALARIES AND EXPENSES**

The conference agreement includes \$43,787,000 for salaries and expenses of the Congressional Budget Office.

#### **ARCHITECT OF THE CAPITOL**

#### **GENERAL ADMINISTRATION**

The conference agreement includes \$101,340,000 for General Administration, of which \$3,749,000 shall remain available until September 30, 2016.

With respect to operations and projects, the House and Senate conferees have agreed to the following:

Operating Budget: ..... \$97,591,000

Project Budget: .....	
1. Energy Savings Performance Contracts (ESPC) .....	2,700,000
2. Senate Reception Room .....	550,000
3. Conservation of Fine Architectural Art .....	499,000

Total, General Administration .....

\$101,340,000

#### CONGRESSIONAL YOUTH PARK

The conferees note that the fiscal year 2002 Legislative Branch appropriations bill, Public Law 107-68 included a provision designating a special parcel of the Capitol Grounds as the Congressional Youth Park. The conferees commend the Architect of the Capitol (AOC) for developing the Capitol Complex Master Plan as a guiding document for the future development of the Capitol grounds. The plan embraces Frederick Law Olmstead's original landscape design establishing grounds that enhance and elevate the U.S. Capitol. Integral to this plan should be the original intent of the Botanic Garden to educate visitors about the aesthetic, cultural, economic, therapeutic, and ecological importance of plants. In this spirit, the conferees direct the AOC to develop, as part of the Capitol Complex Master Plan, the cultural landscape plan for the Congressional Youth Park that aligns the use of the Park with Olmstead's historically important vision about the importance of the natural world in their daily lives. This segment of the Master Plan shall also take into consideration landscape requirements necessary to ensure the continued security of the Capitol complex.

#### CAPITOL BUILDING

The conference agreement includes \$36,154,000, of which \$11,063,000 shall remain available until September 30, 2016, for maintenance, care, and operation of the Capitol.

With respect to operations and projects, the House and Senate conferees have agreed to the following:

Operating Budget: .....	\$25,091,000
Project Budget: .....	
1. Presidential Inaugural Stand and Support Facilities .....	4,263,000
2. Brumidi Corridors Restoration and Conservation Plan .....	800,000
3. Minor Construction ....	6,000,000

Total, Capitol Building .....

\$36,154,000

#### CAPITOL GROUNDS

The conference agreement includes \$9,852,000 for the care and improvements of the grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power Plant.

With respect to operations and projects, the House and Senate conferees have agreed to the following:

Operating Budget: .....	\$9,852,000
Total, Capitol Grounds .....	\$9,852,000

#### SENATE OFFICE BUILDINGS

The conference agreement includes \$71,128,000 for Senate Office Buildings, of which \$13,128,000 shall remain available until September 30, 2016, for the maintenance, care and operation of the Senate office buildings. This item relates solely to the Senate and is in accordance with long practice under which each body determines its own house-

keeping requirements, and the other concurs without intervention.

Operating Budget: .....	\$58,000,000
Project Budget: .....	
1. Skylight Replacement (HSOB) .....	5,000,000
2. Infrastructure Improvements, Phase 3, North Wing (DSOB) .....	6,128,000
3. Minor Construction ....	2,000,000

Total, Senate Office Buildings .....

\$71,128,000

#### HOUSE OFFICE BUILDINGS

*Base funding, House Office Buildings.*—The conference agreement includes \$94,154,000 for the basic and recurring needs of the House within the House Office Buildings account, of which \$45,631,000 shall remain available until September 30, 2016. These funds support the regular maintenance, care, and operation of the House office buildings by the Architect of the Capitol.

Operating Budget: .....	\$48,523,000
Project Budget: .....	
1. Alternate Life Safety Approach, CHOB .....	4,229,000
2. Interior Rehabilitation of the West House Underground Garage .....	18,000,000
3. Power Distribution System Replacement, Vault C, FHOB .....	3,957,000
4. Domestic Water and Sanitary Piping Replacement, RHOB .....	1,598,000
5. Fire Alarm System Replacement, RHOB .....	1,457,000
6. CAO Project Support ..	4,390,000
7. 480V Switchgear & Transformer Replacement, Phase III, HOB ..	5,000,000
8. Minor Construction ....	7,000,000

Total, House Office Buildings (base program) .....

\$94,154,000

*House Historic Buildings Revitalization Trust Fund.*—In addition to funding for core facility needs, the conference agreement includes \$30,000,000 for the Historic Buildings Revitalization Trust Fund, to remain available until expended.

As these funds relate solely to the House, and is in accordance with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention.

#### CAPITOL POWER PLANT

In addition to the \$9,000,000 made available from receipts credited as reimbursements to this appropriation, the conference agreement includes \$123,229,000 for maintenance, care and operation of the Capitol Power Plant. Of this amount, \$37,617,000 shall remain available until September 30, 2016.

With respect to operations and project differences, the House and Senate conferees have agreed to the following:

Operating Budget (net): .....	\$94,612,000
Project Budget: .....	
1. Utility Tunnel Program .....	14,406,000
2. WRP Chiller System Replacement, RPR, CPP .....	800,000
3. East Plant Chiller Relocation, RPR, CPP .....	16,411,000
4. Cogeneration Management Program .....	2,000,000
5. Minor Construction ....	4,000,000

Total, Capitol Power Plant .....

\$132,229,000

#### LIBRARY BUILDINGS AND GROUNDS

The conference agreement includes \$46,876,000 for Library of Congress buildings

and grounds. Of this amount, \$21,116,000 shall remain available until September 30, 2016.

With respect to operations and projects, the House and Senate conferees have agreed to the following:

Operating Budget: .....	\$25,760,000
Project Budget: .....	
1. Sprinkler System, West Main Pavilion 1st Floor, Phase III TJB ...	4,100,000
2. Egress Improvements ..	1,126,000
3. Generator Replacement JAB .....	5,000,000
4. Secured Storage Facilities, Phase III .....	2,000,000
5. East and West Pavilion Copper Roof and Fall Protection Replacement, Design .....	309,000
6. Air Handling Unit Replacement and Hazardous Materials Abatement, TJB .....	2,047,000
7. Fall Protection .....	4,034,000
8. ABA Space Reorganization, JMMB .....	500,000
9. Minor Construction ....	2,000,000

Total, Library Buildings and Grounds .....

\$46,876,000

#### CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

The conference agreement includes \$21,500,000 for Capitol Police Buildings, Grounds and Security. Of this amount, \$3,473,000 shall remain available until September 30, 2016.

With respect to operations and projects, the conferees have agreed to the following:

Operating Budget: .....	\$18,027,000
Project Budget: .....	
1. Fire Alarm System Replacement, Headquarters .....	2,473,000
2. Minor Construction ....	1,000,000

Total, Capitol Police Buildings, Grounds and Security .....

\$21,500,000

#### BOTANIC GARDEN

The conference agreement includes \$12,000,000 for salaries and expenses, Botanic Garden.

#### CAPITOL VISITOR CENTER

The conference agreement includes \$21,276,000 for the Capitol Visitor Center (CVC).

#### CVC GIFT SHOP

The conferees note that the CVC gift shop operating budget exceeds the revenues generated within the gift shop revolving fund. The conferees understand that there are mitigating circumstances such as "Buy American" requirements that account for the CVC gift shop operating differently than other gift shops, such as the Library of Congress gift shop. Given that the CVC gift shop has been operating for a few years, the conferees believe it would be beneficial at this juncture for the AOC to review and report on the operations and steps that can be taken to improve operations within the revolving fund understanding the distinctive parameters under which the CVC gift shop operates. This report should be provided to the Committee on Appropriations of the House and Senate no later than March 31, 2012.

#### ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS) REIMBURSABLE OVERTIME COSTS

The conference agreement includes an administrative provision, section 1201, which

authorizes the Architect of the Capitol to reimburse the Capitol Police for the cost of overtime associated with construction projects.

The conferees direct the Architect of the Capitol and the United States Capitol Police to enter into a memorandum of understanding to establish the appropriate mechanisms necessary to implement this reimbursable process. The memorandum of understanding shall include, but not be limited to, the identification of the type and scope of construction projects subject to reimbursement, the projected overtime and related benefits costs for security requirements necessitated by a specific project before the project commences, and the reporting to the Architect of the Capitol actual costs for reimbursement on a regular basis during and upon completion of a security project. It is the conferees intent that this practice will commence with the submission of the fiscal year 2013 budget request. The Architect of the Capitol shall submit the requested overtime for ongoing and future construction projects for fiscal year 2013. During fiscal year 2013, and for future fiscal years, if overtime costs exceed those requested, the Architect of the Capitol, with the concurrence of the Capitol Police, will submit such costs to the House and Senate Committees on Appropriations for approval.

The conference agreement includes an administrative provision, section 1202, concerning the Capitol grounds.

#### LIBRARY OF CONGRESS SALARIES AND EXPENSES

The conference agreement includes \$413,743,000 in direct appropriations, of which \$6,959,000 is to remain available until expended for digital collections and educational curricula program, Library of Congress. In addition to this amount \$6,350,000 is available from receipts collected by the Library of Congress and is to remain available until expended.

#### COPYRIGHT OFFICE SALARIES AND EXPENSES

The conference agreement includes \$16,137,000 in direct appropriations to the Copyright Office. An additional \$35,513,000 is made available from receipts for salaries and expenses.

#### CONGRESSIONAL RESEARCH SERVICE SALARIES AND EXPENSES

The conference agreement includes \$106,790,000 for salaries and expenses, Congressional Research Service including up to \$1,000,000 for a review of the Government Printing Office.

#### BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

##### SALARIES AND EXPENSES

The conference agreement includes \$50,674,000 for salaries and expenses. This amount includes \$650,000 for costs to provide recorded newspaper services for the blind and physically handicapped. The conferees have agreed that up to \$2,000,000 of unobligated balances can be utilized for media production.

#### ADMINISTRATIVE PROVISIONS

The conferees have agreed to include administrative provisions (sections 1301–1304) related to reimbursable and revolving fund activities, transfer authority, availability of funds for Workers Compensation Payments, and disposition of surplus or obsolete personal property.

#### GOVERNMENT PRINTING OFFICE Operational Review

Over the past 10 years, the Government Printing Office has regularly contracted out

approximately 75% of the dollar value of all work ordered annually (other than U.S. passports and secure credentials). The vast majority of the work that is contracted out is for the Executive Branch. Printing for the Congress, passports for State Department, secure credentials for Federal agencies and Congress, products for the Office of the Federal Register, and several important jobs of the Executive Branch, such as the President's Annual Budget and printing for the White House, are conducted in-house, as are all of GPO's digital information operations serving all three branches of the Federal Government. The conferees note that several studies evaluating GPO's production, procurement, and information dissemination programs and operations, including the Federal Depository Library Program, have been conducted in the past. The conferees also note that past reviews have supported the GPO's business model as the most efficient way in which the government should operate its printing and information dissemination responsibilities. The conferees believe that the GPO and the Congress would benefit from an update of these reviews, particularly given the growth in printing and digital technology in recent years, including the feasibility of Executive Branch printing being continued to be performed by the GPO, and other cost saving operational alternatives that might be worthy of consideration. Within available funds under the heading, "Congressional Research Service", the conferees direct the Congressional Research Service to award a grant or contract to the National Academy of Public Administration, an independent, nonpartisan organization that was chartered by Congress to assist Federal, State, and local governments in improving their effectiveness, efficiency, and accountability, to conduct a study on updating a review of GPO operations and additional cost saving opportunities beyond what GPO has already instituted, if any, and report its findings to the Committee on Appropriations of the House and Senate no later than one year after enactment of this Act.

#### CONGRESSIONAL PRINTING AND BINDING (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$90,700,000 for authorized printing and binding for the Congress.

#### OFFICE OF THE SUPERINTENDENT OF DOCUMENTS

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$35,000,000.

#### GOVERNMENT PRINTING OFFICE REVOLVING FUND

The conference agreement includes \$500,000.

#### GOVERNMENT ACCOUNTABILITY OFFICE SALARIES AND EXPENSES

The conference agreement includes \$511,296,000 in direct appropriations for salaries and expenses, Government Accountability Office. In addition, \$22,304,000 is available from offsetting collections.

#### ADMINISTRATIVE PROVISION

The agreement includes an administrative provision, section 1401, that allows GAO to be treated the same as other Legislative Branch agencies regarding employee buyout authority.

The conferees direct that GAO cease all work and no funds are provided for any GAO study related to the study requested in House Report 112-148 regarding the future of

the Government Printing Office. That work is being conducted by NAPA through CRS.

#### Cost Analysis

The conferees believe that in order to provide the GAO with the appropriate funding level to conduct its audits efficiently, the conferees need a complete understanding of the costs associated with conducting the audits. The concern that certain costs associated with the reports cannot be accounted for was heightened by the GAO Office of Inspector General report noting that "GAO's travel card program could be strengthened by adopting selected best practices identified in related Office of Management and Budget (OMB) guidance. . . . Further, we found that OMB's travel card guidance was not used by GAO to manage or assess the effectiveness of its travel card program controls." Therefore, the conferees direct the GAO to report to the Senate and House Committees on Appropriations on a semi-annual basis, with a cost analysis by function of its work products, a total funding level for any completed report during the fiscal year, and the number of reports previously conducted on the particular issues for which reports are being conducted.

#### OPEN WORLD LEADERSHIP CENTER TRUST FUND

The conference agreement includes \$10,000,000 for payment to the Open World Leadership Center Trust Fund.

In June 2003 the House Committee on Appropriations directed the Government Accountability Office (GAO) to assess the overall effectiveness and efficiency of the Open World Leadership Center (OWLC) in fulfilling its responsibilities and role in achieving the overall intent and purposes of the program. In March 2004 the GAO issued a report (GAO-04-436) containing recommendations that OWLC establish strategic and performance plans, strengthen assessing and reporting on program performance, and improve its financial management and accountability mechanisms. In the report the OWLC took issue with the GAO emphasis on performance measures, noting that its success is only measurable in the medium or long term. The conferees direct the GAO to reexamine the OWLC regarding the recommendations to determine what action has been taken to meet the GAO recommendations with special emphasis on financial management and performance measures. It has been a number of years since this report was issued, and the conferees believe enough time has lapsed to determine progress in both these fields. Therefore, the conferees direct the GAO to reexamine the recommendations of the March 2004 report with emphasis on financial management and accountability mechanisms and the measurable benefits of the OWLC. GAO shall consult with the Committees on Appropriations as it develops the methodology and scope of the review. GAO shall issue its final report by August 2012 and provide regular updates to the Committees prior to issuing the final report.

#### JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The conference agreement includes \$430,000. The conferees direct that future budget requests from the John C. Stennis Center be accompanied by an appropriately detailed budget justification.

#### TITLE II—GENERAL PROVISIONS

The conference agreement continues, in sections 201 to 209, nine routine provisions carried in prior years. In addition the agreement includes section 210 related to delivery of printed copies of bills, joint resolutions,

and resolutions, section 211 related to delivery of printed copies of the Congressional Record being delivered to a Members House office, and section 212 related to Members of the House, which places a limitation on the amount that can be expended for the lease of a vehicle.

REPROGRAMMING GUIDELINES FOR LEGISLATIVE  
BRANCH AGENCIES

The conferees expect all agencies to notify the Committees on Appropriations of the

House and Senate of any significant departures from budget plans presented to the Committees of the House and Senate. In particular, agencies funded in this bill are required to notify the Committees prior to each reprogramming of funds in excess of the lesser of 10 percent or \$500,000 between programs, projects, or activities, or in excess of \$500,000 between object classifications (except for shifts within the pay categories, object class 11, 12, and 13, or as further speci-

fied in each agency's respective section). This includes cumulative reprogrammings that together total at least \$500,000 from or to a particular program, activity, or object classification, as well as reprogramming of FTE's or funds to create new organizational entities within the Agency or to restructure entities which already exist. These guidelines remain effective unless modified by a subsequent conference.

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
-----				
TITLE I - LEGISLATIVE BRANCH				
SENATE				
Expense allowances:				
Vice President.....	20	20	19	-1
President Pro Tempore of the Senate.....	40	40	38	-2
Majority Leader of the Senate.....	40	40	40	---
Minority Leader of the Senate.....	40	40	40	---
Majority Whip of the Senate.....	10	10	10	---
Minority Whip of the Senate.....	10	10	10	---
Chairman of the Majority Conference Committee.....	5	5	5	---
Chairman of the Minority Conference Committee.....	5	5	5	---
Chairman of the Majority Policy Committee.....	5	5	5	---
Chairman of the Minority Policy Committee.....	5	5	5	---
Subtotal, expense allowances.....	180	180	177	-3
Representation allowances for the Majority and Minority Leaders.....	30	30	28	-2
Total, Expense allowances and representation....	210	210	205	-5



DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
<b>Salaries, Officers and Employees</b>				
Office of the Vice President.....	2,512	2,517	2,361	-151
Office of the President Pro Tempore.....	750	752	705	-45
Offices of the Majority and Minority Leaders.....	5,202	5,212	5,202	---
Offices of the Majority and Minority Whips.....	3,281	3,288	3,281	---
Committee on Appropriations.....	15,812	15,844	14,864	-948
Conference committees.....	3,445	3,452	3,238	-207
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority.....	848	850	797	-51
Policy Committees.....	3,519	3,526	3,308	-211
Office of the Chaplain.....	414	415	406	-8
Office of the Secretary.....	25,738	25,790	24,194	-1,544
Office of the Sergeant at Arms and Doorkeeper.....	76,846	77,588	73,000	-3,846
Offices of the Secretaries for the Majority and Minority.....	1,832	1,836	1,722	-110
Agency contributions and related expenses.....	45,409	45,500	42,684	-2,725
<b>Total, Salaries, officers and employees.....</b>	<b>185,608</b>	<b>186,570</b>	<b>175,762</b>	<b>-9,846</b>
<b>Office of the Legislative Counsel of the Senate</b>				
Salaries and expenses.....	7,140	7,411	6,995	-145

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Office of Senate Legal Counsel</b>				
Salaries and expenses.....	1,541	1,544	1,449	-92
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances.....	30	30	28	-2
<b>Contingent Expenses of the Senate</b>				
Inquiries and investigations.....	140,219	161,346	131,306	-8,913
Expenses of United States Senate Caucus on International Narcotics Control.....	519	520	488	-31
Secretary of the Senate.....	6,188	6,200	5,816	-372
Sergeant at Arms and Doorkeeper of the Senate.....	142,116	141,588	130,722	-11,394
Miscellaneous items.....	21,103	18,860	19,360	-1,743
Senators' Official Personnel and Office Expense Account.....	409,180	446,967	396,180	-13,000
<b>Official Mail Costs</b>				
Expenses.....	299	300	281	-18
<b>Total, Contingent expenses of the Senate.....</b>	<b>719,624</b>	<b>775,781</b>	<b>684,153</b>	<b>-35,471</b>
<b>Total, Senate.....</b>	<b>914,153</b>	<b>971,546</b>	<b>868,592</b>	<b>-45,561</b>

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>HOUSE OF REPRESENTATIVES</b>				
<b>Salaries and Expenses</b>				
<b>House Leadership Offices</b>				
Office of the Speaker.....	4,878	4,877	6,943	+2,065
Speaker's Office for Legislative Floor Activities...	498	497	---	-498
Republican Steering Committee.....	941	942	---	-941
Republican Policy Committee.....	344	348	---	-344
Training and Program Development, Majority.....	278	279	---	-278
Cloakroom Personnel, Majority.....	477	477	---	-477
Subtotal, Office of the Speaker.....	7,416	7,420	6,943	-473
Office of the Majority Floor Leader.....	2,433	2,430	2,278	-155
Office of the Minority Floor Leader.....	4,378	4,385	7,433	+3,055
Democratic Steering and Policy Committee.....	1,319	1,312	---	-1,319
Nine minority employees.....	1,487	1,491	---	-1,487
Training and Program Development, Minority.....	277	279	---	-277
Cloakroom Personnel, Minority.....	477	477	---	-477
Subtotal, Office of the Minority Floor Leader...	7,938	7,944	7,433	-505

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of the Majority Whip.....	2,105	2,108	1,971	-134
Office of the Minority Whip.....	1,629	1,624	1,525	-104
Republican Conference.....	1,680	1,679	1,573	-107
Democratic Caucus.....	1,660	1,657	1,554	-106
Subtotal, House Leadership Offices.....	24,861	24,862	23,277	-1,584
Transition to Calendar Year Funding				
Office of the Speaker.....	---	---	1,736	+1,736
Office of the Majority Floor Leader.....	---	---	569	+569
Office of the Minority Floor Leader.....	---	---	1,858	+1,858
Office of the Majority Whip.....	---	---	493	+493
Office of the Minority Whip.....	---	---	381	+381
Republican Conference.....	---	---	393	+393
Democratic Caucus.....	---	---	388	+388
Subtotal, Transition to Calendar Year Funding...	---	---	5,818	+5,818
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail				
Expenses.....	613,052	633,848	573,939	-39,113

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Committee Employees</b>				
Standing Committees, Special and Select.....	134,549	134,549	125,965	-8,584
Committee on Appropriations (including studies and investigations).....	28,483	28,483	26,666	-1,817
Subtotal, Committee employees.....	163,032	163,032	152,631	-10,401
<b>Salaries, Officers and Employees</b>				
Office of the Clerk.....	28,589	30,516	26,114	-2,475
Office of the Sergeant at Arms.....	9,034	15,009	8,140	-894
Office of Emergency Management.....	---	4,445	4,445	+4,445
Office of the Chief Administrative Officer.....	127,782	130,782	116,782	-11,000
Office of the Inspector General.....	5,045	5,045	5,045	---
Office for Emergency Planning, Preparedness and Operations.....	4,445	---	---	-4,445
Office of General Counsel.....	1,415	1,415	1,415	---
Office of the Chaplain.....	179	179	179	---
Office of the Parliamentarian.....	2,060	2,060	2,060	---
Office of the Parliamentarian.....	(1,466)	(1,466)	(1,466)	---
Compilation of precedents of the House of Representatives.....	(594)	(594)	(594)	---

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Office of the Law Revision Counsel of the House.....	3,258	3,258	---
Office of the Legislative Counsel of the House.....	8,814	8,814	---
Office of Interparliamentary Affairs.....	859	859	---
Other authorized employees.....	1,249	1,249	-902
Office of the Historian.....	597	170	-427
Subtotal, Salaries, officers and employees.....	193,326	203,801	-15,698
Allowances and Expenses			
Supplies, materials, administrative costs and Federal tort claims.....	3,948	3,948	-252
Official mail for committees, leadership offices, and administrative offices of the House.....	201	201	---
Government contributions.....	280,349	276,703	-15,501
Business Continuity and Disaster Recovery.....	22,912	17,098	-5,800
Transition activities.....	2,907	2,907	-1,185
Wounded Warrior program.....	2,000	2,500	+500
Energy demonstration projects.....	2,500	2,500	-2,500
Office of Congressional Ethic.....	1,548	1,548	---
Miscellaneous items.....	760	760	---
Subtotal, Allowances and expenses.....	317,125	308,165	-24,738
Total, House of Representatives.....	1,311,396	1,333,708	-85,716

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>JOINT ITEMS</b>				
Joint Economic Committee.....	4,490	4,814	4,203	-287
Joint Congressional Committee on Inaugural Ceremonies.....	---	---	1,237	+1,237
Joint Committee on Taxation.....	10,530	11,327	10,004	-526
<b>Office of the Attending Physician</b>				
Medical supplies, equipment, expenses, and allowances.....	3,400	3,403	3,400	---
Office of Congressional Accessibility Services.....	1,374	1,363	1,363	-11
	=====	=====	=====	=====
Total, Joint items.....	19,794	20,907	20,207	+413
<b>CAPITOL POLICE</b>				
Salaries.....	277,133	299,343	277,133	---
General expenses.....	63,004	88,273	63,004	---
	=====	=====	=====	=====
Total, Capitol Police.....	340,137	387,616	340,137	---
<b>OFFICE OF COMPLIANCE</b>				
Salaries and expenses.....	4,077	4,782	3,817	-260

DIVISION 6 - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>CONGRESSIONAL BUDGET OFFICE</b>				
Salaries and expenses.....	46,771	46,865	43,787	-2,984
<b>ARCHITECT OF THE CAPITOL</b>				
General administration.....	106,569	119,150	101,340	-5,229
Capitol building.....	33,116	41,545	36,154	+3,038
Capitol grounds.....	10,952	10,799	9,852	-1,100
Senate office buildings.....	74,243	87,253	71,128	-3,115
House of Representatives buildings:				
House office buildings.....	100,265	119,647	94,154	-6,111
House Historic buildings revitalization fund.....	49,900	50,000	30,000	-19,900
Capitol Power Plant.....	126,879	150,101	132,229	+5,350
Offsetting collections.....	-7,984	-8,000	-9,000	-1,016
Subtotal, Capitol Power Plant.....	118,895	142,101	123,229	+4,334
Library buildings and grounds.....	45,703	67,888	46,876	+1,173
Capitol police buildings, grounds and security.....	26,958	32,312	21,500	-5,458
Botanic garden.....	11,367	12,344	12,000	+633
Capitol Visitor Center:				
CVC Operations.....	22,414	23,016	21,276	-1,138
Total, Architect of the Capitol.....	600,382	706,055	567,509	-32,873



DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>LIBRARY OF CONGRESS</b>			
Salaries and expenses.....	438,122	462,329	420,093
Authority to spend receipts.....	-6,337	-6,350	-6,350
Subtotal, Salaries and expenses.....	431,785	455,979	413,743
Copyright Office, salaries and expenses.....	54,367	56,440	51,650
Authority to spend receipts.....	-36,539	-34,717	-35,513
Subtotal, Copyright Office.....	17,828	21,723	16,137
Congressional Research Service, salaries and expenses. Books for the blind and physically handicapped	111,018	117,102	106,790
Salaries and expenses.....	68,046	71,927	50,674
Total, Library of Congress.....	628,677	666,731	587,344
<b>GOVERNMENT PRINTING OFFICE</b>			
Congressional printing and binding.....	93,580	100,001	90,700
Office of the Superintendent of Documents, salaries and expenses.....	39,831	42,173	35,000
Government Printing Office Revolving Fund.....	1,656	6,300	500
Total, Government Printing Office.....	135,067	148,474	126,200

-18,029

-13

-18,042

-2,717

+1,026

-1,691

-4,228

-17,372

-41,333

-2,880

-4,831

-1,156

-8,867

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>GOVERNMENT ACCOUNTABILITY OFFICE</b>				
Salaries and expenses.....	565,715	575,153	533,600	-32,115
Offsetting collections.....	-19,461	-18,304	-22,304	-2,843
Total, Government Accountability Office.....	546,254	556,849	511,296	-34,958
<b>OPEN WORLD LEADERSHIP CENTER</b>				
Payment to the Open World Leadership Center Trust Fund.....	11,377	12,600	10,000	-1,377
<b>JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT</b>				
Stennis Center for Public Service.....	429	430	430	+1
<b>GENERAL PROVISIONS</b>				
Architect of the Capitol, Capitol Visitor Center (rescission).....	-14,600	---	---	+14,600
Grand total.....	4,543,914	4,856,563	4,304,999	-238,915

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2012 (H.R. 2055)  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
RECAPITULATION				
Senate.....	914,153	971,546	868,592	-45,561
House of Representatives.....	1,311,396	1,333,708	1,225,680	-85,716
Joint Items.....	19,794	20,907	20,207	+413
Capitol Police.....	340,137	387,616	340,137	---
Office of Compliance.....	4,077	4,782	3,817	-260
Congressional Budget Office.....	46,771	46,865	43,787	-2,984
Architect of the Capitol.....	600,382	706,055	567,509	-32,873
Library of Congress.....	628,677	666,731	587,344	-41,333
Government Printing Office.....	135,067	148,474	126,200	-8,867
Government Accountability Office.....	546,254	556,849	511,296	-34,958
Open World Leadership Center.....	11,377	12,600	10,000	-1,377
Stennis Center for Public Service.....	429	430	430	+1
General provisions.....	-14,600	---	---	+14,600
Grand total.....	4,543,914	4,856,563	4,304,999	-238,915
Scorekeeping adjustments:				
GAO buyout authority (CBO estimate).....	---	---	2,000	+2,000
Grand total, discretionary.....	4,543,914	4,856,563	4,306,999	-236,915

**DIVISION H—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012**

*Matters Addressed by Only One Committee.*—

The language and allocations set forth in House Report 112-94 and Senate Report 112-29 should be complied with unless specifically addressed to the contrary in the conference agreement and this explanatory statement. Report language included by the House, which is not changed by the report of the Senate or this explanatory statement, and Senate report language, which is not changed by this explanatory statement, is approved by the Committees on Appropriations of both Houses of Congress. This explanatory statement, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate has directed the submission of a report, such report is to be submitted to both Houses of Congress. House or Senate reporting requirements with deadlines prior to, or within 15 days after, enactment of the conference agreement shall be submitted no later than 60 days after enactment of this Act. All other reporting deadlines not changed by this explanatory statement are to be met.

**TITLE I**

**DEPARTMENT OF DEFENSE**

**ITEMS OF GENERAL INTEREST**

*Reprogramming Guidelines.*—The following reprogramming guidelines apply for all military construction and family housing projects. A project or account (including the sub-elements of an account) which has been specifically reduced by the Congress in acting on the budget request is considered to be a congressional interest item and as such, prior approval is required. Accordingly, no reprogrammings to an item specifically reduced below the threshold by the Congress are permitted, except that the Department of Defense may seek reprogrammings for appropriated increments.

The reprogramming criteria that apply to military construction projects (25 percent of the funded amount or \$2,000,000, whichever is less) continue to apply to new housing construction projects and to improvements over \$2,000,000. To provide the services the flexibility to proceed with construction contracts without disruption or delay, the costs associated with environmental hazard remediation such as asbestos removal, radon abatement, lead-based paint removal or abatement, and any other legislated environmental hazard remediation may be excluded, provided that such remediation requirements could not be reasonably anticipated at the time of the budget submission. This exclusion applies to projects authorized in this budget year, as well as projects authorized in prior years for which construction has not been completed. Planning and design costs associated with military construction and family housing projects may also be excluded from these guidelines. In instances where prior approval to a reprogramming request for a project or account has been received from the Committees on Appropriations, the adjusted amount approved becomes the new base for any future increase or decrease via below-threshold reprogrammings (provided that the project or account is not a congressional interest item as defined above).

In addition to these guidelines, the services are directed to adhere to the guidance for military construction reprogrammings and notifications, including the pertinent

statutory authorities contained in DOD Financial Management Regulation 7000.14-R and relevant updates and policy memoranda. The conferees encourage the Office of the Director of National Intelligence to use a format similar to that used by the Office of the Secretary of Defense to submit reprogramming requests.

*Incrementally Funded Projects.*—The conferees note that the Administration requested several large military construction projects that can be incrementally funded, but were instead submitted as large single-year requests, in accordance with a directive from the Office of Management and Budget to the Department of Defense to severely restrict the use of incremental funding for military construction. The Committees on Appropriations of both Houses of Congress have previously notified the Administration that they reserve the prerogative to provide incremental funding where appropriate, in accordance with authorizing legislation. The conferees continue to believe that military construction projects should be fully funded or separated into stand-alone phases when practical. In some cases, however, incremental funding makes fiscal and programmatic sense. The conference agreement therefore incrementally funds the following projects: Aviation Complex Phase 3A, Fort Wainwright, Alaska; Mountainview Operations Facility, Buckley AFB, Colorado; Hospital Replacement, Increment 3, Fort Bliss, Texas; Ambulatory Care Center Phase 3, Joint Base San Antonio, Texas; STRATCOM Replacement Facility, Increment 1, Offutt AFB, Nebraska; Data Center, Increment 3, Camp Williams, Utah; Ambulatory Care Center, Ph 3, Joint Base Andrews, Maryland; and Strike Fuel Systems Maintenance Hanger, Anderson AFB, Guam.

*Quarterly Summary of Notifications.*—The conferees direct the services and the Office of the Secretary of Defense (on behalf of itself and Defense agencies) to continue to submit a quarterly report listing all notifications, to include bid savings by service and Defense agencies, that have been submitted to the Committees during the preceding three-month period.

*Report on Design Obligations.*—The conferees direct that the Secretary of Defense, and the secretaries of the Army, Navy, and Air Force, each submit separate semi-annual reports on the obligation and expenditure of planning and design funds. The Secretary of Defense's report shall cover Military Construction, Defense-Wide, and the reports by the Army, Navy, and Air Force shall cover active, guard, and reserve military construction accounts. Each report shall provide data on the total amount available from each and all fiscal years for planning and design activities, as well as the amounts currently obligated and expended. The reports shall be submitted no later than 30 days following the end of the second and fourth quarters of fiscal year 2012 and semi-annually no later than 30 days following the second and fourth quarters of each fiscal year thereafter.

*Quadrennial Defense Review/Nuclear Posture Review (QDR/NPR).*—The conference agreement does not reference language requiring the Secretary of Defense to submit a report regarding future funding for the QDR/NPR programs because the reporting requirement has already been fulfilled.

*Army Stationing in Europe.*—In order to better understand future requirements for U.S. military construction in Germany in light of current and projected realignment activities, the conferees direct that no later than 90 days after enactment of this Act, the Sec-

retary of Defense shall provide a report, in writing, on installations and properties in Germany that the Department of Defense intends to return to the host nation. This report should include (1) intended timelines for closures of U.S. Army installations along with a list of military construction projects required at other installations to facilitate the downsizing and consolidation of Army forces in Germany; (2) identification of the brigade combat team that will be withdrawn from Germany; (3) an estimate of costs (including operation and maintenance costs and military construction costs) to be incurred during fiscal years 2012 through 2015 in connection with keeping the brigade identified in Germany through September 30, 2015, versus stationing a similar brigade in the United States; and (4) identification of the Army installations in the United States with the capability, existing infrastructure, and training facilities to support a brigade combat team similar to the one referenced above. The report should be submitted to the Committees on Appropriations of both Houses of Congress and may include a classified annex if necessary.

*Guam Realignment.*—The conferees support the Administration's focus on strengthening the U.S. military posture in the Pacific region. One of the most ambitious undertakings by the Department of Defense is the joint U.S.-Japanese plan to move 8,000 Marines and their families from Okinawa to Guam. The conferees note that a number of unforeseen obstacles, including lengthy environmental studies, legal challenges, and land use issues, have hampered the Department's ability to execute planned military construction projects associated with the realignment that have been funded in previous appropriations bills. In light of these delays, the conference agreement does not include funding, as requested, for two projects associated with the realignment. The conferees encourage the Department to complete the Guam master plan and provide a revised cost estimate and timetable for the Guam relocation so that the realignment can proceed without further delay.

**MILITARY CONSTRUCTION, ARMY**

The conference agreement appropriates \$3,006,491,000 for Military Construction, Army, instead of \$3,041,491,000 as proposed by the House and \$3,066,891,000 as proposed by the Senate. Within this amount, the agreement provides \$229,741,000 for study, planning, design, architect and engineer services, and host nation support, the same amount as proposed by the House and Senate.

**MILITARY CONSTRUCTION, NAVY AND MARINE CORPS**

The conference agreement appropriates \$2,112,823,000 for Military Construction, Navy and Marine Corps, instead of \$2,436,547,000 as proposed by the House and \$2,187,622,000 as proposed by the Senate. Within this amount, the agreement provides \$84,362,000 for study, planning, design, architect and engineer services, the same amount as proposed by the House and Senate.

**MILITARY CONSTRUCTION, AIR FORCE**

The conference agreement appropriates \$1,227,058,000 for Military Construction, Air Force, instead of \$1,247,358,000 as proposed by the House and \$1,227,058,000 as proposed by the Senate. Within this amount, the agreement provides \$81,913,000 for study, planning, design, architect and engineer services, the same amount as proposed by the House and Senate.

# MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates \$3,431,957,000 for Military Construction, Defense-Wide, instead of \$3,533,757,000 as proposed by the House and \$3,380,917,000 as proposed by the Senate. Within this amount, the agreement provides \$430,602,000 for study, planning, design, architect and engineer services, the same amount as proposed by the House and Senate.

*Fort Gordon, Georgia, National Security Agency (NSA) Project Adjustment.*—The President's budget submission included \$11,340,000 for the NSA Whitelaw Wedge Building addition at Fort Gordon, Georgia. Subsequent to the budget submission NSA determined that the cost of the project had increased to \$17,705,000 and requested a \$6,365,000 funding adjustment for the project. The Director of the NSA transmitted a formal request for this adjustment to the Committees on Appropriations of the House and Senate on June 2, 2011. Therefore, the conference agreement includes an additional \$6,365,000 for this project as requested, with a corresponding decrement from the NSA minor construction account.

*Department of Defense Education Activity (DODEA) Schools.*—The conferees note that over 86,000 children attend DODEA schools in the United States and overseas, but according to the 2009 DOD Report to Congress on Department of Defense Education Activity's Military Construction Program, 79 percent of DODEA schools were structurally rated as poor or failing. The conferees note that DOD's Future Years Defense Plan (FYDP) for fiscal years 2012 through 2016 includes funding to recapitalize many, but not all, of these schools. The conferees urge the Secretary of Defense to prioritize the recapitalization of all poor or failing DODEA schools, and accelerate funding for this purpose in future FYDPs.

*Energy Conservation Investment Program (ECIP).*—The conference agreement provides \$135,000,000 for ECIP, as proposed by both the House and the Senate. Additionally, the conference agreement provides \$10,000,000 in dedicated funding for ECIP planning and design, as proposed by the Senate. The conferees strongly support the efforts of the Department of Defense to promote energy conservation, green building initiatives, energy security, and investment in renewable energy resources, and commend the leadership of the Department and the services for making energy efficiency a key component of construction on military installations. The conferees urge the Department to use the dedicated planning and design funds to invest in innovative renewable energy projects as well as projects that enhance energy security at military installations and encourages the Department to request dedicated planning and design funding for ECIP in future budget submissions.

*Landstuhl Regional Medical Center.*—The conferees strongly support the construction of the new Landstuhl Regional Medical Center in Germany to replace the current aging facility, which is inefficient, and structurally a failing facility. However, the conferees note that the size, scope and design of the proposed replacement hospital was initiated several years ago, before the withdrawal schedule for U.S. troops in Iraq and Afghanistan was established, and before looming budget restraints prompted the Department of Defense (DOD) to reconsider all overseas basing of U.S. military forces. Given the potential for major force structure reductions

in Europe, the conferees believe that the planning assumptions for the new Landstuhl Regional Medical Center should be re-evaluated to ensure that the facility is properly sized and scoped to meet the emerging contingency and force structure requirements in Europe.

Because of the importance of this project, the conference agreement fully funds the Department's request to proceed with site preparation and utility infrastructure for the replacement hospital. However, the conference agreement restricts the Department from awarding a design contract for the hospital that exceeds the 20 percent design level until the Secretary of Defense has provided a plan to the Committees on Appropriations of the House of Representatives and the Senate describing how it intends to implement the recommendations of a Government Accountability Office study with regard to the plans, baseline data, and estimated cost of the new facility, and certifies that the replacement hospital is properly sized and scoped to meet the projected health care requirements.

The conferees further direct DOD to provide to the Committees, in conjunction with the certification, justification supporting the size and scope of the replacement hospital that includes, at a minimum, (1) documentation that clearly shows how health care requirements were used to calculate the size, configuration, and associated costs of the facility, and (2) a risk or sensitivity analysis that assesses, at a minimum, how potential global posture changes in the area of responsibility of the European Command may impact the health care requirements for the proposed facility.

## MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement appropriates \$773,592,000 for Military Construction, Army National Guard, as proposed by the Senate instead of \$798,592,000 as proposed by the House. Within this amount, the agreement provides \$20,671,000 for study, planning, design, architect and engineer services.

## MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement appropriates \$116,246,000 for Military Construction, Air National Guard, as proposed by the both the House and the Senate. Within this amount, the agreement provides \$12,225,000 for study, planning, design, architect and engineer services.

## MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement appropriates \$280,549,000 for Military Construction, Army Reserve, as proposed by both the House and the Senate. Within this amount, the agreement provides \$28,924,000 for study, planning, design, architect and engineer services.

## MILITARY CONSTRUCTION, NAVY RESERVE

The conference agreement appropriates \$26,299,000 for Military Construction, Navy Reserve as proposed by both the House and the Senate. Within this amount, the agreement provides \$2,591,000 for study, planning, design, architect and engineer services.

## MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement appropriates \$33,620,000 for Military Construction, Air Force Reserve, as proposed by both the House and the Senate. Within this amount, the agreement provides \$2,200,000 for study, planning, design, architect and engineer services.

# NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conference agreement appropriates \$247,611,000 for the North Atlantic Treaty Organization Security Investment Program, the same amount as proposed by the House, instead of \$272,611,000 as proposed by the Senate.

## FAMILY HOUSING CONSTRUCTION, ARMY

The conference agreement appropriates \$176,897,000 for Family Housing Construction, Army as proposed by both the House and the Senate.

## FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The conference agreement appropriates \$493,458,000 for Family Housing Operation and Maintenance, Army instead of \$494,858,000 as proposed by both the House and the Senate.

*General Officer Flag Officer Quarters.*—The conferees reduced the request for Family Housing Operation and Maintenance by \$1,400,000 based on the Secretary of the Army's notification that the exterior repairs in Stuttgart, Germany are no longer necessary.

## FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement appropriates \$100,972,000 for Family Housing Construction, Navy and Marine Corps as proposed by both the House and the Senate.

## FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

The conference agreement appropriates \$367,863,000 for Family Housing Operation and Maintenance, Navy and Marine Corps as proposed by both the House and the Senate.

## FAMILY HOUSING CONSTRUCTION, AIR FORCE

The conference agreement appropriates \$60,042,000 for Family Housing Construction, Air Force instead of \$84,804,000 as proposed by both the House and the Senate. The funding adjustment was requested by the Air Force to offset a shortfall in family housing operation and maintenance funding. To cover the shortfall, the Air Force requested the cancellation of a family housing construction improvement project at Misawa, Japan, resulting in a decrease of \$24,762,000 from the budget submission.

## FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement appropriates \$429,523,000 for Family Housing Operation and Maintenance, Air Force instead of \$404,761,000 as proposed by both the House and the Senate. The \$24,762,000 increase was requested by the Air Force to cover a projected shortfall in family housing operation and maintenance funding. The funding increase is offset by a corresponding reduction of \$24,762,000 in Air Force family housing construction funding.

## FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement appropriates \$50,723,000 for Family Housing Operation and Maintenance, Defense-Wide as proposed by both the House and the Senate.

## DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

The conference agreement appropriates \$2,184,000 for the Department of Defense Family Housing Improvement Fund as proposed by both the House and the Senate.

#### HOMEOWNERS ASSISTANCE FUND

The conference agreement appropriates \$1,284,000 for the Homeowners Assistance Fund as proposed by both the House and the Senate. The conference agreement also includes language that the Secretary of Defense shall not issue any regulation or otherwise take any action to limit the submission of applications prior to September 30, 2012, for benefits, including permanent change of station benefits, as provided under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, (42 U.S.C. 3374), as amended.

#### CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

The conference agreement appropriates \$75,312,000 for Chemical Demilitarization Construction, Defense-Wide as proposed by both the House and the Senate.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

The conference agreement appropriates \$323,543,000 for the Department of Defense Base Closure Account 1990, as proposed by the Senate instead of \$373,543,000 as proposed by the House.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

The conference agreement appropriates \$258,776,000 for the Department of Defense Base Closure Account 2005, as proposed by both the House and Senate. The conferees note that significant bid savings have been realized in the BRAC 2005 military construction program, primarily as a result of the favorable bid climate over the past several years, and believe that these savings should be used to offset current BRAC 2005 requirements as well as current and projected requirements of the Homeowners Assistance Program. The conferees therefore are rescinding \$258,776,000 from previous BRAC 2005 appropriations (Sec. 132 of Administrative Provisions) to offset the fiscal 2012 request. Additionally, the conferees direct the Department to use the transfer authority provided elsewhere in this Act to transfer sufficient unobligated balances from the BRAC 2005 account to the Homeowners Assistance Program to address eligible claims for benefits, including permanent change of station benefits, submitted through September 30, 2012.

**BRAC 133.**—On November 30, 2011, the Department of Defense Inspector General (DODIG) released report number DODIG 2012-024, which found that the Army's transportation management plan for Base Closure and Realignment (BRAC) recommendation #133 (Mark Center) was based on faulty data, rendering the transportation plan's findings and conclusions unreliable. Further, the Inspector General found that the traffic studies used to develop the plan do not address the totality of issues related to site ingress and egress, nor will the plan achieve its goal of reducing single-occupancy vehicle utilization. The conferees find the analysis as outlined in the DODIG's report deeply troubling. Equally troubling is the Army's refusal to even consider the DODIG's recommendations.

In an effort to mitigate traffic congestion surrounding the Mark Center site, the conference agreement includes a limitation on the number of parking spaces the Department may utilize at the Mark Center to no more than 2,000, with the exception of disabled parking spaces. The limitation may be waived in part, but not in whole, if the Secretary of Defense certifies that none of the intersections surrounding the Mark Center

reach failing levels of service "e" or "f," as defined by the Transportation Research Board Highway Capacity Manual, during a consecutive 90 day period.

Should the intersections currently undergoing traffic monitoring surrounding the Mark Center be deemed as not to have reached failing levels of service, the Department of Defense (DOD) and the Virginia Department of Transportation (VDOT) must agree to the number of additional spaces that may be utilized at the Mark Center, which would then be subject to another 90 day traffic monitoring program. To ensure that the Department adequately plans and mitigates traffic generated by the BRAC #133 development, the Department is directed to implement the DODIG's recommendations outlined in report number DODIG-2012-024, and certify to Congress not later than 180 days after enactment of this Act that the recommendations have been implemented.

The conferees recognize that the employees that work at the Mark Center bear no fault in the poor planning and execution of the transportation management plan. The conferees therefore strongly encourage the Department of Defense to examine mandatory commuting alternatives such as telework, flexible work schedules, satellite parking facilities with dedicated shuttle service to the Mark Center, parking capacity at the Pentagon, additional ridesharing and public transit incentives and all other means to ensure that Mark Center employees can commute to and from work without undue burden.

#### ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

The conference agreement includes section 101 as proposed by both the House and the Senate limiting the use of funds under a cost-plus-a-fixed-fee contract.

The conference agreement includes section 102 as proposed by both the House and the Senate allowing the use of construction funds in this title for hire of passenger motor vehicles.

The conference agreement includes section 103 as proposed by both the House and the Senate allowing the use of construction funds in this title for advances to the Federal Highway Administration for the construction of access roads.

The conference agreement includes section 104 as proposed by both the House and the Senate prohibiting construction of new bases in the United States without a specific appropriation.

The conference agreement includes section 105 as proposed by both the House and the Senate limiting the use of funds for the purchase of land or land easements that exceed 100 percent of the value.

The conference agreement includes section 106 as proposed by both the House and the Senate prohibiting the use of funds, except funds appropriated in this title for that purpose, for family housing.

The conference agreement includes section 107 as proposed by both the House and the Senate limiting the use of minor construction funds to transfer or relocate activities.

The conference agreement includes section 108 as proposed by both the House and the Senate prohibiting the procurement of steel unless American producers, fabricators, and manufacturers have been allowed to compete.

The conference agreement includes section 109 as proposed by both the House and the Senate prohibiting the use of construction or family housing funds to pay real property taxes in any foreign nation.

The conference agreement includes section 110 as proposed by both the House and the Senate prohibiting the use of funds to initiate a new installation overseas without prior notification.

The conference agreement includes section 111 as proposed by the Senate establishing a preference for American architectural and engineering services for overseas projects. The House bill contained a similar provision, but included countries within the United States Central Command Area of Responsibility.

The conference agreement includes section 112 as proposed by the Senate establishing a preference for American contractors in certain locations. The House bill contained a similar provision, but included countries within the United States Central Command Area of Responsibility.

The conference agreement includes section 113 as proposed by both the House and the Senate requiring congressional notification of military exercises when construction costs exceed \$100,000.

The conference agreement includes section 114 as proposed by both the House and the Senate limiting obligations in the last two months of the fiscal year.

The conference agreement includes section 115 as proposed by both the House and the Senate allowing funds appropriated in prior years for new projects authorized during the current session of Congress.

The conference agreement includes section 116 as proposed by both the House and the Senate allowing the use of expired or lapsed funds to pay the cost of supervision for any project being completed with lapsed funds.

The conference agreement includes section 117 as proposed by both the House and the Senate allowing military construction funds to be available for five years.

The conference agreement includes section 118 as proposed by both the House and the Senate allowing the transfer of proceeds between BRAC accounts.

The conference agreement includes section 119 as proposed by both the House and the Senate allowing the transfer of funds from Family Housing Construction accounts to the Family Housing Improvement Fund.

The conference agreement includes section 120 as proposed by both the House and the Senate allowing transfers to the Homeowners Assistance Fund.

The conference agreement does not include a provision proposed by the Senate (Sec. 120) requiring congressional notification prior to issuing a solicitation for a contract with the private sector for family housing. The House bill contained no similar provision.

The conference agreement includes section 121 as proposed by both the House and the Senate limiting the source of operation and maintenance funds for flag and general officer quarters and allowing for notification by electronic medium.

The conference agreement includes section 122 as proposed by both the House and the Senate extending the availability of funds in the Ford Island Improvement Account.

The conference agreement includes section 123 as proposed by both the House and the Senate placing limitations on the expenditure of funds for projects impacted by BRAC 2005.

The conference agreement includes section 124 as proposed by both the House and the Senate allowing the transfer of expired funds to the Foreign Currency Fluctuations, Construction, Defense account.

The conference agreement includes section 125 as proposed by the Senate allowing for

the reprogramming of construction funds among projects and activities subject to certain criteria. The House bill contained a similar provision with an additional reporting requirement.

The conference agreement does not include a provision proposed by the House (Sec. 126) rescinding unobligated balances available for the Base Realignment and Closure Account 1990. The Senate bill contained no similar provision.

The conference agreement includes a modified section 126 as proposed by the Senate related to the closure of the Umatilla Army Chemical Depot. The House bill contained no similar provision.

The conference agreement includes a modified section 127 as proposed by the House which limits parking at BRAC 133 to 2,000 spaces and includes other requirements and exemptions. The Senate bill contained no similar provision.

The conference agreement includes section 128 as proposed by the Senate restricting the obligation of funds for a permanent United

States Africa Command headquarters outside of the United States until an analysis of all military construction costs is submitted to the congressional defense committees. The House bill contained no similar provision.

The conference agreement includes section 129 as proposed by the House prohibiting the use of funds for any action related to the expansion of Pinon Canyon Maneuver Site, Colorado. The Senate bill contained no similar provision.

The conference agreement includes a modified section 130 as proposed by the House restricting the obligation of funds for relocating an Army unit that performs a testing mission. The Senate bill contained no similar provision.

The conference agreement does not include a provision proposed by the Senate (Sec. 129) restricting the obligation of funds for military construction projects in Germany. The House bill contained no similar provision. This issue is instead addressed under Items of General Interest in Title I.

The conference agreement does not include a provision proposed by the Senate (Sec. 130) requiring a report on the status and improvement plan for all DODEA schools with Q3 or Q4 rating. The House bill contained no similar provision. This issue is instead addressed under Military Construction, Defense-Wide in Title I.

The conference agreement includes section 131 rescinding unobligated balances primarily due to bid savings from the following accounts in the specified amounts: Military Construction, Army, \$100,000,000; Military Construction, Navy and Marine Corps, \$25,000,000; Military Construction, Air Force, \$32,000,000; and Military Construction, Defense-Wide, \$131,400,000. The Senate bill contained no similar provision.

The conference agreement includes section 132 rescinding unobligated balances from the Department of Defense Base Closure Account 2005. The House bill contained a similar provision and the Senate bill contained no similar provision.

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
ALABAMA		
ARMY		
FORT RUCKER		
COMBAT READINESS CENTER.....	11,600	11,600
DEFENSE-WIDE		
REDSTONE ARSENAL		
VON BRAUN COMPLEX PHASE IV.....	58,800	58,800
ARMY NATIONAL GUARD		
FORT MC CLELLAN		
READINESS CENTER PH2.....	16,500	16,500
ALASKA		
ARMY		
FORT WAINWRIGHT		
AVIATION COMPLEX, PH 3A.....	114,000	57,000
JB ELMENDORF-RICHARDSON		
BRIGADE COMPLEX, PH 2.....	74,000	74,000
ORGANIZATIONAL PARKING.....	3,600	3,600
PHYSICAL FITNESS FACILITY.....	26,000	26,000
AIR FORCE		
EIELSON AFB		
DORMITORY (168 RM).....	45,000	45,000
JB ELMENDORF-RICHARDSON		
BRIGADE COMBAT TEAM (LIGHT) COMPLEX, (480 RM).....	97,000	97,000
DEFENSE-WIDE		
ANCHORAGE		
SOF COLD WEATHER MARITIME TRAINING FACILITY.....	18,400	18,400
EIELSON AFB		
UPGRADE RAIL LINE.....	14,800	14,800
ARIZONA		
NAVY		
YUMA		
AIRCRAFT MAINTENANCE HANGAR.....	39,515	39,515
DOUBLE AIRCRAFT MAINTENANCE HANGAR.....	81,897	81,897
JSF AUXILIARY LANDING FIELD.....	41,373	41,373
AIR FORCE		
DAVIS-MONTHAN AFB		
EC-130H SIMULATOR/TRAINING OPERATIONS.....	20,500	20,500
MC-130J JOINT USE FUEL CELL.....	12,500	12,500
LUKE AFB		
F-35 ADAL AIRCRAFT MAINTENANCE UNIT.....	6,000	6,000
F-35 SQUAD OPS/AMU 2.....	18,000	18,000
DEFENSE-WIDE		
DAVIS-MONTHAN AFB		
REPLACE HYDRANT FUEL SYSTEM.....	23,000	23,000
ARMY NATIONAL GUARD		
PAPAGO MILITARY RESERVATION		
READINESS CENTER.....	17,800	17,800
ARKANSAS		
ARMY NATIONAL GUARD		
FORT CHAFFEE		
CONVOY LIVE FIRE/ENTRY CONTROL POINT RANGE.....	3,500	3,500
CALIFORNIA		
ARMY		
FORT IRWIN		
INFANTRY SQUAD BATTLE COURSE.....	7,500	7,500
QUALIFICATION TRAINING RANGE.....	15,500	15,500
PRESIDIO MONTEREY		
GENERAL INSTRUCTION BUILDING.....	3,000	3,000
NAVY		
BARSTOW		
DIP TANK CLEANING FACILITY.....	8,590	8,590



MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
BRIDGEPORT		
MULTI-PURPOSE BUILDING - ADDITION .....	19,238	16,138
CAMP PENDLETON		
ARMORY, 1ST MARINE DIVISION .....	12,606	12,606
INDIVIDUAL EQUIPMENT ISSUE WAREHOUSE .....	16,411	16,411
INFANTRY SQUAD DEFENSE RANGE .....	29,187	29,187
INTERSECTION BRIDGE AND IMPROVEMENTS .....	12,476	12,476
MV-22 AVIATION FUEL STORAGE .....	6,163	6,163
MV-22 AVIATION PAVEMENT .....	18,530	18,530
MV-22 DOUBLE HANGAR REPLACEMENT .....	48,345	48,345
NEW POTABLE WATER CONVEYANCE .....	113,091	113,091
NORTH AREA WASTE WATER CONVEYANCE .....	78,271	78,271
CORONADO		
FITNESS CENTER NORTH ISLAND .....	46,763	46,763
ROTARY AIRCRAFT DEPOT MAINT FAC (NORTH IS.) .....	61,672	61,672
POINT MUGU		
E-2D AIRCREW TRAINING FACILITY .....	15,377	15,377
TWENTYNINE PALMS		
CHILD DEVELOPMENT CENTER .....	23,743	23,743
LAND EXPANSION .....	8,665	8,665
MULTI-USE OPERATIONAL FITNESS AREA .....	18,819	18,819
TRACKED VEHICLE MAINTENANCE COVER .....	15,882	15,882
AIR FORCE		
TRAVIS AFB		
DORMITORY (144 RM) .....	22,000	22,000
VANDENBERG AFB		
EDUCATION CENTER .....	14,200	14,200
DEFENSE-WIDE		
CAMP PENDLETON		
SOF MILITARY WORKING DOG FACILITY .....	3,500	3,500
SOF RANGE 130 SUPPORT PROJECTS .....	8,641	8,641
CORONADO		
SOF SUPPORT ACTIVITY OPERATIONS FACILITY .....	42,000	42,000
DEFENSE DISTRIBUTION DEPOT-TRACY		
REPLACE PUBLIC SAFETY CENTER .....	15,500	15,500
POINT LOHA ANNEX		
REPLACE FUEL STORAGE FACILITIES INCR 4 .....	27,000	27,000
SAN CLEMENTE		
REPLACE FUEL STORAGE TANKS & PIPELINE .....	21,800	21,800
ARMY NATIONAL GUARD		
CAMP ROBERTS		
TACTICAL UNMANNED AIRCRAFT SYSTEM FACILITY .....	6,160	6,160
UTILITIES REPLACEMENT PH1 .....	32,000	32,000
CAMP SAN LUIS OBISPO		
FIELD MAINTENANCE SHOP .....	8,000	8,000
AIR NATIONAL GUARD		
BEALE AFB		
WING OPERATIONS AND TRAINING FACILITY .....	6,100	6,100
MOFFETT FIELD		
REPLACE PARARESCUE TRAINING FACILITY .....	26,000	26,000
ARMY RESERVE		
FORT HUNTER LIGGETT		
AUTOMATED MULTIPURPOSE MACHINE GUN (MPMG) .....	5,200	5,200
AIR FORCE RESERVE		
MARCH AFB		
AIRFIELD CONTROL TOWER/BASE OPS .....	16,393	16,393
COLORADO		
ARMY		
FORT CARSON		
AIRCRAFT LOADING AREA .....	34,000	34,000
AIRCRAFT MAINTENANCE HANGAR .....	63,000	63,000
BARRACKS .....	67,000	67,000
BARRACKS .....	46,000	46,000
BRIGADE HEADQUARTERS .....	14,400	14,400
CONTROL TOWER .....	14,200	14,200

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
AIR FORCE		
U.S. AIR FORCE ACADEMY		
CONSTRUCT LARGE VEHICLE INSPECTION FACILITY.....	13,400	13,400
DEFENSE-WIDE		
BUCKLEY AIR FORCE BASE		
MOUNTAINVIEW OPERATIONS FACILITY.....	140,932	70,432
PUEBLO DEPOT		
AMMUNITION DEMILITARIZATION FACILITY, PH XIII.....	15,338	15,338
ARMY NATIONAL GUARD		
ALAMOSA		
READINESS CENTER .....	6,400	6,400
AURORA		
TACTICAL UNMANNED AIRCRAFT SYSTEM FACILITY.....	3,600	3,600
FORT CARSON		
BARRACKS COMPLEX (ORTC).....	43,000	43,000
ARMY RESERVE		
FORT COLLINS		
ARMY RESERVE CENTER.....	13,600	13,600
DELAWARE		
AIR FORCE		
DOVER AFB		
C-5M FORMAL TRAINING UNIT FACILITY.....	2,800	2,800
DISTRICT OF COLUMBIA		
DEFENSE-WIDE		
BOLLING AFB		
COOLING TOWER EXPANSION.....	2,070	2,070
DIAC PARKING GARAGE.....	13,586	13,586
ELECTRICAL UPGRADES.....	1,080	1,080
ARMY NATIONAL GUARD		
ANACOSTIA		
US PROPERTY & FISCAL OFFICE ADD/ALT.....	5,300	5,300
FLORIDA		
NAVY		
JACKSONVILLE		
BAMS UAS OPERATOR TRAINING FACILITY.....	4,482	4,482
P-8A HANGAR UPGRADES.....	6,085	6,085
P-8A TRAINING FACILITY.....	25,985	25,985
MAYPORT		
MASSEY AVENUE CORRIDOR IMPROVEMENTS.....	14,998	14,998
WHITING FIELD		
APPLIED INSTRUCTION FACILITIES, EOD COURSE.....	20,620	20,620
AIR FORCE		
PATRICK AFB		
AIR FORCE TECHNICAL APPLICATIONS CTR - INCR 2.....	79,000	79,000
DEFENSE-WIDE		
EGLIN AFB		
MEDICAL CLINIC.....	11,600	11,600
SOF COMPANY OPERATIONS FACILITY (GSB).....	21,000	21,000
SOF COMPANY OPERATIONS FACILITY (GSTB).....	19,000	19,000
EGLIN AUX 9		
SOF ENCLOSED ENGINE NOISE SUPPRESSORS.....	3,200	3,200
SOF SIMULATOR FACILITY.....	6,300	6,300
MACDILL AFB		
SOF ACQUISITION CENTER (PHASE II).....	15,200	15,200
WHITING FIELD		
TRUCK LOAD/UNLOAD FACILITY.....	3,800	3,800
ARMY NATIONAL GUARD		
CAMP BLANDING		
CONVOY LIVE FIRE/ENTRY CONTROL POINT RANGE.....	2,400	2,400
LIVE FIRE SHOOT HOUSE.....	3,100	3,100

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
GEORGIA		
ARMY		
FORT BENNING		
LAND ACQUISITION.....	5,100	5,100
LAND ACQUISITION.....	25,000	25,000
RAIL LOADING FACILITY.....	13,800	13,800
TRAINEE BARRACKS COMPLEX, PH 3.....	23,000	23,000
FORT GORDON		
HAND GRENADE FAMILIARIZATION RANGE.....	1,450	1,450
FORT STEWART		
DOG KENNEL.....	2,600	2,600
NAVY		
KINGS BAY		
CRAB ISLAND SECURITY ENCLAVE.....	52,913	52,913
WRA LAND/WATER INTERFACE.....	33,150	33,150
DEFENSE-WIDE		
FORT BENNING		
REPLACE MCBRIDE ELEMENTARY SCHOOL.....	37,205	37,205
FORT GORDON		
WHITELAW WEDGE BUILDING ADDITION.....	11,340	17,705
FORT STEWART		
HOSPITAL ADDITION/ALTERATION PHASE 2.....	72,300	72,300
ARMY NATIONAL GUARD		
ATLANTA		
READINESS CENTER.....	11,000	11,000
HINESVILLE		
MANEUVER AREA TRAINING & EQUIPMENT SITE PH1.....	17,500	17,500
MACON		
READINESS CENTER PH1.....	14,500	14,500
HAWAII		
ARMY		
FORT SHAFTER		
CHILD DEVELOPMENT CENTER.....	17,500	17,500
SCHOFIELD BARRACKS		
CENTRALIZED WASH FACILITY.....	32,000	32,000
COMBAT AVIATION BRIGADE COMPLEX, PH 1.....	73,000	73,000
NAVY		
BARKING SANDS		
NORTH LOOP ELECTRICAL REPLACEMENT.....	9,679	9,679
JOINT BASE PEARL HARBOR-HICKAM		
NAVY INFORMATION OPERATIONS COMMAND FES FAC.....	7,492	7,492
KANEDHE BAY		
MCAS OPERATIONS COMPLEX.....	57,704	57,704
DEFENSE-WIDE		
JOINT BASE PEARL HARBOR-HICKAM		
ALTER WAREHOUSE SPACE.....	9,200	9,200
UPGRADE REFUELER TRUCK PARKING AREA.....	5,200	5,200
ARMY NATIONAL GUARD		
KALAELOA		
READINESS CENTER PH1.....	33,000	33,000
AIR NATIONAL GUARD		
JOINT BASE PEARL HARBOR-HICKAM		
TFI - F-22 COMBAT AIRCRAFT PARKING APRON.....	12,721	12,721
TFI - F-22 FLIGHT SIMULATOR FACILITY.....	19,800	19,800
TFI - F-22 WEAPONS LOAD CREW TRAINING FACILIT.....	7,000	7,000
ILLINOIS		
NAVY		
GREAT LAKES		
DECENTRALIZE STEAM SYSTEM.....	91,042	91,042
DEFENSE-WIDE		
GREAT LAKES		
HEALTH CLINIC DEMOLITION.....	16,900	16,900

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
ARMY NATIONAL GUARD		
NORMAL		
READINESS CENTER.....	10,000	10,000
ARMY RESERVE		
HOMERWOOD		
ARMY RESERVE CENTER.....	16,000	16,000
ROCKFORD		
ARMY RESERVE CENTER/LAND.....	12,800	12,800
INDIANA		
ARMY NATIONAL GUARD		
CAMP ATTERBURY		
DEPLOYMENT PROCESSING FACILITY.....	8,900	8,900
OPERATIONS READINESS TRAINING CMPLX 2.....	27,000	27,000
OPERATIONS READINESS TRAINING COMPLEX 1.....	25,000	25,000
RAILHEAD EXPANSION & CONTAINER FACILITY.....	21,000	21,000
INDIANAPOLIS		
JFHQ ADD/ALT.....	25,700	25,700
AIR NATIONAL GUARD		
FORT WAYNE IAP		
A-10 FACILITY CONVERSION - MUNITIONS.....	4,000	4,000
ARMY RESERVE		
LAWRENCE		
ARMY RESERVE CENTER.....	57,000	57,000
KANSAS		
ARMY		
FORBES AIR FIELD		
DEPLOYMENT SUPPORT FACILITY.....	5,300	5,300
FORT RILEY		
CHAPEL.....	10,400	10,400
PHYSICAL FITNESS FACILITY.....	13,000	13,000
UNMANNED AERIAL VEHICLE MAINTENANCE HANGAR.....	60,000	60,000
AIR FORCE		
FORT RILEY		
AIR SUPPORT OPERATIONS CENTER.....	7,600	7,600
ARMY RESERVE		
KANSAS CITY		
ARMY RESERVE CENTER/LAND.....	13,000	13,000
KENTUCKY		
ARMY		
FORT CAMPBELL		
BARRACKS.....	23,000	23,000
BARRACKS COMPLEX.....	65,000	65,000
PHYSICAL FITNESS FACILITY.....	18,500	18,500
SCOUT/RECCE GUNNERY RANGE.....	18,000	18,000
UNMANNED AERIAL VEHICLE MAINTENANCE HANGAR.....	67,000	67,000
VEHICLE MAINTENANCE FACILITY.....	16,000	16,000
VEHICLE MAINTENANCE FACILITY.....	40,000	40,000
FORT KNOX		
AUTOMATED INFANTRY PLATOON BATTLE COURSE.....	7,000	7,000
BATTALION COMPLEX.....	48,000	48,000
DEFENSE-WIDE		
BLUE GRASS ARMY DEPOT		
AMMUNITION DEMILITARIZATION PH XII.....	59,974	59,974
FORT CAMPBELL		
HOSPITAL ADDITION/ALTERATION.....	56,600	56,600
SOF MH47 AVIATION FACILITY.....	43,000	43,000
SOF ROTARY WING HANGAR.....	38,900	38,900
FORT KNOX		
REPLACE KINGSOLVER-PIERCE ELEMENTARY SCHOOLS.....	38,845	38,845

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
LOUISIANA		
ARMY		
FORT POLK		
BRIGADE COMPLEX.....	23,000	23,000
FIRE STATION.....	9,200	9,200
LAND ACQUISITION.....	27,000	27,000
MILITARY WORKING DOG FACILITY.....	2,600	2,600
MULTIPURPOSE MACHINE GUN RANGE.....	8,300	8,300
AIR FORCE		
BARKSDALE AFB		
MISSION SUPPORT GROUP COMPLEX.....	23,500	23,500
DEFENSE-WIDE		
BARKSDALE AFB		
HYDRANT FUEL SYSTEM.....	6,200	6,200
MAINE		
ARMY NATIONAL GUARD		
BANGOR		
READINESS CENTER.....	15,600	15,600
BRUNSWICK		
ARMED FORCES RESERVE CENTER.....	23,000	23,000
MARYLAND		
ARMY		
ABERDEEN PROVING GROUND		
AUTO TECHNOLOGY EVALUATION FAC, PH 3.....	15,500	15,500
COMMAND AND CONTROL FACILITY.....	63,000	63,000
FORT MEADE		
APPLIED INSTRUCTION FACILITY.....	43,000	43,000
BRIGADE COMPLEX.....	36,000	36,000
NAVY		
INDIAN HEAD		
DECENTRALIZE STEAM SYSTEM.....	67,779	67,779
PATUXENT RIVER		
AIRCRAFT PROTOTYPE FACILITY PHASE 2.....	45,844	45,844
DEFENSE-WIDE		
ABERDEEN PROVING GROUND		
USAMRIID REPLACEMENT, INC 4.....	22,850	22,850
BETHESDA NAVAL HOSPITAL		
CHILD DEVELOPMENT CENTER ADDITION/ALTERATION.....	18,000	18,000
FORT DETRICK		
USAMRIID STAGE I, INC 6.....	137,600	137,600
FORT MEADE		
HIGH PERFORMANCE COMPUTING CAPACITY INC 1.....	29,640	9,640
JOINT BASE ANDREWS		
AMBULATORY CARE CENTER.....	242,900	154,300
DENTAL CLINIC REPLACEMENT.....	22,800	22,800
ARMY NATIONAL GUARD		
DUNDALK		
READINESS CENTER ADD/ALT.....	16,000	16,000
LA PLATA		
READINESS CENTER.....	9,000	9,000
WESTMINSTER		
READINESS CENTER ADD/ALT.....	10,400	10,400
AIR NATIONAL GUARD		
MARTIN STATE AIRPORT		
TFI - C-27 CONVERSION - SQUADRON OPERATIONS.....	4,900	4,900
MASSACHUSETTS		
DEFENSE-WIDE		
HANSCOM AFB		
REPLACE HANSCOM MIDDLE SCHOOL.....	34,040	34,040
WESTOVER ARB		
REPLACE HYDRANT FUEL SYSTEM.....	23,300	23,300

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
ARMY NATIONAL GUARD		
HATICK		
READINESS CENTER.....	9,000	9,000
AIR NATIONAL GUARD		
OTIS ANGB		
TF1 - CNAF BEDDOWN - UPGRADE FACILITY.....	7,800	7,800
ARMY RESERVE		
ATTLEBORO		
ARMY RESERVE CENTER/LAND.....	22,000	22,000
MINNESOTA		
ARMY NATIONAL GUARD		
CAMP RIPLEY		
MULTIPURPOSE MACHINE GUN RANGE.....	8,400	8,400
ARMY RESERVE		
SAINT JOSEPH		
ARMY RESERVE CENTER.....	11,800	11,800
MISSISSIPPI		
DEFENSE-WIDE		
COLUMBUS AFB		
REPLACE REFUELER PARKING FACILITY.....	2,600	2,600
GULFPORT		
MEDICAL CLINIC REPLACEMENT.....	34,700	34,700
ARMY NATIONAL GUARD		
CAMP SHELBY		
DEPLOYMENT PROCESSING FACILITY.....	12,600	12,600
OPERATIONAL READINESS TRAINING CMPLX PH1.....	27,000	27,000
TROOP HOUSING (ORTC) PH1.....	25,000	25,000
MISSOURI		
ARMY		
FORT LEONARD WOOD		
VEHICLE MAINTENANCE FACILITY.....	49,000	49,000
AIR FORCE		
WHITEMAN AFB		
WSA SECURITY CONTROL FACILITY.....	4,800	4,800
DEFENSE-WIDE		
ARNOLD		
DATA CTR WEST #1 POWER & COOLING UPGRADE.....	9,253	9,253
ARMY RESERVE		
WELDON SPRINGS		
ARMY RESERVE CENTER.....	19,000	19,000
NEBRASKA		
AIR FORCE		
OFFUTT AFB		
STRATCOM REPLACEMENT FACILITY INCR 1.....	150,000	120,000
ARMY NATIONAL GUARD		
GRAND ISLAND		
READINESS CENTER.....	22,000	22,000
MEAD		
READINESS CENTER.....	9,100	9,100
NEVADA		
AIR FORCE		
NELLIS AFB		
COMMUNICATIONS NETWORK CONTROL CENTER.....	11,600	11,600
F-35 ADD/ALTER ENGINE SHOP.....	2,750	2,750
F-35A AGE FACILITY.....	21,500	21,500
ARMY NATIONAL GUARD		
LAS VEGAS		
FIELD MAINTENANCE SHOP.....	23,000	23,000

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
NEW JERSEY		
ARMY NATIONAL GUARD		
LAKEHURST		
ARMY AVIATION SUPORT FACILITY.....	49,000	49,000
NEW MEXICO		
AIR FORCE		
CANNON AFB		
ADAL WASTEWATER TREATMENT PLANT.....	7,598	7,598
DORMITORY (96 RM).....	15,000	15,000
HOLLOMAN AFB		
CHILD DEVELOPMENT CENTER.....	11,200	11,200
F-16 ACADEMIC FACILITY.....	5,800	5,800
F-16 SEAD TRAINING FACILITY.....	4,200	4,200
PARALLEL TAXIWAY 07/25.....	8,000	8,000
KIRTLAND AFB		
AFMNC SUSTAINMENT CENTER.....	25,000	25,000
DEFENSE-WIDE		
CANNON AFB		
SOF ADAL SIMULATOR FACILITY.....	9,800	9,800
SOF AIRCRAFT MAINTENANCE SQUADRON FACILITY.....	15,000	15,000
SOF APRON AND TAXIWAY.....	28,100	28,100
SOF C-130 SQUADRON OPERATIONS FACILITY.....	10,941	10,941
SOF C-130 WASH RACK HANGAR.....	10,856	10,856
SOF HANGAR AIRCRAFT MAINTENANCE UNIT.....	41,200	41,200
SOF SQUADRON OPERATIONS FACILITY.....	17,300	17,300
ARMY NATIONAL GUARD		
SANTA FE		
READINESS CENTER ADD/ALT.....	5,200	5,200
NEW YORK		
ARMY		
FORT DRUM		
AMMUNITION SUPPLY POINT.....	5,700	5,700
CHAPEL.....	7,600	7,600
DEFENSE-WIDE		
FORT DRUM		
DENTAL CLINIC ADDITION/ALTERATION.....	4,700	4,700
MEDICAL CLINIC.....	15,700	15,700
ARMY RESERVE		
SCHENECTADY		
ARMY RESERVE CENTER.....	20,000	20,000
NORTH CAROLINA		
ARMY		
FORT BRAGG		
ACCESS ROADS, PH 2.....	18,000	18,000
BATTLE COMMAND TRAINING CENTER.....	23,000	23,000
BRIGADE COMPLEX FACILITIES.....	49,000	49,000
NCO ACADEMY.....	42,000	42,000
UNMANNED AERIAL VEHICLE MAINTENANCE HANGAR.....	54,000	54,000
NAVY		
CAMP LEJEUNE		
2ND COMBAT ENGINEER MAINTENANCE/OPS COMPLEX.....	75,214	75,214
BACHELOR ENLISTED QUARTERS - WALLACE CREEK.....	27,439	27,439
BASE ENTRY POINT AND ROAD.....	81,008	81,008
SQUAD BATTLE COURSE.....	16,821	16,821
CHERRY POINT MARINE CORPS AIR STATION		
H-1 HELICOPTER GEARBOX REPAIR & TEST FACILITY.....	17,760	17,760
NEW RIVER		
AIRCRAFT MAINTENANCE HANGAR AND APRON.....	69,511	69,511
ORDNANCE LOADING AREA ADDITION.....	9,419	9,419
AIR FORCE		
POPE AFB		
C-130 FLIGHT SIMULATOR.....	8,000	8,000

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
CAMP LEJEUNE		
SOF ARMORY FACILITY EXPANSION.....	6,670	6,670
FORT BRAGG		
HOSPITAL ALTERATION.....	57,800	57,800
REPLACE DISTRICT SUPERINTENDANT'S OFFICE.....	3,138	3,138
SOF ADMINISTRATIVE ANNEX.....	12,000	12,000
SOF BATTALION OPERATIONS COMPLEX.....	23,478	23,478
SOF BATTALION OPERATIONS FACILITY.....	41,000	41,000
SOF BRIGADE HEADQUARTERS.....	19,000	19,000
SOF COMMUNICATIONS TRAINING COMPLEX.....	10,758	10,758
SOF ENTRY CONTROL POINT.....	2,300	2,300
SOF GROUP HEADQUARTERS.....	26,000	26,000
SOF SQUADRON HQ ADDITION.....	11,000	11,000
NEW RIVER		
REPLACE DELALIO ELEMENTARY SCHOOL.....	22,687	22,687
POPE AFB		
SOF TRAINING FACILITY.....	5,400	5,400
ARMY NATIONAL GUARD		
GREENSBORO		
READINESS CENTER ADD/ALT.....	3,700	3,700
ARMY RESERVE		
GREENSBORO		
ARMY RESERVE CENTER/LAND.....	19,000	19,000
NORTH DAKOTA		
AIR FORCE		
MINOT AFB		
B-52 3-BAY CONVENTIONAL MUNITIONS MAINTENANCE.....	11,800	11,800
B-52 TWO-BAY PHASE MAINTENANCE DOCK.....	34,000	34,000
DORMITORY (168 RM).....	22,000	22,000
OHIO		
DEFENSE-WIDE		
COLUMBUS		
SECURITY ENHANCEMENTS.....	10,000	10,000
AIR NATIONAL GUARD		
SPRINGFIELD BECKLEY-MAP		
ALTER PREDATOR OPERATIONS CENTER.....	6,700	6,700
OKLAHOMA		
ARMY		
FORT SILL		
BATTLE COMMAND TRAINING CENTER.....	23,000	23,000
CHAPEL.....	13,200	13,200
PHYSICAL FITNESS FACILITY.....	25,000	25,000
RAIL DEPLOYMENT FACILITY.....	3,400	3,400
RECEPTION STATION, PH 1.....	36,000	36,000
THAAD INSTRUCTION FACILITY.....	33,000	33,000
VEHICLE MAINTENANCE FACILITY.....	51,000	51,000
MCALESTER		
AMMUNITION LOADING PADS.....	1,700	1,700
RAILROAD TRACKS.....	6,300	6,300
DEFENSE-WIDE		
ALTUS AFB		
REPLACE FUEL TRANSFER PIPELINE.....	8,200	8,200
ARMY NATIONAL GUARD		
CAMP GRUBER		
LIVE FIRE SHOOT HOUSE.....	3,000	3,000
UPGRADE-COMBINED ARMS COLLECTIVE TRAINING FAC.....	10,361	10,361
OREGON		
ARMY NATIONAL GUARD		
THE DALLES		
READINESS CENTER.....	13,800	13,800



MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
PENNSYLVANIA		
DEFENSE-WIDE		
DEF DISTRIBUTION DEPOT NEW CUMBERLAND		
ENCLOSE OPEN-SIDED SHED.....	3,000	---
REPLACE GENERAL PURPOSE WAREHOUSE.....	25,500	25,500
UPGRADE ACCESS CONTROL POINTS.....	17,500	17,500
PHILADELPHIA		
UPGRADE HVAC SYSTEM.....	8,000	8,000
NAVY RESERVE		
PITTSBURGH		
ARMED FORCES RESERVE CENTER (PITTSBURGH).....	13,759	13,759
SOUTH CAROLINA		
ARMY		
FORT JACKSON		
MODIFIED RECORD FIRE RANGE.....	4,900	4,900
TRAINEE BARRACKS COMPLEX, PH 2.....	59,000	59,000
NAVY		
BEAUFORT		
VERTICAL LANDING PADS.....	21,098	21,098
DEFENSE-WIDE		
JOINT BASE CHARLESTON		
REPLACE FUEL STORAGE & DISTRIBUTION FACILITY.....	24,868	24,868
ARMY NATIONAL GUARD		
ALLENDALE		
READINESS CENTER ADD/ALT.....	4,300	4,300
ARMY RESERVE		
ORANGEBURG		
ARMY RESERVE CENTER/LAND.....	12,000	12,000
AIR FORCE RESERVE		
CHARLESTON AFB		
TFI RED HORSE READINESS & TRNG CENTER.....	9,593	9,593
TENNESSEE		
NAVY RESERVE		
MEMPHIS		
RESERVE TRAINING CENTER.....	7,949	7,949
TEXAS		
ARMY		
FORT BLISS		
APPLIED INSTRUCTION BUILDING.....	8,300	8,300
BARRACKS COMPLEX.....	13,000	13,000
ELECTRONICS MAINTENANCE FACILITY.....	14,600	14,600
INFRASTRUCTURE.....	14,600	14,600
JLENS TACTICAL TRAINING FACILITY.....	39,000	39,000
VEHICLE MAINTENANCE FACILITY.....	24,000	---
VEHICLE MAINTENANCE FACILITY.....	14,600	14,600
VEHICLE MAINTENANCE FACILITY.....	19,000	19,000
WATER WELL, POTABLE.....	2,400	2,400
FORT HOOD		
OPERATIONAL READINESS TRAINING COMPLEX.....	51,000	51,000
UNMANNED AERIAL VEHICLE MAINTENANCE HANGAR.....	47,000	47,000
VEHICLE MAINTENANCE FACILITY.....	15,500	15,500
VEHICLE MAINTENANCE FACILITY.....	18,500	18,500
JB SAN ANTONIO		
VEHICLE MAINTENANCE FACILITY.....	10,400	10,400
RED RIVER ARMY DEPOT		
MANEUVER SYSTEMS SUSTAINMENT CTR, PH 3.....	44,000	44,000
AIR FORCE		
JB SAN ANTONIO		
BMT RECRUIT DORMITORY 4, PHASE IV.....	64,000	64,000
JOINT BASE SAN ANTONIO		
ADV INDIV TRAINING (AIT) BARRACKS (300 RM).....	46,000	46,000

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
FORT BLISS		
HOSPITAL REPLACEMENT INCR 3.....	136,700	86,700
JOINT BASE SAN ANTONIO		
AMBULATORY CARE CENTER PHASE 3.....	161,300	80,600
HOSPITAL NUTRITION CARE DEPARTMENT ADD/ALT.....	33,000	33,000
UTAH		
ARMY		
DUGWAY PROVING GROUND		
LIFE SCIENCES TEST FACILITY ADDITION.....	32,000	32,000
AIR FORCE		
HILL AFB		
F-22 SYSTEM SUPPORT FACILITY.....	16,500	16,500
F-35 ADAL HANGAR 45E/AMU.....	6,800	---
DEFENSE-WIDE		
CAMP WILLIAMS		
IC CNCI DATA CENTER 1 INC 3.....	246,401	166,401
ARMY NATIONAL GUARD		
CAMP WILLIAMS		
MULTI PURPOSE MACHINE GUN RANGE.....	6,500	6,500
VIRGINIA		
ARMY		
FORT BELVOIR		
INFORMATION DOMINANCE CENTER, PH 1.....	52,000	52,000
ROAD AND INFRASTRUCTURE IMPROVEMENTS.....	31,000	25,000
JB LANGLEY EUSTIS		
AVIATION TRAINING FACILITY.....	26,000	26,000
NAVY		
NORFOLK		
BACHELOR QUARTERS, HOMEPORT ASHORE.....	81,304	81,304
DECENTRALIZE STEAM SYSTEM.....	26,924	26,924
PORTSMOUTH		
CONTROLLED INDUSTRIAL FACILITY.....	74,864	74,864
QUANTICO		
ACADEMIC INSTRUCTION FACILITY.....	75,304	75,304
BACHELOR ENLISTED QUARTERS.....	31,374	31,374
EMBASSY SECURITY GROUP FACILITIES.....	27,079	27,079
ENLISTED DINING FACILITY.....	5,034	5,034
REALIGN PURVIS RD/RUSSELL RD INTERSECTION.....	6,442	6,442
THE BASIC SCHOOL STUDENT QUARTERS - PHASE 6.....	28,488	28,488
WASTE WATER TREATMENT PLANT - UPSHUR.....	9,969	9,969
AIR FORCE		
JB LANGLEY EUSTIS		
AIT BARRACKS COMPLEX, PH 2.....	50,000	50,000
DEFENSE-WIDE		
CHARLOTTESVILLE		
REMOTE DELIVERY FACILITY.....	10,805	10,805
DAHLGREN		
DAHLGREN E/MS SCHOOL ADDITION.....	1,988	1,988
DAM NECK		
SOF BUILDING RENOVATION.....	3,814	3,814
SOF LOGISTIC SUPPORT FACILITY.....	14,402	14,402
SOF MILITARY WORKING DOG FACILITY.....	4,900	4,900
FORT BELVOIR		
TECHNOLOGY CENTER THIRD FLOOR FIT-OUT.....	54,625	54,625
JOINT EXPEDITIONARY BASE LITTLE CREEK - STORY		
SOF SEAL TEAM OPERATIONS FACILITY.....	37,000	37,000
PENTAGON		
HELIPORT CONTROL TOWER/FIRE STATION.....	6,457	6,457
PENTAGON MEMORIAL PEDESTRIAN PLAZA.....	2,285	2,285
QUANTICO		
DEFENSE ACCESS ROAD IMPROVEMENTS-TELEGRAPH RD ....	4,000	4,000
DSS HEADQUARTERS ADDITION.....	42,727	42,727

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
ARMY NATIONAL GUARD		
FORT PICKETT		
COMBINED ARMS COLLECTIVE TRAINING FACILITY.....	11,000	11,000
WASHINGTON		
ARMY		
JB LEWIS MCCORD		
AIR SUPPORT OPERATIONS FACILITIES.....	7,300	7,300
AVIATION COMPLEX, PH 1B.....	48,000	48,000
AVIATION UNIT COMPLEX, PH 1A.....	34,000	34,000
BATTALION COMPLEX.....	59,000	59,000
BRIGADE COMPLEX, PH 2.....	56,000	56,000
INFRASTRUCTURE, PH 1.....	64,000	64,000
OPERATIONAL READINESS TRAINING CPLX, PH 1.....	28,000	28,000
NAVY		
BREMERTON		
INTEGRATED DRY DOCK WATER TREATMENT FAC PH1.....	13,341	13,341
KITSAP		
EHW SECURITY FORCE FACILITY (BANGOR).....	25,948	25,948
EXPLOSIVES HANDLING WHARF #2 (INC. 1).....	78,002	78,002
WATERFRONT RESTRICTED AREA VEHICLE BARRIERS.....	17,894	17,894
AIR FORCE		
FAIRCHILD AFB		
SERE FORCE SUPPORT PH 2.....	14,000	14,000
WING HEADQUARTERS.....	13,600	13,600
DEFENSE-WIDE		
JB LEWIS MCCORD		
SOF COMPANY OPERATIONS FACILITY.....	21,000	21,000
JOINT BASE LEWIS-MCCORD		
REPLACE FUEL DISTRIBUTION FACILITIES.....	14,000	14,000
WHIDBEY ISLAND		
REPLACE FUEL PIPELINE.....	25,000	25,000
WEST VIRGINIA		
DEFENSE-WIDE		
CAMP DAWSON		
REPLACE HYDRANT FUEL SYSTEM.....	2,200	2,200
ARMY NATIONAL GUARD		
BUCKHANNON		
READINESS CENTER PH1.....	10,000	10,000
WISCONSIN		
ARMY NATIONAL GUARD		
CAMP WILLIAMS		
TACTICAL UNMANNED AIRCRAFT SYSTEM FACILITY.....	7,000	7,000
ARMY RESERVE		
FORT MCCOY		
AUTOMATED RECORD FIRE RANGE.....	4,600	4,600
CONTAINER LOADING FACILITY.....	5,300	5,300
MODIFIED RECORD FIRE KNOWN DISTANCE RANGE.....	5,400	5,400
MCOA PHASE III - BILLETING.....	12,000	12,000
WYOMING		
ARMY NATIONAL GUARD		
CHEYENNE		
READINESS CENTER.....	8,900	8,900
AFGHANISTAN		
ARMY		
BAGRAM AIR BASE		
BARRACKS, PH 5.....	29,000	---
CONSTRUCT DRAINAGE SYSTEM, PH 3.....	31,000	---
ENTRY CONTROL POINT.....	20,000	---

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
BAHRAIN ISLAND		
NAVY		
SW ASIA		
BACHELOR ENLISTED QUARTERS.....	55,010	---
WATERFRONT DEVELOPMENT PHASE 4.....	45,194	---
BELGIUM		
DEFENSE-WIDE		
BRUSSELS		
NATO HEADQUARTERS FACILITY.....	24,118	24,118
DIEGO GARCIA		
NAVY		
DIEGO GARCIA		
POTABLE WATER PLANT MODERNIZATION.....	35,444	35,444
DJIBOUTI		
NAVY		
CAMP LEMONIER		
AIRCRAFT LOGISTICS APRON.....	35,170	---
BACHELOR QUARTERS.....	43,529	---
TAXIWAY ENHANCEMENT.....	10,800	---
GERMANY		
ARMY		
GERMERSHEIM		
CENTRAL DISTRIBUTION FACILITY.....	21,000	---
INFRASTRUCTURE.....	16,500	---
GRAFENWOEHR		
BARRACKS.....	17,500	17,500
CHAPEL.....	15,500	15,500
CONVOY LIVE FIRE RANGE.....	5,000	5,000
LANDSTUHL		
SATELLITE COMMUNICATIONS CENTER.....	24,000	24,000
SATELLITE COMMUNICATIONS CENTER.....	39,000	39,000
OBERDACHSTETTEN		
AUTOMATED RECORD FIRE RANGE.....	12,200	12,200
STUTTGART		
ACCESS CONTROL POINT.....	12,200	12,200
VILSECK		
BARRACKS.....	20,000	20,000
AIR FORCE		
RAMSTEIN AB		
DORMITORY (192 RM).....	34,697	34,697
DEFENSE-WIDE		
ANSBACH		
ANSBACH MIDDLE/HIGH SCHOOL ADDITION.....	11,672	11,672
BAUMHOLDER		
REPLACE WETZEL-SMITH ELEMENTARY SCHOOLS.....	59,419	59,419
GRAFENWOEHR		
NETZBERG HS SCHOOL ADDITION.....	6,529	6,529
RHINE ORDNANCE BARRACKS		
MEDICAL CENTER REPLACEMENT INCR 1.....	70,592	70,592
SPANGDAHLEM AB		
REPLACE BITBURG ELEMENTARY SCHOOL.....	41,876	41,876
REPLACE BITBURG MIDDLE & HIGH SCHOOL.....	87,167	87,167
STUTTGART-PATCH BARRACKS		
DISA EUROPE FACILITY UPGRADES.....	2,434	2,434
GREENLAND		
AIR FORCE		
THULE AB		
DORMITORY (72 PN).....	28,000	28,000

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
GUAM		
NAVY		
JOINT REGION MARIANAS		
FINEGAYAN WATER UTILITIES.....	77,287	---
NORTH RAMP UTILITIES - ANDERSON AFB (INC).....	78,854	---
AIR FORCE		
JOINT REGION MARIANAS		
AIR FREIGHT TERMINAL COMPLEX.....	35,000	35,000
GUAM STRIKE CLEAR WATER RINSE FACILITY.....	7,500	7,500
GUAM STRIKE CONVENTIONAL MUNITIONS MAINTENANC.....	11,700	11,700
GUAM STRIKE FUEL SYSTEMS MAINTENANCE HANGAR.....	128,000	84,000
PRTC COMBAT COMMUNICATIONS COMBAT SUPPORT.....	9,800	9,800
PRTC COMBAT COMMUNICATIONS TRANSMISSION SYST.....	5,800	5,800
PRTC RED HORSE CANTONMENT OPERATIONS FACILITY.....	14,000	14,000
HONDURAS		
ARMY		
SOFO CANO AB		
BARRACKS.....	25,000	---
ITALY		
AIR FORCE		
SIGONELLA		
UAS SATCOM RELAY PADS AND FACILITY.....	15,000	15,000
DEFENSE-WIDE		
VICENZA		
REPLACE VICENZA HIGH SCHOOL.....	41,884	41,884
JAPAN		
DEFENSE-WIDE		
YOKOTA AB		
REPLACE TEMP CLASSRM/JOAN K. MENDEL ES.....	12,236	12,236
REPLACE YOKOTA HIGH SCHOOL.....	49,806	49,806
KOREA		
ARMY		
CAMP CARROLL		
BARRACKS.....	41,000	41,000
CAMP HENRY		
BARRACKS COMPLEX.....	48,000	48,000
AIR FORCE		
OSAN AB		
DORMITORY (156 RM).....	23,000	23,000
PUERTO RICO		
ARMY NATIONAL GUARD		
FORT BUCHANAN		
READINESS CENTER.....	57,000	57,000
QATAR		
AIR FORCE		
AL UDEID		
BLATCHFORD PRESTON COMPLEX, PHASE IV.....	37,000	---
UNITED KINGDOM		
DEFENSE-WIDE		
MENWITH HILL STATION		
MHS PSC CONSTRUCTION GENERATOR PLANT.....	88,601	88,601
ROYAL AIR FORCE ALCONBURY		
REPLACE ALCONBURY HIGH SCHOOL.....	35,030	35,030
NATO SECURITY INVESTMENT PROGRAM.....	272,811	247,611
WORLDWIDE UNSPECIFIED		
ARMY		
HOST NATION SUPPORT.....	25,500	25,500

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
MINOR CONSTRUCTION .....	20,000	20,000
PLANNING AND DESIGN .....	229,741	229,741
RESCISSION .....	---	-100,000
NAVY		
PLANNING AND DESIGN .....	84,362	84,362
MINOR CONSTRUCTION .....	21,495	21,495
RESCISSION .....	---	-25,000
AIR FORCE		
PLANNING AND DESIGN .....	81,913	81,913
MINOR CONSTRUCTION .....	20,000	20,000
RESCISSION .....	---	-32,000
DEFENSE-WIDE		
CONTINGENCY CONSTRUCTION .....	10,000	10,000
ENERGY CONSERVATION INVESTMENT PROGRAM .....	135,000	135,000
RESCISSION .....	---	-131,400
PLANNING AND DESIGN		
DEFENSE FINANCE AND ACCOUNTING SERVICE .....	1,993	1,993
DEPARTMENT OF DEFENSE DEPENDENT EDUCATION .....	66,974	66,974
ENERGY CONSERVATION INVESTMENT PROGRAM .....	---	10,000
NATIONAL SECURITY AGENCY .....	52,974	28,974
SPECIAL OPERATIONS COMMAND .....	31,468	31,468
TRICARE MANAGEMENT ACTIVITY .....	227,498	227,498
WASHINGTON HEADQUARTERS SERVICE .....	5,277	5,277
MISSILE DEFENSE AGENCY .....	8,368	8,368
DEFENSE INFORMATION SYSTEMS AGENCY .....	8,000	8,000
DEFENSE INTELLIGENCE AGENCY .....	3,043	3,043
DEFENSE LOGISTICS AGENCY .....	3,000	3,000
DEFENSE LEVEL ACTIVITIES .....	48,007	38,007
SUBTOTAL, PLANNING AND DESIGN .....	454,602	430,602
UNSPECIFIED MINOR CONSTRUCTION		
DEFENSE LOGISTICS AGENCY .....	6,571	6,571
NATIONAL SECURITY AGENCY .....	8,365	---
JOINT CHIEFS OF STAFF .....	8,417	8,417
SPECIAL OPERATIONS COMMAND .....	8,876	8,876
TRICARE MANAGEMENT ACTIVITY .....	6,100	6,100
DEFENSE LEVEL ACTIVITIES .....	3,000	3,000
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION .....	39,329	32,964
ARMY NATIONAL GUARD		
PLANNING AND DESIGN .....	20,671	20,671
MINOR CONSTRUCTION .....	11,700	11,700
AIR NATIONAL GUARD		
PLANNING AND DESIGN .....	9,000	12,225
MINOR CONSTRUCTION .....	12,225	9,000
ARMY RESERVE		
PLANNING AND DESIGN .....	28,924	28,924
MINOR CONSTRUCTION .....	2,925	2,925
NAVY RESERVE		
PLANNING AND DESIGN .....	2,591	2,591
MINOR CONSTRUCTION .....	2,000	2,000
AIR FORCE RESERVE		
PLANNING AND DESIGN .....	2,200	2,200
MINOR CONSTRUCTION .....	5,434	5,434

MILITARY CONSTRUCTION (AMOUNTS IN THOUSANDS)		
	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, ARMY		
BELGIUM		
BRUSSELS		
LAND PURCHASE FOR GFOQ (10 ACRES).....	10,000	---
GERMANY		
GRAFENWOEHR		
FAMILY HOUSING NEW CONSTRUCTION (26 UNITS).....	13,000	13,000
ILLESHEIM		
FAMILY HOUSING REPLACEMENT CONSTRUCTION (80 UNITS)	41,000	41,000
VILSECK		
FAMILY HOUSING NEW CONSTRUCTION (22 UNITS).....	12,000	12,000
CONSTRUCTION IMPROVEMENTS (276 UNITS).....	103,000	103,000
PLANNING AND DESIGN.....	7,897	7,897
SUBTOTAL, CONSTRUCTION.....	186,897	176,897
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT.....	73,637	73,637
SERVICES ACCOUNT.....	15,797	15,797
MANAGEMENT ACCOUNT.....	54,728	54,728
MISCELLANEOUS ACCOUNT.....	605	605
FURNISHINGS ACCOUNT.....	14,256	14,256
LEASING.....	204,426	204,426
MAINTENANCE OF REAL PROPERTY.....	105,868	104,288
PRIVATIZATION SUPPORT COSTS.....	25,741	25,741
SUBTOTAL, OPERATION AND MAINTENANCE.....	494,858	493,458
FAMILY HOUSING, NAVY AND MARINE CORPS		
CONSTRUCTION IMPROVEMENTS.....	97,773	97,773
PLANNING AND DESIGN.....	3,199	3,199
SUBTOTAL, CONSTRUCTION.....	100,972	100,972
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT.....	70,197	70,197
SERVICES ACCOUNT.....	14,510	14,510
MANAGEMENT ACCOUNT.....	61,090	61,090
MISCELLANEOUS ACCOUNT.....	476	476
FURNISHINGS ACCOUNT.....	15,979	15,979
LEASING.....	79,798	79,798
MAINTENANCE OF REAL PROPERTY.....	97,231	97,231
PRIVATIZATION SUPPORT COSTS.....	28,582	28,582
SUBTOTAL, OPERATION AND MAINTENANCE.....	367,863	367,863
FAMILY HOUSING, AIR FORCE		
CONSTRUCTION IMPROVEMENTS.....	80,596	55,834
PLANNING AND DESIGN.....	4,208	4,208
SUBTOTAL, CONSTRUCTION.....	84,804	60,042
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT.....	67,639	76,131
MANAGEMENT ACCOUNT.....	57,391	57,391
SERVICES ACCOUNT.....	13,875	15,805
FURNISHINGS ACCOUNT.....	35,290	35,490
MISCELLANEOUS ACCOUNT.....	2,165	2,165
LEASING.....	80,897	80,897
MAINTENANCE.....	100,133	114,073
PRIVATIZATION SUPPORT COSTS.....	47,571	47,571
SUBTOTAL, OPERATION AND MAINTENANCE.....	404,761	429,523

MILITARY CONSTRUCTION  
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
-----		
FAMILY HOUSING, DEFENSE-WIDE		
OPERATION AND MAINTENANCE		
NATIONAL SECURITY AGENCY		
UTILITIES .....	10	10
FURNISHING .....	70	70
LEASING .....	10,100	10,100
MAINTENANCE OF REAL PROPERTY .....	70	70
DEFENSE INTELLIGENCE AGENCY		
FURNISHINGS .....	2,699	2,699
LEASING .....	36,552	36,552
DEFENSE LOGISTICS AGENCY		
UTILITIES .....	280	280
FURNISHINGS .....	19	19
SERVICES .....	30	30
MANAGEMENT .....	347	347
MAINTENANCE OF REAL PROPERTY .....	546	546
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SUBTOTAL, OPERATION AND MAINTENANCE .....	50,723	50,723
DDO FAMILY HOUSING IMPROVEMENT FUND .....	2,184	2,184
HOMEOWNERS ASSISTANCE PROGRAM .....	1,284	1,284
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BASE REALIGNMENT AND CLOSURE		
BASE REALIGNMENT AND CLOSURE ACCOUNT, 1990 .....	323,543	323,543
BASE REALIGNMENT AND CLOSURE ACCOUNT, 2005 .....	258,776	258,776
RESCISSION .....	---	-258,776
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SUBTOTAL, BRAC .....	582,319	323,543



## TITLE II

DEPARTMENT OF VETERANS AFFAIRS  
VETERANS BENEFITS ADMINISTRATION  
COMPENSATION AND PENSIONS

The conference agreement appropriates \$51,237,567,000 for Compensation and Pensions instead of \$58,067,319,000 as proposed by both the House and the Senate. The agreement reflects new estimates provided in the Administration's mid-session review. Of the amount provided, not more than \$32,187,000 is to be transferred to General Operating Expenses, Veterans Benefits Administration, Medical Support and Compliance, and Information Technology Systems for reimbursement of necessary expenses in implementing provisions of title 38, as proposed by both the House and the Senate.

## READJUSTMENT BENEFITS

The conference agreement appropriates \$12,108,488,000 for Readjustment Benefits instead of \$11,011,086,000 as proposed by both the House and the Senate. The agreement reflects new estimates provided in the Administration's mid-session review.

VETERANS INSURANCE AND  
INDEMNITIES

The conference agreement appropriates \$100,252,000 for Veterans Insurance and Indemnities as proposed by both the House and the Senate.

VETERANS HOUSING BENEFIT PROGRAM  
FUND

The conference agreement appropriates such sums as may be necessary for costs associated with direct and guaranteed loans for the Veterans Housing Benefit Program Fund, as proposed by both the House and the Senate. The agreement limits obligations for direct loans to not more than \$500,000 and provides that \$154,698,000 shall be available for administrative expenses, as proposed by both the House and the Senate.

VOCATIONAL REHABILITATION LOANS  
PROGRAM ACCOUNT

The conference agreement appropriates \$19,000 for the cost of direct loans from the Vocational Rehabilitation Loans Program Account, plus \$343,000 to be paid to the appropriation for General Operating Expenses, Veterans Benefits Administration, as proposed by both the House and the Senate. The agreement provides for a direct loan limitation of \$3,019,000 as proposed by both the House and the Senate.

NATIVE AMERICAN VETERAN HOUSING  
LOAN PROGRAM ACCOUNT

The conference agreement appropriates \$1,116,000 for administrative expenses of the Native American Veteran Housing Loan Program Account as proposed by both the House and the Senate.

VETERANS HEALTH ADMINISTRATION  
AREAS OF INTEREST

*Rural access.* The conferees are deeply concerned about the difficulties veterans in rural areas face in finding appropriate and accessible Department of Veterans Affairs (VA) health care. As identified in the House and Senate reports, the conferees urge the VA to focus on infrastructure improvements at small and mid-sized medical centers, to consider offering mobile health services, to promulgate regulations allowing veterans service organizations to provide better transportation options for rural veterans, and to partner with State and local organizations to identify veterans in rural and highly rural areas. The conferees also expect to see a long-range strategic plan for the Office of

Rural Health, as well as that Office's response to recommendations in the Inspector General's April 2011 report. The conferees emphasize that all reports on rural access issues requested by either the House or Senate are required to be submitted to the Committees on Appropriations of the House of Representatives and the Senate ("Committees") 90 days after enactment of this Act, as described in the first section of this explanatory statement. In addition to the strategic plan, the conferees strongly urge the Department to improve the accessibility, efficiency, and effectiveness of rural healthcare by detailing options available for veterans who need to access healthcare from facilities which are "split campus" models where outpatient care and specialty services are not collocated.

*Licensing.* The conferees urge the Department of Defense (DOD) and the VA to examine ways to eliminate duplicative licensing requirements as described in Senate Report 112-29.

## MEDICAL SERVICES

The conference agreement appropriates \$41,354,000,000 in advance for fiscal year 2013 for Medical Services, as proposed by both the House and the Senate. The agreement does not extend the availability of any of this funding until September 30, 2014, as proposed by the House. The conferees do not include the language proposed by the House limiting the use of \$664,000,000 of fiscal year 2012 medical services funding to the fourth quarter and only once approval is obtained from the Committees.

The conference agreement fully funds the family caregivers program at the request level of \$248,000,000 for fiscal year 2013. The conferees urge the VA to ensure that the caregivers program remains a top priority.

The conference agreement provides sufficient resources to fully implement VA homeless assistance programs, including the providers grant and per diem, domiciliary care for homeless veterans, and the HUD-VA supported housing program. In particular, the conferees urge the VA to focus on homeless veterans living in rural and highly rural areas.

The conferees concur with the direction of the House regarding an annual report detailing the distribution of medical services funding among the Veterans Integrated Service Networks, central headquarters, and medical centers.

The conferees concur with the House report language directing the VA not to convert dialysis service from contract-provided care to in-house care until after completion and evaluation of its pilot demonstration. The conferees include an exception to this directive if there are any locations where it would result in a diminution of clinical care.

The conferees urge the VA to continue implementation of the Integrated Mental Health Strategy.

The conferees note that VA HIV testing rates significantly improved at VA facilities which used a clinical reminder to prompt routine HIV testing. The conferees urge the VA to employ HIV testing clinical reminders at all VA medical centers to accelerate the implementation of routine HIV testing, consistent with VHA Directive 2009-036. The conferees also encourage the VA to continue to award laboratory and clinical grants to implement routine HIV testing.

## MEDICAL SUPPORT AND COMPLIANCE

The conference agreement appropriates \$5,746,000,000 in advance for fiscal year 2013 for Medical Support and Compliance, as pro-

posed by both the House and the Senate. The agreement does not extend the availability of any of this funding until September 30, 2014, as proposed by the House.

## MEDICAL FACILITIES

The conference agreement appropriates \$5,441,000,000 in advance for fiscal year 2013 for Medical Facilities, as proposed by both the House and the Senate. The agreement does not extend the availability of any of this funding until September 30, 2014, as proposed by the House. The conferees urge the Department to submit an additional fiscal year 2013 budget request for Medical Facilities with the submission of the 2013 budget to address the need for increased non-recurring maintenance funding. Additionally, the conferees direct the Department to submit no later than April 6, 2012, a comprehensive list by location of all established multi-specialty outpatient clinics and any proposed to be opened in fiscal year 2012.

## MEDICAL AND PROSTHETIC RESEARCH

The conference agreement appropriates \$581,000,000 for Medical and Prosthetic Research as proposed by the Senate instead of \$530,774,000 as proposed by the House.

The conferees continue to support the development of advanced prosthetic devices and direct that, no later than 90 days after the enactment of this Act, the Secretary, in coordination with the Defense Advanced Research Projects Agency, shall submit to the Committees on Appropriations, the Committees on Veterans Affairs, and the Committees on Armed Services of both Houses of Congress a report on the Department's plans to make the next generation of advanced prosthetics available for injured veterans and members of the Armed Forces. The report shall include the strategic plan and timetable to make the next generation prosthetic devices available and a description of the challenges (both technical and administrative) that could impact the schedule, as well as the Department's plans to mitigate these challenges.

## NATIONAL CEMETERY ADMINISTRATION

The conference agreement appropriates \$250,934,000 for the National Cemetery Administration (NCA) as proposed by both the House and the Senate. Of the amount provided, \$25,100,000 is available until September 30, 2013, as proposed by both the House and the Senate.

The conferees are concerned that the NCA has failed to adequately serve the burial needs the nation's veterans in rural areas. The NCA fiscal year 2012 budget submission acknowledges that 10 percent of all veterans will not have access to a burial option in a national, State or tribal cemetery. The majority of these underserved veterans live in rural areas, and the conferees are concerned that the NCA's Urban Initiative will exacerbate the disparity of burial services between urban and rural veterans. The conferees have included a provision in the bill prohibiting funds from being used to expand the Urban Initiative beyond the sites already outlined in the budget until the NCA submits to the Committees a detailed strategy to meet the burial needs of veterans residing in rural and highly rural areas. The report shall include a timeline for implementation of such a strategy and cost estimates of establishing new burial sites in at least five rural or highly rural locations. This report shall be submitted no later than February 6, 2012.

In the short term, because the Secretary has the authority to waive Department guidance establishing a population threshold for creating national cemeteries, the conferees

urge the Secretary to use this waiver authority to address the pressing needs for access to VA cemeteries in some rural areas.

DEPARTMENTAL ADMINISTRATION  
GENERAL ADMINISTRATION  
(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates \$416,737,000 for General Administration, instead of \$400,500,000 as proposed by the House and \$431,257,000 as proposed by the Senate. Of the amount provided, \$20,837,000 is available for obligation until September 30, 2013, instead of \$22,144,000 as proposed by the House and \$21,562,000 as proposed by the Senate. The conference agreement includes bill language permitting the transfer of funds from this account to "General Operating Expenses, Veterans Benefits Administration", as proposed by both the House and Senate. Bill language is not included to identify specific resources to improve acquisition workforce capacity. The House and Senate had included such language, but with different funding amounts.

The Administration's budget request proposed that funding for administrative expenses associated with executive offices be included in a single account with the general operating expenses of the Veterans Benefits Administration. The conference agreement includes funding for these two distinct functions in two separate accounts: General operating expenses, Veterans Benefits Administration; and General administration, as proposed by both the House and Senate. The conferees believe that differences in the mission and purpose of the Department's executive offices and the Veterans Benefits Administration justify providing funding in two separate accounts. Further, separating these two broad categories will provide the Congress with greater visibility of budgetary resources and oversight of expenditures for these two vital missions.

The conference agreement includes the following funding levels:

[In thousands of dollars]			
Office	House	Senate	Conference
The Secretary .....	9,270	10,104	10,085
Board of Veterans Appeals .....	78,273	78,006	78,006
General Counsel .....	80,778	84,073	83,099
Management .....	43,956	45,686	45,598
Human Resources .....	68,590	70,516	70,379
Policy and Planning .....	26,015	26,127	26,015
Operations Security and Prep ..	16,746	19,543	18,510
Public and Intergovernmental Affairs .....	22,079	23,330	23,286
Cong and Legislative Affairs ..	6,065	6,065	6,053
Acquisition, Logistics and Construction .....	70,728	67,807	55,706
Undistributed .....	-22,000	.....	.....
Total .....	400,500	431,257	416,737

The total for the Office of the General Counsel includes \$1,889,000 for staffing to speed the appeals process and regulation promulgation, as requested by the Administration and proposed by the Senate. The House had no similar provision.

Within the total for the Office of Management, the conference agreement provides \$1,600,000 to conduct audits of the Veterans Health Administration Fee Care program, as requested by the Administration and proposed by the Senate. The House did not include a similar provision. The conferees concur in the Fee Care report requirement proposed by the Senate and expect the report to be submitted within 90 days of enactment of this Act.

The conferees provide \$1,900,000 within the Office of Operations, Security and Preparedness to implement the Homeland Security Presidential Directive 12 mandate. The Senate provided \$2,900,000 for this activity, as

proposed in the Administration request; the House did not provide specific funding. The agreement also provides \$705,000 to activate the Integrated Operations Center and the Capital Region Readiness Center, as requested by the Administration and proposed by the Senate. The House did not include a similar provision.

The conference agreement provides \$1,150,000 within the Office of Public and Intergovernmental Affairs for the tribal government outreach and new media offices, as requested by the Administration and proposed by the Senate. The House did not include similar provisions.

The conference agreement provides \$5,000,000 within the Office of Acquisition, Logistics, and Construction for the 2012 President's acquisition initiative and the facilities management transformation. The House provided \$20,000,000 for these activities; the Senate provided \$17,000,000.

The conferees require the VA to include in budget justification documents each year a detailed summary of the marketing campaign budget, as proposed in the House report. The Senate report did not include a similar requirement.

The conferees concur in the Senate report directive requiring a report on adopting payment recapture audits, with the report to be submitted within 90 days of enactment of this Act.

GENERAL OPERATING EXPENSES,  
VETERANS BENEFITS ADMINISTRATION

The conference agreement appropriates \$2,018,764,000 for General Operating Expenses, Veterans Benefits Administration, as proposed by the Senate instead of \$2,020,128,000, as proposed by the House. The agreement makes available not to exceed \$105,000,000 of this funding until the end of fiscal year 2013, as proposed by the Senate, instead of \$105,856,000 as proposed by the House. The conferees concur with Senate report language regarding Decision Review Officers.

INFORMATION TECHNOLOGY SYSTEMS

The conference agreement appropriates \$3,111,376,000 for Information Technology (IT) Systems instead of \$3,025,000,000 as proposed by the House and \$3,161,376,000 as proposed by the Senate. The agreement follows the Senate format of identifying separately in bill language the funding available for pay (\$915,000,000); operations and maintenance (\$1,616,018,000); and systems development, modernization, and enhancement (\$580,358,000). The Senate bill provided \$915,000,000 for pay; \$1,709,953,000 for operations and maintenance; and \$536,423,000 for development. The House provided all IT funding in one lump sum. The agreement also adopts the Senate proposal of making \$25,000,000 of pay funding available until the end of fiscal year 2013; \$110,000,000 of operations and maintenance funding available until the end of fiscal year 2013; and all IT systems development, modernization and enhancement funding available until the end of fiscal year 2013. The House proposed to make the entire IT appropriation available until the end of fiscal year 2013.

On May 2, 2011, the Secretary of Veterans Affairs and the Secretary of Defense entered into an agreement to implement an integrated electronic health record (iEHR) system rather than pursue separate strategies for modernizing the two existing health record systems. The conferees are encouraged by this agreement and believe that successful development and implementation is crucial for both Departments to continue to provide high-quality medical care in the 21st

century and to enhance seamless transition from active duty to the VA.

The conferees strongly encourage the Secretaries of the Department of Veterans Affairs and the Department of Defense to continue to work together throughout the development of this new system to ensure an unambiguous and unified message is clearly articulated to both Departments. It is imperative the new iEHR system be agreed to and driven by senior leadership at both Departments to ensure system development is on time and within budget.

Given that the two Departments entered into this agreement after the Administration had transmitted the fiscal year 2012 budget request to Congress, the VA has had to alter its original Information Technology budget submission to account for iEHR. According to the VA, the requirement for iEHR in fiscal year 2012 is \$100,000,000, which includes \$73,200,000 in development funds. The conference agreement fully funds this request and includes an updated development chart displaying the iEHR development requirement.

The conferees direct the Department of Veterans Affairs, in conjunction with the Department of Defense, to identify the timeframe for completion of an integrated electronic health record system and develop detailed benchmarks to track progress. Additionally, the conferees direct the Office of Information Technology to provide quarterly updates on the progress of this project to the Committees on Appropriations of both Houses of Congress.

The conference agreement includes language proposed in both the House and Senate bills requiring that no IT funding may be obligated until the VA submits to the Committees, and the Committees approve, an expenditure plan meeting the four criteria outlined. The conferees are disturbed that the VA has not complied with this language in previous years and expect prompt compliance in fiscal year 2012.

The conference agreement includes bill language proposed by the Senate but not the House prohibiting the obligation of IT development, modernization, and enhancement funding until the VA submits a certification of the amounts to be obligated, in part or in full, for each development project.

The conference agreement includes bill language proposed by the Senate but not the House permitting funding made available for the three IT subaccounts to be transferred among them after the VA requests and receives approval from the Committees.

The conferees include bill language making funds available for IT development, modernization, and enhancement for the projects and in the amounts specified in the following table:

INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS  
[In thousands of dollars]

Project	Conference agreement
Veterans Benefits Management System (VBMS):	
VBMS .....	88,870
Veterans Service Network (VETSNET) .....	17,843
Total VBMS Development .....	106,713
Virtual Lifetime Electronic Record (VLER):	
Memorial/Cemeterial Legacy Development .....	10,859
VISTA Web Performance and User Interface .....	600
Bidirectional Health Information Exchange .....	3,760
NHIN Gateway and Adaptor Development .....	8,435
Veteran Authorization and Policies Development .....	4,100
VLER Services .....	5,200
Warrior Support/Information Sharing Initiative Development .....	5,000
Warrior Support/VA-DOD Identity Repository Development .....	5,000
Warrior Support/Federal Case Management Tool .....	6,640

INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS—  
Continued  
(In thousands of dollars)

Project	Conference agreement
Total VLER Development .....	49,594
Access to Healthcare:	
Access IT-Program Management Office .....	1,000
Emergency Department Information System Development .....	7,400
Surgical Quality and Workflow Management Development .....	22,200
Veterans Benefits Handbook Development .....	6,000
TeleHealth .....	3,300
Bed Management Solution Development .....	3,900
National Utilization Management Integration Development .....	1,760
VPS Kiosk Development .....	1,799
Total Access to Healthcare .....	47,260
New Models of Care:	
Patient Centered Medical Home Proposed Initiatives Development .....	2,200
MyHealtheVet .....	2,410
Enterprise Web Applications .....	4,350
TeleHealth .....	10,700
Program Management Office .....	1,100
VISTA Imaging—Telemedicine Development .....	5,034
Woman's Health Proposed Projects Development .....	1,900
Total New Models of Care .....	27,694
Homelessness:	
Homelessness—At Risk Tracking .....	2,470
Homelessness Registries .....	2,250
Homelessness Case Management Development .....	150
Total Homelessness IT Development .....	4,870
Healthcare Efficiency:	
PMO Support .....	2,000
Total Healthcare Efficiency .....	2,000
Mental Health:	
Behavioral Health Lab Software Development .....	1,060
My Recovery Plan .....	2,130
Mental Health Systems Development .....	4,121
Total Mental Health IT Development .....	7,311
Other Development:	
Chapter 33 Development .....	52,000
Integrated Electronic Health Record Development .....	73,200
Health Management Platform Development .....	8,000
Revenue Improvements System Enhancements Development .....	1,091
Compensation and Pension Records Interface Development .....	1,091
Caregivers Development .....	8,000
International Classification of Diseases—10 Development .....	29,930
Health Provider Systems Development .....	4,000
VHA Research IT Support Development .....	16,755
Human Capital Development .....	1,800
Innovations .....	14,024
Integrated Operating Model .....	16,520
Strategic Capital Investment Planning Database Development .....	2,800
VA Learning Management Systems Development .....	3,650
Enterprise IT Support Development .....	2,930
Repositories Development .....	3,273
Standards and Terminology Services .....	1,091
Safety and Security Initiative .....	21,163
Enrollment System Modernization .....	3,323
Veterans Relationship Management Development .....	70,275
Total Other Development .....	334,916
Total Development .....	580,538

As proposed in the Senate bill, the conferees intend this table to serve as the Department's approved list of development projects; any requested changes are subject to reprogramming guidelines. The agreement does not include the House proposed bill language requiring the VA to submit to the Committees a reprogramming base letter by project within 30 days of enactment of this Act.

The conference agreement directs the Department to submit an expenditure plan to the Committees within 30 days of enactment of this Act as proposed by both the House and the Senate. This plan should be in the same format as the table above. The conferees also expect all future IT budget displays provided to the Committees to use this format.

The conferees concur in the Senate report language concerning metrics for evaluating the Veterans Benefits Management System pilot.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates \$112,391,000 for the Office of Inspector General as proposed by the Senate instead of \$109,391,000 as proposed by the House. Of the amount provided, \$6,000,000 is available for obligation until September 30, 2013, as proposed by the House instead of \$6,600,000 as proposed by the Senate.

#### CONSTRUCTION, MAJOR PROJECTS

The conference agreement appropriates \$589,604,000 for Construction, Major Projects as proposed by both the House and the Senate.

The agreement makes this funding available until expended, as proposed by the Senate, rather than with a limitation of five years as proposed by the House. The conferees are concerned about the very large unobligated balances that have built up in the major construction account and believe that the account's "no year" funding framework must be changed. In contrast, military construction funds provided in this bill are made available on a five-year basis. The Department of Defense (DOD) is able to manage these funds and construct its buildings in a timely way. The conferees understand that the VA will need to make process changes in planning, budgeting, and execution to make the DOD five-year obligation approach viable. The conferees direct the VA to develop a plan to transition to five-year availability of funds for both major and minor construction and deliver the plan to the Committees within 180 days of enactment of this Act. The plan should identify any legislative language needed to make the plan workable. The conferees' goal is to implement this plan when finalizing the fiscal year 2013 budget in the fall of 2012.

The conference agreement funds the following items as requested in the budget submission and as proposed by both the House and Senate:

Project	Conference agreement
Veterans Health Admin (VHA):	
New Orleans, LA new medical facility .....	\$60,000,000
Denver, CO new medical facility .....	42,000,000
San Juan, PR seismic corrections .....	100,720,000
St. Louis, MO medical facility improvements .....	80,000,000
Palo Alto, CA polytrauma/ambulatory care .....	75,900,000
Bay Pines, FL in-/outpatient improvements .....	43,970,000
Seattle, WA seismic deficiencies .....	47,500,000
Reno, NV expansion of clinical services .....	21,380,000
W. Los Angeles, CA new tower/renovation .....	50,790,000
San Francisco, CA seismic deficiencies .....	22,480,000
Advance Planning Fund .....	59,145,000
Asbestos .....	40,000,000
Facility Security .....	8,000,000
CFM Staff .....	24,200,000
Judgment Fund .....	5,000,000
Total VHA .....	681,085,000
National Cemetery Admin (NCA):	
National Memorial Cemetery of Pacific columbarium/administration .....	23,700,000
Advance Planning Fund .....	4,500,000
NCA Land Acquisition Fund .....	10,000,000
Total NCA .....	38,200,000
General Admin staff offices .....	6,000,000
Available from existing projects .....	(135,681,000)
Major construction total .....	589,604,000

The conferees direct the VA to submit a master plan at the time of the budget submission describing each major construction project included in the budget. The plan should include the projected time line for completion of each component of each of the projects and the annual and total cost of each project. The format of the DOD Form 1391 is a good model for the VA to use to describe clearly and completely the expected obligations for each project.

The conferees encourage the VA to examine its practices on rehabilitation and re-use of national landmarks within the VA infrastructure that are aging, outdated, or obsolete and report to the Committees on any actions taken or planned to be taken on these facilities.

#### CONSTRUCTION, MINOR PROJECTS

The conference agreement appropriates \$482,386,000 for Construction, Minor Projects, instead of \$475,091,000 as proposed by the House and \$550,091,000 as proposed by the Senate. The agreement makes this funding available until expended, as proposed by the Senate, rather than with a limitation of five years as proposed by the House. As indicated in the narrative for Construction, Major Projects, the VA is directed to develop a plan to transition to five-year availability of funds for both major and minor construction and deliver the plan to the Committees within 180 days of enactment of this Act.

As proposed by the Senate, the conferees direct the Department to provide to the Committees an expenditure plan for this account within 30 days of enactment of this Act. The House did not propose a similar requirement.

The conferees expect the fiscal year 2013 budget submission to include a separate list of all minor construction projects proposed to be funded in fiscal year 2013 in priority order, consistent with the integrated Strategic Capital Investment Plan.

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

The conference agreement appropriates \$85,000,000 for Grants for Construction of State Extended Care Facilities, as proposed by both the House and the Senate.

#### GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

The conference agreement appropriates \$46,000,000 for Grants for Construction of Veterans Cemeteries, as proposed by both the House and the Senate.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

The conference agreement includes section 201 as proposed by both the House and the Senate allowing for transfers among three mandatory accounts.

The conference agreement includes section 202 as proposed by both the House and the Senate allowing for the transfer of funds among the three medical accounts.

The conference agreement includes section 203 as proposed by both the House and the Senate allowing salaries and expenses funds to be used for related authorized purposes.

The conference agreement includes section 204 as proposed by both the House and the Senate restricting the use of funds for the acquisition of land.

The conference agreement includes section 205 as proposed by both the House and the Senate limiting the use of funds in the Medical Services account only for entitled beneficiaries unless reimbursement is made to the Department.

The conference agreement includes section 206 as proposed by both the House and the Senate allowing for the use of certain mandatory appropriations accounts for payment of prior year accrued obligations for those accounts.

The conference agreement includes section 207 as proposed by both the House and the Senate allowing the use of appropriations available in this title to pay prior year obligations.

The conference agreement includes section 208 as proposed by both the House and the Senate allowing the Department to use surplus earnings from the National Service Life Insurance Fund, the Veterans' Special Life Insurance Fund, and the United States Government Life Insurance Fund to administer these programs.

The conference agreement includes section 209 as proposed by both the House and the Senate allowing the Department to cover the administrative expenses of enhanced-use leases and provides authority to obligate these reimbursements in the year in which the proceeds are received.

The conference agreement includes section 210 as proposed by both the House and the Senate limiting the amount of reimbursement the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication can charge other offices of the Department for services provided.

The conference agreement includes section 211 as proposed by both the House and the Senate limiting the use of funds for any lease with an estimated annual rental cost of more than \$1,000,000 unless approved by the Committees on Appropriations of both Houses of Congress.

The conference agreement includes section 212 as proposed by both the House and the Senate requiring the Department to collect third-party payer information for persons treated for a non-service connected disability.

The conference agreement includes section 213 as proposed by both the House and the Senate allowing for the use of enhanced-use leasing revenues for Construction, Major Projects and Construction, Minor Projects.

The conference agreement includes section 214 as proposed by both the House and the Senate allowing Medical Services funds to be used for expenses related to the broader mission of medical care to veterans.

The conference agreement includes section 215 as proposed by both the House and the Senate allowing for funds deposited into the Medical Care Collections Fund to be transferred to the Medical Services account.

The conference agreement includes section 216 as proposed by both the House and the Senate which allows Alaskan veterans to use medical facilities of the Indian Health Service or tribal organizations.

The conference agreement includes section 217 as proposed by the Senate providing for the transfer of funds from the Department of Veterans Affairs Capital Asset Fund to the Construction, Major Projects and Construction, Minor Projects accounts and makes those funds available until expended. The House proposed that these funds be made available for five years.

The conference agreement includes section 218 as proposed by both the House and the Senate prohibiting the use of funds for any policy prohibiting the use of outreach or marketing to enroll new veterans.

The conference agreement includes section 219 as proposed by both the House and the Senate requiring the Secretary to submit quarterly reports on the financial status of the Veterans Health Administration.

The conference agreement includes section 220 as proposed by both the House and the Senate requiring the Department to notify and receive approval from the Committees of any proposed transfer of funding to or from the Information Technology Systems account.

The conference agreement includes section 221 as proposed by the Senate providing for

transfer of funds among development, modernization and enhancement projects or to newly identified projects within the Information Technology Systems account. The House proposed similar but more general language.

The conference agreement includes section 222 as proposed by the Senate prohibiting any funds to be used to contract out any function performed by more than ten employees without a fair competition process. The House did not propose a similar provision.

The conference agreement includes section 223 as proposed by both the House and the Senate limiting the obligation of non-recurring maintenance funds during the last two months of the fiscal year.

The conference agreement includes section 224 as proposed by both the House and the Senate providing up to \$241,666,000 for transfer to the joint DoD-VA Medical Facility Demonstration Fund.

The conference agreement includes section 225 as proposed by both the House and the Senate which authorizes transfers from the Medical Care Collections Fund to the joint DoD-VA Demonstration Fund.

The conference agreement includes section 226 as proposed by both the House and the Senate which transfers at least \$15,000,000 from VA medical accounts to the DoD-VA health care sharing incentive fund.

The conference agreement includes section 227 which is similar to a provision proposed by both the House and the Senate. It rescinds fiscal year 2012 medical account funding and re-appropriates it to be available for two years. The provision rescinds and re-appropriates \$1,400,000,000 for Medical Services, \$100,000,000 for Medical Support and Compliance, and \$250,000,000 for Medical Facilities. The House bill provided slightly different amounts.

The conference agreement includes section 228 as proposed by the Senate requiring that the Department notify the Committees of bid savings in major construction projects of at least \$5,000,000 or 5 percent within 14 days of a contract identifying the programmed amount. The House bill proposed similar language.

The conference agreement includes section 229 as proposed by both the House and the Senate which prohibits the VA from increasing the scope of work for a major construction project above the scope specified in the original budget request.

The conference agreement includes section 230 which is similar to a provision proposed by the House regarding VA provision of information about controlled substance prescriptions to State controlled substance monitoring programs. The Senate bill did not contain a similar provision.

The conference agreement does not include section 230 as proposed by the Senate, requiring the Secretary, in coordination with the Defense Advanced Research Projects Agency (DARPA), to submit a report on the next generation of advanced prosthetics. This issue is addressed under the Medical and Prosthetic Research account.

The conference agreement includes section 231 requiring the Secretary to report to the Committees each quarter about any single national outreach and awareness marketing campaign exceeding \$2,000,000. The House bill contained similar language. The Senate did not have a comparable provision.

The conference agreement includes, as VA administrative provision section 232, a general provision proposed by the House prohibiting the VA from using any funds to declare

as excess to the needs of the VA Federal land and improvements to the St. Albans campus in New York. The Senate bill did not include a similar provision.

The conference agreement includes, as VA administrative provision section 233, a general provision proposed by the House prohibiting the use of funds in the Act for any contract using procedures that do not give to small business concerns owned and controlled by veterans any preference with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans. The Senate bill did not include a similar provision.

The conference agreement includes section 234 extending the authorization for the VA office in the Philippines through December 31, 2012. Neither the House nor the Senate bill contained a comparable provision.

### TITLE III

#### RELATED AGENCIES

##### AMERICAN BATTLE MONUMENTS COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$61,100,000 for Salaries and Expenses of the American Battle Monuments Commission.

##### FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

The conference agreement includes such sums as necessary, estimated at \$16,000,000, for the Foreign Currency Fluctuations Account.

##### UNITED STATES COURT OF APPEALS

##### FOR VETERANS CLAIMS SALARIES AND EXPENSES

The conference agreement includes \$30,770,000 for Salaries and Expenses.

##### DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY SALARIES AND EXPENSES

The conference agreement includes \$45,800,000 for Salaries and Expenses.

*Information Technology.*—The conferees recognize the significant management and oversight improvements that have been made at Arlington National Cemetery over the past year, particularly efforts to improve the accuracy and reliability of burial and headstone records. The conferees also realize that the development of a robust information technology system is essential to this effort. To ensure that information technology development remains on track, the Executive Director of the Cemetery is directed to provide a report to Congress detailing the strategic plan and timetable for completing the modernization of the Cemetery's information technology system, including electronic burial records. The report should also include a description of improvements implemented to date, and identify any remaining information technology and systems infrastructure requirements. The report should be submitted to the following Committees of both Houses of Congress no later than 90 days after enactment of this Act: The Committees on Appropriations, Armed Services, Veterans Affairs, and the Senate Homeland Security and Governmental Affairs Committee.

##### ARMED FORCES RETIREMENT HOME TRUST FUND

The conference agreement includes \$67,700,000 for the Armed Forces Retirement Home, to be derived from the Trust Fund.

##### GENERAL FUND PAYMENT ARMED FORCES RETIREMENT HOME

The conference agreement includes \$14,630,000 for the Armed Forces Retirement

Home, to be derived from the General Treasury. The amount provided is to facilitate repairs at the Washington, DC, campus to correct damage sustained by an earthquake on August 23, 2011.

#### ADMINISTRATIVE PROVISION

The conference agreement does not include a Senate provision (Sec. 301) requiring a report on information technology modernization for Arlington National Cemetery. This issue is instead addressed elsewhere in this Statement of Managers.

#### TITLE IV

##### OVERSEAS CONTINGENCY OPERATIONS DEPARTMENT OF DEFENSE

The conference agreement includes a new title IV, Overseas Contingency Operations.

Title IV provides funding for certain military construction projects in the Central Command and Africa Command Areas of Responsibility that was requested in title I, Military Construction, in the budget submission. The conferees agree that the projects transferred to title IV are necessary to support the global war on terrorism and should be designated as overseas contingency operations functions.

#### MILITARY CONSTRUCTION, ARMY

The conference agreement appropriates \$80,000,000 for Military Construction, Army in this title instead of title I of this Act as proposed by both the House and Senate.

#### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conference agreement appropriates an additional \$189,703,000 for Military Construction, Navy and Marine Corps in this title instead of title I of this Act as proposed by both the House and Senate.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING RESCISSION OF FUNDS)

The conference agreement includes section 401 rescinding unobligated balances from title IV, Division E of Public Law 111-117 in the specific amount of \$269,703,000. The House and Senate bill included no similar provision.

OVERSEAS CONTINGENCY OPERATIONS  
(AMOUNTS IN THOUSANDS)

CONFERENCE  
AGREEMENT

TITLE IV	
FY 2012 OVERSEAS CONTINGENCY OPERATIONS	
AFGHANISTAN	
ARMY	
BAGRAM AIR BASE	
BARRACKS, PHASE 5.....	29,000
CONSTRUCT DRAINAGE SYSTEM, PHASE 3.....	31,000
ENTRY CONTROL POINT.....	20,000
BAHRAIN ISLAND	
NAVY	
SW ASIA	
BACHELOR ENLISTED QUARTERS.....	55,010
WATERFRONT DEVELOPMENT PHASE 4.....	45,194
DJIBOUTI	
NAVY	
CAMP LEMONIER	
AIRCRAFT LOGISTICS APRON.....	35,170
BACHELOR QUARTERS.....	43,529
TAXIWAY ENHANCEMENT.....	10,800
RESCISSION FROM TITLE IV, DIVISION E OF P. L. 111-117 ..	-269,703
TOTAL.....	---

Note: Funding for these projects was requested and is displayed in title I, Military Construction. The conference agreement provides the requested level of funding for these projects in title IV.

## TITLE V

## GENERAL PROVISIONS

Section 501 prohibits the obligation of funds in the Act beyond the current fiscal year unless expressly so provided.

Section 502 prohibits the use of the funds in this Act for programs, projects or activities not in compliance with Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

Section 503 requires pay raises to be absorbed within the levels appropriated in the Act.

Section 504 prohibits the use of funds in the Act to support or defeat legislation pending before Congress.

Section 505 encourages all Departments to expand their use of “E-Commerce”.

Section 506 specifies the Congressional Committees that are to receive all reports and notifications.

Section 507 prohibits the transfer of funds to any instrumentality of the United States Government without authority from an appropriations Act.

Section 508 prohibits the use of funds for a project or program named for a serving Member, Delegate, or Resident Commis-

sioner of the United States House of Representatives.

Section 509 requires all reports submitted to the Congress to be posted on official websites of the submitting agency.

Section 510 prohibits the use of funds to establish or maintain a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, except for law enforcement investigation, prosecution, or adjudication activities.

Section 511 prohibits the use of funds in this Act for the renovation, expansion, or construction of any facility in the continental United States for the purpose of housing any individual who has been detained at the United States Naval Station, Guantanamo Bay, Cuba.

Section 512 prohibits the use of funds for the payment of first-class travel by an employee of the executive branch.

Section 513 prohibits the use of funds in this Act for any contract where the contractor has not complied with E-Verify requirements.

The conference agreement includes a modified House provision, Section 514, which prohibits the use of funds in this Act for any contract, memorandum of understanding, or cooperative agreement with any corporation

convicted of a felony criminal violation within the preceding 24 months, where the awarding agency is aware of the conviction.

The conference agreement includes House provision 416 as an administrative provision under title II.

The conferees have not included a House provision, section 417 which prohibited funds for the enforcement of section 526 of the Energy Independence and Security Act of 2007. The conferees note that the enforcement of section 526 of the Energy Independence and Security Act of 2007 may lead to higher fuel costs for federal fleets in the absence of competitively priced new generation fuels that emit fewer emissions. In carrying out this statute, the Secretary of Defense and the Secretary of Veterans Affairs should work to ensure that costs associated with fuel purchases necessary to carry out the missions of their respective departments should be minimized to the extent possible under the law.

The conference agreement includes House provision 418 as an administrative provision under title II.

The conference agreement does not include House provision 419 which prohibited funds to be used in contravention of the War Powers Resolution.

**DIVISION H: MILITARY CONSTRUCTION - VETERANS AFFAIRS - AND RELATED AGENCIES APPROPRIATIONS ACT 2012**  
**HR 2055**  
**(Amounts in Thousands)**

(Amounts in Thousands)

TITLE I - DEPARTMENT OF DEFENSE				FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Military construction, Army</b>							
Rescission.....	3,780,023	3,235,991	3,006,491	-773,532			
	-263,000	---	---	+263,000			
<b>Total</b> .....	3,517,023	3,235,991	3,006,491	-510,532			
<b>Military construction, Navy and Marine Corps</b>							
Rescission.....	3,297,004	2,461,547	2,112,823	-1,184,181			
	-61,050	---	---	+61,050			
<b>Total</b> .....	3,235,954	2,461,547	2,112,823	-1,123,131			
<b>Military construction, Air Force</b>							
Rescission.....	1,104,781	1,364,858	1,227,058	+122,277			
	-121,700	---	---	+121,700			
<b>Total</b> .....	983,081	1,364,858	1,227,058	+243,977			
<b>Military construction, Defense-Wide</b>							
Rescission.....	2,867,316	3,848,757	3,431,957	+564,641			
	-148,500	---	---	+148,500			
<b>Total</b> .....	2,718,816	3,848,757	3,431,957	+713,141			
<b>Total, Active components</b> .....	10,454,874	10,911,153	9,778,329	-676,545			
<b>Military construction, Army National Guard</b>							
Rescission.....	871,917	773,592	773,592	-98,325			
	194,596	116,246	116,246	-78,350			
<b>Military construction, Army Reserve</b> .....	317,539	280,549	280,549	-36,990			



DIVISION H: MILITARY CONSTRUCTION - VETERANS AFFAIRS - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Military construction, Navy Reserve.....	61,434	26,299	26,299	-35,135
Military construction, Air Force Reserve.....	7,816	33,620	33,620	+25,804
Total, Reserve components.....	1,453,302	1,230,306	1,230,306	-222,996
Total, Military construction.....	11,908,176	12,141,459	11,008,635	-899,541
Appropriations.....	(12,502,426)	(12,141,459)	(11,008,635)	(-1,493,791)
Rescissions.....	(-594,250)	---	---	(+594,250)
Emergency appropriations.....	---	---	---	---
North Atlantic Treaty Organization Security Investment Program.....	258,366	272,611	247,611	-10,755
Family housing construction, Army.....	92,184	186,897	176,897	+84,713
Family housing operation and maintenance, Army.....	517,104	494,858	493,458	-23,646
Family housing construction, Navy and Marine Corps....	186,071	100,972	100,972	-85,099
Family housing operation and maintenance, Navy and Marine Corps.....	365,613	367,863	367,863	+2,250
Family housing construction, Air Force.....	77,869	84,804	60,042	-17,827
Family housing operation and maintenance, Air Force...	512,764	404,761	429,523	-83,241
Family housing construction, Defense-Wide.....	---	---	---	---
Family housing operation and maintenance, Defense-Wide	50,363	50,723	50,723	+360
Department of Defense Family Housing Improvement Fund.....	1,094	2,184	2,184	+1,090

DIVISION H: MILITARY CONSTRUCTION - VETERANS AFFAIRS - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
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	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Homeowners assistance fund.....	16,482	1,284	1,284
Total, Family housing.....	1,819,544	1,694,346	1,682,946
Appropriations.....	(1,819,544)	(1,694,346)	(1,682,946)
Rescissions.....	---	---	---
Emergency appropriations.....	---	---	---
Chemical demilitarization construction, Defense-Wide..	124,721	75,312	75,312
Base realignment and closure:			
Base realignment and closure account, 1990.....	359,753	323,543	323,543
Base realignment and closure account, 2005.....	2,349,576	258,776	258,776
Rescission.....	-232,363	---	---
Total.....	2,117,213	258,776	258,776
Total, Base realignment and closure.....	2,476,966	582,319	582,319
Rescission (Sec. 126):			
Base Realignment and Closure, 1990	---	---	---
Rescissions (Sec. 131):			
Military Construction, Army.....	---	---	-100,000
Military Construction, Navy and Marine Corps.....	---	---	-25,000
Military Construction, Air Force.....	---	---	-32,000
Military Construction, Defense-Wide.....	---	---	-131,400
Rescission (Sec. 132):			

DIVISION H: MILITARY CONSTRUCTION - VETERANS AFFAIRS - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
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	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Base Realignment and Closure, 2005.....	---	---	-258,776
Total, title I.....	16,587,773	14,766,047	13,049,647
Appropriations.....	(17,414,386)	(14,766,047)	(13,596,823)
Rescissions.....	(-826,613)	---	(-547,176)
	=====	=====	=====
			-258,776

TITLE II - DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Administration

Compensation and pensions.....	53,978,000	58,067,319	51,237,567	-2,740,433
Readjustment benefits.....	10,396,245	11,011,086	12,108,488	+1,712,243
Veterans insurance and indemnities.....	77,589	100,252	100,252	+22,663
Veterans housing benefit program fund (indefinite).....	19,078	318,612	318,612	+299,534
(Limitation on direct loans).....	(500)	(500)	(500)	---
Credit subsidy.....	-165,000	---	---	+165,000
Administrative expenses.....	164,752	154,698	154,698	-10,054
Guaranteed Transitional Housing Loans for Homeless Veterans.....	(750)	---	---	(-750)
Vocational rehabilitation loans program account.....	29	19	19	-10
(Limitation on direct loans).....	(2,298)	(3,019)	(3,019)	(+721)
Administrative expenses.....	328	343	343	+15

DIVISION H: MILITARY CONSTRUCTION - VETERANS AFFAIRS - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Native American veteran housing loan program account..	662	1,116	1,116	+454
Total, Veterans Benefits Administration.....	64,471,683	69,653,445	63,921,095	-550,588
Veterans Health Administration				
Medical services:				
Advance from prior year.....	(37,061,728)	(39,649,985)	(39,649,985)	(+2,588,257)
Advance appropriation, FY 2013.....	39,649,985	41,354,000	41,354,000	+1,704,015
Subtotal.....	39,649,985	41,354,000	41,354,000	+1,704,015
Medical support and compliance:				
Advance from prior year.....	(5,296,454)	(5,535,000)	(5,535,000)	(+238,546)
Fiscal year 2011 payraise rescission.....	(-34,000)	---	---	(+34,000)
Advance appropriation, FY 2013.....	5,535,000	5,746,000	5,746,000	+211,000
Subtotal.....	5,535,000	5,746,000	5,746,000	+211,000
Medical facilities:				
Advance from prior year.....	(5,728,550)	(5,426,000)	(5,426,000)	(-302,550)
Fiscal year 2011 payraise rescission.....	(-15,000)	---	---	(+15,000)
Advance appropriation, FY 2013.....	5,426,000	5,441,000	5,441,000	+15,000
Subtotal.....	5,426,000	5,441,000	5,441,000	+15,000
Medical and prosthetic research.....	579,838	508,774	581,000	+1,162

DIVISION H: MILITARY CONSTRUCTION - VETERANS AFFAIRS - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
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	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>Medical care cost recovery collections:</b>			
Offsetting collections.....	-3,393,000	-3,326,000	+67,000
Appropriations (indefinite).....	3,393,000	3,326,000	-67,000
<b>Total, Veterans Health Administration.....</b>	<b>51,141,823</b>	<b>53,049,774</b>	<b>+1,980,177</b>
Appropriations.....	(579,838)	(508,774)	(581,000)
Emergency appropriations.....	---	---	---
Rescissions.....	---	---	---
Advance from prior year.....	-49,000	---	+49,000
Advance appropriations, FY 2013.....	(48,086,732)	(50,610,985)	(+2,524,253)
	(50,610,985)	(52,541,000)	(+1,930,015)
<b>National Cemetery Administration</b>			
National Cemetery Administration.....	249,500	250,934	+1,434
<b>Departmental Administration</b>			
General operating expenses.....	2,529,207	2,466,989	-62,218
General administration.....	---	---	---
General operating expenses, VBA.....	---	---	---
Information technology systems.....	3,140,604	3,161,376	+20,772
Rescission.....	-147,000	---	+147,000
Office of Inspector General.....	108,782	109,391	+609
Construction, major projects.....	1,148,734	589,604	-559,130
Rescission.....	-75,000	---	+75,000
Construction, minor projects.....	466,765	550,091	+83,326
Grants for construction of State extended care facilities.....	84,830	85,000	+170

DIVISION H: MILITARY CONSTRUCTION - VETERANS AFFAIRS - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Grants for the construction of veterans cemeteries....	45,908	46,000	46,000	+92
Total, Departmental Administration.....	7,302,830	7,008,451	6,862,258	-440,572
Appropriations.....	(7,524,830)	(7,008,451)	(6,862,258)	(-662,572)
Rescissions.....	(-222,000)	---	---	(+222,000)
Medical Care - Section 225 (Rescission).....	---	-713,000	---	---
Medical Care - Section 226.....	---	953,000	---	---
Total, title II.....	123,165,836	130,202,604	124,156,287	+990,451
Appropriations.....	(72,825,851)	(78,374,604)	(71,615,287)	(-1,210,564)
Emergency appropriations.....	---	---	---	---
Rescissions.....	(-271,000)	(-713,000)	---	(+271,000)
Advance from prior year.....	(48,086,732)	(50,610,985)	(50,610,985)	(+2,524,253)
Advance appropriations, FY 2013.....	(50,610,985)	(52,541,000)	(52,541,000)	(+1,930,015)
(Limitation on direct loans).....	(2,798)	(3,519)	(3,519)	(+721)
Discretionary.....	(58,859,924)	(60,705,335)	(60,391,368)	(+1,531,444)
Mandatory.....	(64,305,912)	(69,497,269)	(63,764,919)	(-540,993)

TITLE III - RELATED AGENCIES

American Battle Monuments Commission

Salaries and expenses.....	64,072	61,100	61,100	-2,972
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DIVISION H: MILITARY CONSTRUCTION - VETERANS AFFAIRS - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
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	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Foreign currency fluctuations account.....	20,168	16,000	16,000
Total, American Battle Monuments Commission.....	84,240	77,100	77,100
U.S. Court of Appeals for Veterans Claims			
Salaries and expenses.....	27,560	55,770	30,770
Department of Defense - Civil			
Cemeterial Expenses, Army			
Salaries and expenses.....	45,010	45,800	45,800
Armed Forces Retirement Home - Trust Fund			
Operation and maintenance.....	69,058	65,700	65,700
Capital program.....	2,000	2,000	2,000
Armed Forces Retirement Home - General Fund			
Capital program.....	---	---	14,630
Total, Armed Forces Retirement Home.....	71,058	67,700	82,330
Total, title III.....	227,868	246,370	236,000
			+8,132

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE IV - OVERSEAS CONTINGENCY OPERATIONS				
Military Construction, Army.....	981,346	---	80,000	-901,346
Military Construction, Navy and Marine Corps.....	---	---	189,703	+189,703
Military Construction, Air Force.....	195,006	---	---	-195,006
Military Construction, Defense-Wide.....	46,500	---	---	-46,500
Rescission from Title IV, Division E of P.L. 111-117..	---	---	-269,703	-269,703
Total, title IV.....	1,222,852	---	---	-1,222,852
Grand total.....				
Appropriations.....	141,204,329	145,215,021	137,441,934	-3,762,395
Rescissions.....	(90,468,105)	(93,387,021)	(85,448,110)	(-5,019,995)
Emergency appropriations.....	(-1,097,613)	(-713,000)	(-547,176)	(+550,437)
Rescission of emergency funding.....	---	---	---	---
Advance from prior year.....	(48,086,732)	(50,610,985)	(50,610,985)	(+2,524,253)
Advance appropriations, FY 2013.....	(50,610,985)	(52,541,000)	(52,541,000)	(+1,930,015)
Overseas contingency operations.....	(1,222,852)	---	---	(-1,222,852)
(By transfer).....	---	---	---	---
(Limitation on direct loans).....	(2,798)	(3,519)	(3,519)	(+721)



DIVISION I—DEPARTMENT OF STATE,  
FOREIGN OPERATIONS, AND RELATED  
PROGRAMS APPROPRIATIONS ACT, 2012

In implementing this conference agreement, the departments and agencies shall comply with the Senate report (S. Rept. 112-85) accompanying S. 1601 as though stated in this joint explanatory statement unless specifically directed to the contrary. Matters addressed in the report of the House Subcommittee on State, Foreign Operations, and Related Programs (Full Committee Print, circulated on July 29, 2011) are restated in this joint explanatory statement where the conferees concur.

TITLE I

DEPARTMENT OF STATE AND RELATED  
AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$6,550,947,000 for Diplomatic and Consular Programs (D&CP), of which up to \$1,355,000,000 is for Worldwide Security Protection. The conference agreement provides an additional \$4,389,064,000 in title VIII under this heading, which is designated for Overseas Contingency Operations/Global War on Terrorism (OCO/GWOT) pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

Within the total provided under this heading, the conference agreement includes:

- \$2,277,862,000 for Human Resources (of which \$121,814,000 is for public diplomacy);
- \$2,109,293,000 for Overseas Programs (of which \$347,572,000 is for public diplomacy);
- \$822,513,000 for Diplomatic Policy and Support; and
- \$1,341,279,000 for security programs.

The conference agreement does not include funding for the 185 new positions requested in fiscal year 2012. The conference agreement assumes continuation of the pay freeze in fiscal year 2012 for all Department of State employees, including Foreign Service Officers.

The conference agreement includes language amending the heading "Civilian Stabilization Initiative" included in prior acts to "Conflict Stabilization Operations" (CSO) and provides transfer authority of up to \$35,000,000 of the funds appropriated under this heading to funds made available under the CSO heading. The conference agreement provides an additional \$8,500,000 in title VIII under the CSO heading, which is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. The conferees remain concerned with CSO's limited activities, specifically the minor role it has played in response to the earthquake in Haiti and the revolution in Libya. The conferees will further assess the performance of the CSO during fiscal year 2012.

The conferees request the Secretary of State to be prepared to report to the Committees on Appropriations in hearings on the fiscal year 2013 budget on the use of the Secretary's authority to determine whether an American citizen has voluntarily renounced United States citizenship as a result of engaging in activities with a Foreign Terrorist Organization.

The conferees recognize that B-1 and B-2 visitor visa applications in some countries, such as the People's Republic of China (PRC) and Brazil, are significantly and rapidly increasing. The number of visa applications increased 53 percent in Brazil and 64 percent in

the PRC from fiscal year 2010 to fiscal year 2011, resulting in increased delays in interviewing applicants and longer approval times. The Department of State is taking steps to reduce the wait time but more needs to be done. Section 7076 of this Act directs the Secretary of State to take steps to reduce delays in processing tourist visas in the PRC, Brazil, and India, and to consider extending the expiration period for B-1 and B-2 visas for applicants before requiring a consular officer interview. The conferees recognize that wait times for interviews can fluctuate due to unforeseen circumstances, including assisting United States citizens abroad during an emergency, but expect the Department to continue to implement steps to minimize wait times. The conferees expect the Secretary of State to determine the appropriate extension beyond the current one-year limit in a manner consistent with security controls. The conference agreement also permits the Secretary to conduct a pilot program for processing tourist visas via secure remote videoconferencing technology if doing so would not pose a security risk.

The conferees direct the Secretary of State to report to the Committees on Appropriations, not later than 90 days after enactment of this Act, on steps taken to reduce visa processing wait times; the Department of State's 5-year forecast of non-immigrant visas for each country; the number of consular officers necessary to meet the Department's standards; a comparison of the Department's forecast with the Department of Commerce's 5-year visitor arrival projections; and the impact of the different projections on visa processing times and the required number of consular officers.

The conferees direct the Secretary of State to provide to the Committees on Appropriations, not later than 90 days after the end of any videoconference pilot program, an assessment of the efficacy, efficiency, and security of this technology for conducting visa interviews.

The conferees endorse Senate report language regarding the Coordinator for Cyber Issues, and recommend \$1,000,000, in addition to funds otherwise made available for such purposes, for operations and programs under the Coordinator's authority. The conferees recommend that the fiscal year 2013 congressional budget justification materials include a request for program funds under the Coordinator's authority in the accounts included in title III of this Act.

The conferees urge the Department of State to examine alternative approaches to furnishing residences for Foreign Service Officers posted overseas, including consideration of options for substantially reducing costs and delivery times and increasing available choices.

The conferees are concerned with the unnecessary idling of parked motor vehicles that is wasteful and harms the environment. The conferees direct that, not later than 90 days after enactment of this Act, the Secretary of State, in consultation with the head of each United States Government agency that uses funds appropriated by this Act to purchase or lease motor vehicles, shall establish a policy to eliminate the unnecessary idling of parked motor vehicles and provide a copy of such policy to the Committees on Appropriations. Such policy may include exceptions to accommodate important security, health, or safety concerns, and if necessary to perform an important job function, ensure safe operating conditions, or to operate a motor vehicle in accordance with manufacturer specifications.

The conferees support the Secretary of State's expanded engagement with governments to improve the inter-country adoption process, to finalize implementation agreements with such governments, where appropriate, and to resolve impediments to the completion of adoptions for waiting families and children.

The conferees encourage the Secretary of State to continue to support the United States-Colombia Action Plan on Racial and Ethnic Equality and the United States-Brazil Joint Action Plan on Racial and Ethnic Equality.

The conference agreement includes new language prohibiting the use of funds under this heading for the preservation of religious sites unless the Secretary of State determines and reports to the Committees on Appropriations that: (1) the site is historically, artistically, or culturally significant; (2) the purpose of the project is neither to advance nor to inhibit the free exercise of religion; and (3) the project is in the national interest of the United States.

The conferees direct that a portion of the funds that have been provided to the Bureau of International Organizations Affairs and Office of International Conferences should be used to support the Group of 8 (G-8) and NATO summits during 2012.

The conference agreement includes language requiring the continuation of the pilot Partner Vetting System (PVS), and requires that such pilot be implemented by September 30, 2012. The conferees direct that such PVS pilot continue to be applied equally to the programs and activities of the Department of State and USAID, as required by section 7034 of Public Law 111-117.

The conferees direct the Secretary of State to provide to the Committees on Appropriations, not later than 90 days after enactment of this Act, the following information on the Acquisitions Management program funded by the 1 percent procurement fee: (1) the Working Capital Fund (WCF) including carry-over balances, by line item, service center and program, currently available for the Acquisitions Management program; (2) the actual expenditures in fiscal year 2011 by line item, service center and program; (3) the number of staff, including employees and contractors funded by the 1 percent procurement fee; and (4) an evaluation of the efficiencies and improvements gained through this program. The Secretary is also directed to include: (1) the funds from the 1 percent procurement fee in the WCF in the Department's operating plans and quarterly unobligated balances report; and (2) a WCF section in the Department's fiscal year 2013 congressional budget justification, providing information on total budgetary resources for the Bureau of Administration and any other office that receives WCF funds and a WCF table by line item, service center and program that shall serve as the control level for reprogramming and transfer purposes.

The conferees direct the Secretary of State to continue to assist American victims of terrorism abroad regarding frozen assets for compensation and other issues, including from the bombings of United States facilities in Kenya and Tanzania and terrorist acts sponsored by former Libyan leader Muammar Qaddafi.

The conferees endorse Senate report language regarding funding for the Bureau of Democracy, Human Rights and Labor to monitor United States assistance to foreign security forces pursuant to section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

The conferees direct the Secretary of State to continue the reporting requirement detailed under this heading in the joint statement accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111-117) concerning agreements for transfer and release of detainees at Naval Station, Guantanamo Bay, Cuba.

Section 7078 of this Act requires the Secretary of State to submit an operating plan for funds appropriated in title I. The conferees expect the operating plan to integrate the additional funds appropriated in title VIII for OCO/GWOT, where appropriate, and the OCO/GWOT amounts should be separately identified in the integrated plan.

#### CAPITAL INVESTMENT FUND

The conference agreement provides \$59,380,000 for the Capital Investment Fund. In addition, the conference agreement permits the transfer of up to \$6,000,000 from funds appropriated under the heading Diplomatic and Consular Programs to funds available under this heading.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$61,904,000 for the Office of Inspector General (OIG), and an additional \$67,182,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees direct the Inspectors General of the Department of State and the United States Agency for International Development (USAID), the Special Inspector General for Afghanistan Reconstruction (SIGAR), and the Special Inspector General for Iraq Reconstruction (SIGIR) to coordinate audit plans and activities to minimize unnecessary duplication, ensure comprehensive oversight plans, and maximize the effective use of resources. The conferees direct the OIG to continue to plan for increased responsibilities when SIGIR draws down its oversight operations.

Section 7078 of the conference agreement requires the relevant department, agency, or organization to submit to the Committees on Appropriations a spend plan for funds appropriated in titles I and II of this Act. The conferees expect each inspector general funded under this heading in titles I and VIII to submit such plans within 30 days of enactment of this Act.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement provides \$583,200,000 for Educational and Cultural Exchange Programs, and an additional \$15,600,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

No funds are provided for the one-time competitive grants program in fiscal year 2012.

Section 7078 of this Act includes a requirement that the Secretary of State submit to the Committees on Appropriations an operating plan for funds appropriated under this heading. The conferees expect such plan will include the distribution of unobligated balances and recoveries, as well as any transfers to this account from other accounts. The operating plan should integrate the funds appropriated under this heading in title VIII of this Act for OCO/GWOT, and the OCO/GWOT amounts should be separately identified in the integrated plan.

Funds in this account are allocated, unless otherwise noted, according to the following table, and are subject to the provisions of section 7019 of this Act:

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(Budget authority in thousands of dollars)

Activity	Budget authority
Academic Exchanges .....	324,582
<b>Special Academic Exchanges (non-add)</b> .....	<b>[38,670]</b>
Professional and Cultural Exchanges .....	193,964
<b>Special Professional and Cultural Exchanges (non-add)</b> .....	<b>[7,881]</b>
Program Evaluation .....	5,054
Exchanges Support .....	59,600
Total, Educational and Cultural Exchange Programs <sup>1</sup> .....	583,200

<sup>1</sup> An additional \$15,600,000 is included in title VIII under this heading designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

#### REPRESENTATION ALLOWANCES

The conference agreement provides \$7,300,000 for Representation Allowances.

The conferees direct the Secretary of State to provide a semi-annual report to the Committees on Appropriations on the allotment and expenditure of representation allowances.

#### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement provides \$27,000,000 for Protection of Foreign Missions and Officials.

The conferees expect the Secretary of State to continue to submit to the Committees on Appropriations a semi-annual report on the number of claims for extraordinary protective services that have been submitted by eligible jurisdictions and certified as meeting the program requirements, and the amount of unobligated funds available to pay such claims.

The conferees urge the Secretary of State to make appropriate reimbursements to jurisdictions providing security for visiting foreign officials and their delegations attending the G-8 and NATO summits in the United States during 2012.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement provides \$1,537,000,000 for Embassy Security, Construction, and Maintenance, of which \$775,000,000 is for worldwide security upgrades and \$762,000,000 is for other construction, operations, and maintenance. The conference agreement provides an additional \$33,000,000 in title VIII under this heading designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The conference agreement does not include funding for the nine new positions requested for fiscal year 2012. The conference agreement includes authorization for the Maintenance Cost Sharing initiative to utilize funding from the Capital Security Cost Sharing (CSCS) program for the maintenance, repair, and rehabilitation of new facilities with an inter-agency presence.

The conferees are concerned with the long-term sustainability of the operating, maintenance, and utility costs of new diplomatic and consular facilities and directs the Secretary of State to impose a moratorium on beginning any new Capital Security construction projects until the Secretary provides the following information to the Committees on Appropriations: (1) the additional annual costs for operations and maintenance, including utilities and salaries, and the number of additional facilities and engineering staff that have been hired to operate the diplomatic and consular facilities that have become operational since the CSCS program began; (2) the estimated additional

costs for operations and maintenance, including utilities and salaries, and the number of additional facilities and engineering staff necessary to operate the diplomatic and consular facilities that have been funded and/or are being constructed; and (3) the plan for addressing the \$111,000,000 in deferred maintenance at existing diplomatic and consular facilities reported in the Department's 2010 financial statements.

The conferees direct the Secretary of State to seek to ensure that, where practicable, construction projects funded by this Act are accessible to people with disabilities.

Section 7004(c) of this Act continues the requirement that all agencies and departments fully meet their capital cost share obligations under section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999, and directs that such agency assessments be proportional to the Department of State's capital security cost share contribution. The conferees direct that funds appropriated in prior acts not be used to augment the Department of State's capital security cost share contribution for purposes of determining the 2012 capital security cost share assessment of other agencies.

Section 7004(f) of this Act includes a limitation on the use of funds, other than funds from real property sales located in London, United Kingdom, for site acquisition and mitigation, planning, design or construction of the New London Embassy and requires regular reporting on the project's progress and cost.

Section 7078 of this Act requires the Secretary of State to submit to the Committees on Appropriations an operating plan for funds appropriated under this heading. Such plan should include all resources available to the Department of State in fiscal year 2012 for operations, maintenance, and construction, and an accounting of the actual and anticipated proceeds of sales for all projects in fiscal year 2011. The operating plan should integrate the funds appropriated under this heading in title VIII of this Act for OCO/GWOT, and the OCO/GWOT amounts should be separately identified in the integrated plan.

#### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$9,300,000 for Emergencies in the Diplomatic and Consular Service.

#### REPATRIATION LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$1,447,000 for the Repatriation Loans Program Account, of which not more than \$710,000 is for administrative expenses.

#### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement provides \$21,108,000 for the American Institute in Taiwan.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement provides \$158,900,000 for the Foreign Service Retirement and Disability Fund.

#### INTERNATIONAL ORGANIZATIONS CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement provides \$1,449,700,000 for Contributions to International Organizations, and an additional \$101,300,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the

Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees direct the Secretary of State to report to the Committees on Appropriations, not later than 90 days after enactment of this Act, on the current status of the United Nations Capital Master Plan, including its initial scope and costs, any modifications made or planned, and the total contributions made to date by each United Nations (UN) member state.

The conferees direct the Secretary of State to conduct a review of United States membership in each international organization supported by this account and prioritize the United States participation in, and funding for, each organization in accordance with United States policy goals. The review should also include any recent reforms the organizations have taken to increase transparency and accountability. The conferees direct the Secretary to provide the results of the review not later than 120 days after enactment of this Act.

The conferees direct the United States Mission to the United Nations (USUN) and the Department of State to continue to advocate for an independent Office of Internal Oversight Services (OIOS) to improve internal controls, efficiency, and effectiveness of the UN. The conferees expect the Department and USUN to make the United Nations Transparency and Accountability Initiative a priority, and to provide updates in the congressional budget justification for fiscal year 2013 and on the Web site.

The conferees expect the Department of State to continue to submit a report to the Committees on Appropriations on voting practices in the UN.

Section 7078 of this Act requires the Secretary of State to submit an operating plan for the funds made available under this heading. The operating plan should include each international organization funded, a notation of any exchange rate fluctuations that occurred since such estimates were calculated for the congressional budget justification for fiscal year 2012, and a description of any Tax Equalization Fund credits applied. In addition, the operating plan should integrate the funds appropriated under this heading in title VIII of this Act for OCO/GWOT, and the OCO/GWOT amounts should be separately identified in the integrated plan.

#### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides \$1,828,182,000 for Contributions for International Peacekeeping Activities.

The conferees expect the Department of State and USUN to evaluate and prioritize peacekeeping missions, and consider phase-out and withdrawal when mission goals have been substantially achieved.

The conferees direct the Department of State to ensure that OIOS conducts oversight of UN peacekeeping missions.

The conference agreement includes language in section 7078 requiring an operating plan for this account not later than 30 days after enactment of this Act. The conferees expect the operating plan to include each peacekeeping mission funded and a description of any credits applied.

#### INTERNATIONAL COMMISSIONS

##### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO SALARIES AND EXPENSES

The conference agreement provides \$44,722,000 for salaries and expenses of the International Boundary and Water Commission, United States and Mexico (IBWC).

#### CONSTRUCTION

The conference agreement provides \$31,453,000 for planning, preparation, and construction.

Funds in this account are allocated according to the following table and are subject to the provisions of section 7019 of this Act:

IBWC-Construction (Budget authority in thousands of dollars)	
Program/activity	Budget authority
Water Quantity Program .....	24,353
Rio Grande Flood Control System Rehabilitation (non-add) .....	[9,700]
Water Quality Program .....	1,400
Resource & Asset Management Program .....	5,700
Total, IBWC—Construction .....	31,453

#### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement provides \$11,687,000 for American Sections, International Commissions.

#### INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement provides \$36,300,000 for International Fisheries Commissions.

The conference agreement includes funding for the operational costs of the International Pacific Halibut Commission, including current lease expenses, and the conferees direct the Commission to fund these costs prior to investing in new programs or expanding existing programs.

The conferees intend that funds made available under this heading be allocated as detailed in the Senate report.

#### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement provides \$740,100,000 for International Broadcasting Operations, and an additional \$4,400,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees endorse Senate report language regarding the denial of funding for Broadcasting Board of Governors (BBG) program enhancements. The conferees do not support the proposed recommendation to restructure broadcasting to the PRC, and provide adequate funding to sustain fiscal year 2011 program levels for Voice of America (VOA) and Radio Free Asia broadcasts to the PRC, including engineering costs. The conferees also provide adequate funding to continue fiscal year 2011 program levels for Radio Free Europe/Radio Liberty's Radio Mashaal and VOA's Radio Deewa.

The conferees direct the BBG to notify the Committees on Appropriations of any significant increases or decreases to broadcast hours on each transmission platform (including shortwave, medium wave, Internet, satellite, and television) previously justified to Congress for all BBG language services. The conferees do not intend that the BBG should notify the Committees regarding minor or short-term broadcast schedule changes with minimal funding implications or that result from spring and fall time changes.

The conferees support continued funding for the BBG's Internet circumvention program and direct the BBG to submit a report to the Committees on Appropriations, prior to the initial obligation of funds, detailing planned expenditures of funds that are made available for activities to promote Internet freedom. The conferees also direct the BBG,

in coordination with the Secretary of State, to submit to the Committees on Appropriations, not later than September 30, 2012, a report describing efforts supported by the BBG, Department of State and USAID to promote Internet freedom, including an assessment of the results of such efforts and safeguards against the use of circumvention technology for illicit or illegal purposes. The conferees recommend that the fiscal year 2013 congressional budget justification materials include a request for funds for this program under this heading.

Funds in this account are allocated according to the following table and are subject to the provisions of section 7019 of this Act:

International Broadcasting Operations (Budget authority in thousands of dollars)	
Program	Budget authority
Federal	
BBG/IBB Operations .....	72,760
Voice of America .....	206,255
Broadcasting to Cuba .....	28,475
Engineering and Technical Services .....	189,300
Subtotal, Federal .....	496,790
Independent Grantee Organizations:	
Radio Free Europe/Radio Liberty (RFE/RL) .....	94,870
Radio Free Asia .....	38,315
Middle East Broadcasting Networks .....	110,125
Subtotal, Grantees .....	243,310
Total, International Broadcasting Operations <sup>1</sup> .....	740,100

<sup>1</sup> An additional \$4,400,000 is included in title VIII under this heading designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 7078 requires the BBG to submit an operating plan for funds appropriated under this heading not later than 30 days after enactment of this Act. The conferees request that such plan include the assessed amount for the BBG's capital security cost share. In addition, the operating plan should integrate the funds appropriated under this heading in title VIII of this Act for OCO/GWOT, and the OCO/GWOT amounts should be separately identified in the integrated plan.

#### BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement provides \$7,030,000 for Broadcasting Capital Improvements.

#### RELATED PROGRAMS

##### THE ASIA FOUNDATION

The conference agreement provides \$17,000,000 for The Asia Foundation (TAF).

The conferees urge TAF to continue to seek donations from private foundations and corporations, competitively bid awards from governmental and multilateral development agencies, and fee-based or reimbursable agreements as a means of sustaining its activities, programs and offices in an environment of fiscal constraint. The conferees request that TAF include a summary table detailing total revenue and support by category for fiscal year 2011 and projected for fiscal year 2012 in the fiscal year 2013 congressional budget justification.

#### UNITED STATES INSTITUTE OF PEACE

The conference agreement provides \$30,589,000 for the United States Institute of Peace (USIP), and an additional \$8,411,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees urge USIP to continue to seek competitively bid awards from other Federal agencies and to fully implement fee-based or reimbursable agreements, where appropriate, as a means of sustaining its activities and programs in an environment of

fiscal constraint. The conferees request USIP include in the fiscal year 2013 congressional budget justification information on the amount of funds received in fiscal year 2011 from other Federal agencies, and the amount of revenue generated from fees and reimbursable agreements in fiscal year 2011, and projected for fiscal years 2012 and 2013.

CENTER FOR MIDDLE EASTERN-WESTERN  
DIALOGUE TRUST FUND

The conference agreement provides \$840,000 from interest and earnings from the Center for Middle Eastern-Western Dialogue Trust Fund.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM  
The conference agreement provides \$500,000 from interest and earnings from the Eisenhower Exchange Fellowship Program Trust Fund.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement provides \$375,000 from interest and earnings from the Israeli Arab Scholarship Endowment Fund.

EAST-WEST CENTER

The conference agreement provides \$16,700,000 for the East-West Center.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement provides \$117,764,000 for the National Endowment for Democracy (NED).

The conference agreement directs that \$100,000,000 shall be allocated in the traditional and customary manner, as in prior years, to include the core institutes.

The conference agreement requires the President of NED to submit a report on the proposed uses of these funds on a regional and country basis not later than 45 days after enactment of this Act. The report should include programmatic goals for each country and region, and how the planned use of funds will meet such goals. The conferees direct NED to consult with the Committees on Appropriations in advance of any significant deviation from the plans outlined in such report.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF  
AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides \$634,000 for Commission for the Preservation of America's Heritage Abroad.

UNITED STATES COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

The conference agreement provides \$3,000,000 for the United States Commission on International Religious Freedom.

The conference agreement extends the Commission's authorization for one year and adds language making applicable to the Commission certain authorities and limitations regarding employee rights, travel, and the procurement of temporary services.

The conferees also direct the Commission to provide a report to the Committees on Appropriations on actual fiscal year 2012 obligations and expenditures by cost category not later than October 31, 2012.

COMMISSION ON SECURITY AND COOPERATION IN  
EUROPE

SALARIES AND EXPENSES

The conference agreement provides \$2,715,000 for the Commission on Security and Cooperation in Europe.

CONGRESSIONAL-EXECUTIVE COMMISSION ON  
THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

The conference agreement provides \$1,996,000 for Congressional-Executive Commission on the People's Republic of China.

UNITED STATES-CHINA ECONOMIC AND  
SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

The conference agreement provides \$3,493,000 for the United States-China Economic and Security Review Commission.

Not later than 180 days after enactment of this Act, the conferees direct the Commission to report to the Committees on Appropriations on the use of non-military assistance by the PRC (including loans, grants, and other funds not recognized as assistance by the Organization for Economic Cooperation and Development) to expand its strategic influence and access to natural resources. The report should be prepared on a region-by-region basis, include an analysis of the use of state-owned enterprises by the Government of the PRC (including those of the People's Liberation Army) to further these objectives, and be publicly available on the Commission's Web site.

TITLE II

UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT  
FUNDS APPROPRIATED TO THE PRESIDENT  
OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$1,092,300,000 for USAID Operating Expenses, and an additional \$255,000,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The conference agreement extends the period of availability of funds under this heading from one to two years, and no longer extends the authorities of section 7011 for funds made available under this heading.

The conference agreement does not provide funding for additional Development Leadership Initiative positions in fiscal year 2012.

The conferees recognize the importance of USAID's procurement reform efforts to enable USAID to become a more accessible, transparent, effective, and efficient agency, and the conference agreement includes several provisions intended to support these efforts as well as to build the capacity of local partners. The conference agreement includes section 7077 regarding authority for a local competition pilot project, provides \$22,000,000 for the Acquisition Workforce Initiative and the Implementation and Procurement Reform Initiative, and \$3,000,000 for upgrades to the procurement IT system. The conferees intend that these funds will be used for USAID's procurement reform efforts in fiscal years 2012 and 2013. In addition, the conference agreement includes adequate funds for fiscal year 2012 staffing and operations costs for the Office of Acquisition and Assistance and for operations and maintenance of the procurement IT system. The conference agreement does not include a requested provision authorizing a new USAID Working Capital Fund. The conferees will revisit the justification for such a fund in fiscal year 2013. The conferees direct the USAID Administrator to provide to the Committees on Appropriations not later than May 1, 2012, an assessment of the efficiencies and improvements achieved as a result of USAID's procurement reform efforts.

The conferees direct the USAID Administrator to provide a report on staff hired by USAID, not later than 60 days after enactment of this Act, which details the number of people employed by: employment category (direct hire, personal service contractor, Participating Agency Service Agreement, and similar categories); veteran status of di-

rect hires; headquarters office or overseas post; and the appropriation account used to fund employees. The report shall also include the specific legislative authorities used to hire the employees as applicable, and if hired by another Federal agency, the additional administrative expenses charged by that agency. The conferees direct that this employment report reflect data as of the end of fiscal year 2011.

As in past years, USAID is directed to notify the Committees on Appropriations 15 days prior to any procurement action that involves awarding a sole source contract in excess of \$15,000,000; awarding a non-competitive grant or contract (other than sole source) in an amount greater than \$75,000,000; raising the ceiling on an existing Indefinite Quantity Contract (IQC) by an amount greater than \$35,000,000; issuing a new IQC in excess of \$75,000,000; awarding an umbrella grant in excess of \$25,000,000; or raising the ceiling on an existing umbrella grant in excess of \$25,000,000. This requirement does not apply to assistance in critical priority countries and assistance for humanitarian response or post-conflict situations.

The conferees direct the USAID Administrator to include in the fiscal year 2013 congressional budget justification an estimate of savings resulting from closing missions by each mission for fiscal years 2012, 2013, and 2014. The conferees support USAID's plan to close three missions during fiscal year 2012.

The conference agreement includes changes in section 7015 on notification requirements for certain reorganization actions, and the conferees direct the USAID Administrator to consult with the Committees on Appropriations prior to initiating such actions. For the purposes of this requirement, such reorganizations are limited to those resulting in a significant shift in responsibility of the operating unit or in staffing and funds. The conferees do not expect to be consulted or notified for staffing reorganizations resulting in little or no change in responsibility of the operating unit, staffing or funds.

The conferees direct the USAID Administrator to submit a report to the Committees on Appropriations, not later than 180 days after enactment of this Act, on the implementation of its branding policy. The report should include an analysis of the public diplomacy impact of the current branding policy on a regional basis and the justification for the use of waivers to the policy.

The conferees intend that funds appropriated under this heading be made available to develop and implement training for staff in overseas missions to promote the full inclusion and equal participation of people with disabilities. The conferees direct the USAID Administrator to seek to ensure that, where practicable, construction projects funded by this Act are accessible to people with disabilities and in compliance with USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

Funds in this account are allocated, unless otherwise noted, according to the following table, and are subject to the provisions of section 7019 of this Act:

USAID OPERATING EXPENSES

(Budget authority in thousands of dollars)

Program	Budget authority
Agency Reform Efforts .....	344,762
Development Leadership Initiative (no new hires) (non-add) .....	[319,762]
Procurement Reform (non-add) ....	[25,000]

USAID OPERATING EXPENSES—Continued  
(Budget authority in thousands of dollars)

Program	Budget authority
Non-Frontline States Operations (including headquarters) ..	632,100
Overseas Space Expansion .....	12,500
Central Support .....	191,064
Less other sources <sup>1</sup> .....	-88,126
<b>TOTAL, USAID Operating Expenses<sup>2</sup> .....</b>	<b>1,092,300</b>

<sup>1</sup> Other sources include trust funds and reimbursements.

<sup>2</sup> An additional \$255,000,000 is included in title VIII under this heading designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL INVESTMENT FUND

The conference agreement provides \$129,700,000 for the Capital Investment Fund.

The conferees direct the USAID Administrator to consult with the Committees on Appropriations, not later than 60 days after enactment of this Act and prior to the initial obligation of funds, on the proposed uses of these funds for the Capital Security Cost Sharing Program.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$46,500,000 for the Office of Inspector General, and an additional \$4,500,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

Funds appropriated under this heading are subject to the terms of section 7078 of this Act.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$8,167,860,000 for Global Health Programs.

The conference agreement does not include language restricting the use of USAID's Global Health Programs funds for nonproject assistance. However, the conferees understand that USAID does not intend to enter into additional funding arrangements of this type, and agree with that position.

The Secretary of State and USAID Administrator are directed to provide a government-wide funding summary of global health programs for fiscal year 2012 to the Committees on Appropriations, not later than 90 days after enactment of this Act. The conferees expect the report to include a description of the differentiation of goals, implementing partners, and auditing standards for each Federal agency.

The conferees expect USAID to prioritize awarding funds under this heading through a competitive bidding process.

The conferees direct the USAID Administrator and the United States Global AIDS Coordinator to provide to the Committees on Appropriations, not later than 60 days after enactment of this Act, a report detailing steps taken to prevent the misappropriation of drugs funded through bilateral and multilateral funds.

The conferees direct USAID to develop and submit a new multi-year strategy on health-related research and development to the Committees on Appropriations.

The conferees direct that no funds under this heading may be used for needle exchange programs in fiscal year 2012.

The conferees direct the United States Global AIDS Coordinator to consult with the Committees on Appropriations, not later than 45 days after enactment of this Act, on how the Office of the Global AIDS Coordinator (OGAC) is expanding efforts to support microbicide development and product access.

The conferees direct the United States Global AIDS Coordinator to consult with the Committees on Appropriations regarding opportunities to further reduce treatment costs to enable more individuals to have access to life-saving drugs.

The conferees direct the Secretary of State to provide a report to the Committees on Appropriations, not later than 120 days after enactment of this Act, that contains the most recent Global Fund audit information, commitment and disbursement data, and a summary of the recipient and sub-recipient expenditures as reported to the United States Government, and to notify the Committees when this information is posted on the Department's Web site.

The conferees urge OGAC to work with countries to increase HIV testing, including the use of rapid tests, where feasible.

The conferees recommend that USAID and OGAC continue to support HIV-related media prevention programming.

The conferees recommend that OGAC and the USAID Bureau for Global Health consider utilizing the Department of the Treasury's technical advisors when programming funds for procurement and oversight capacity building in recipient countries.

Funds in this account are allocated, unless otherwise noted, according to the following table, and are subject to the provisions of section 7019 of this Act:

GLOBAL HEALTH PROGRAMS

(Budget authority in thousands of dollars)

Program/activity	Budget authority
Maternal and Child Health .....	605,550
Polio (non-add) .....	[35,000]
The GAVI Alliance (non-add) .....	[100,000]
Micronutrients (non-add) .....	[30,000]
[of which, Vitamin A] (non-add) .....	[20,000]
[of which, Iodine Deficiency Disorder] (non-add) .....	[2,000]
Nutrition (USAID) .....	95,000
Vulnerable Children (USAID) .....	17,500
Blind Children (non-add) .....	[2,500]
HIV/AIDS (USAID) .....	350,000
Microbicides (non-add) .....	[45,000]
HIV/AIDS (Department of State) .....	5,542,860
Global Fund to Fight HIV/AIDS, Malaria and Tuberculosis (non-add) .....	[1,050,000]
UNAIDS (non-add) .....	[45,000]
Family Planning/Reproductive Health (USAID) .....	523,950
Other Infectious Diseases (USAID) .....	1,033,000
Pandemic Preparedness (non-add) .....	[58,000]
Malaria (non-add) .....	[650,000]
Tuberculosis (non-add) .....	[236,000]
[of which, Global TB Drug Facility] (non-add) .....	[15,000]
Neglected Tropical Diseases (non-add) .....	[89,000]
<b>Total, Global Health Programs .....</b>	<b>8,167,860</b>

DEVELOPMENT ASSISTANCE

The conference agreement provides \$2,519,950,000 for Development Assistance (DA).

PROGRAMS

The conferees expect USAID to allocate funds provided for the American Schools and Hospitals Abroad program through an open and competitive process, in accordance with all applicable rules and regulations.

The conference agreement moves the position of Basic Education Coordinator from the Department of State to USAID. The conferees direct USAID to integrate schools and educational programs, as appropriate, within health and development programs to continue to implement the "Communities of Learning" model. The USAID Administrator is directed to consult with the Committees on Appropriations on a regular basis on these efforts.

The conferees authorize a contribution to be made to the Global Partnership for Education (the Partnership), formerly known as

the Education for All Fast Track Initiative, with funds appropriated in this Act for basic education. The conferees expect USAID to maintain its leadership role on the Partnership's Executive Board and provide assistance with monitoring and evaluation efforts.

The conferees endorse Senate report language regarding \$15,000,000 for partnerships between United States and African institutions of higher education.

The conferees expect USAID to consider the prevalence of child marriage when developing country operational plans and increase programmatic focus on this issue where appropriate.

The conferees direct the USAID Administrator to submit a report to the Committees on Appropriations, not later than 120 days after the date of enactment of this Act, on implementation of the Development Innovation Ventures (DIV) program. The report should include an overview of projects funded by DIV and their outcomes as they relate to the goals and objectives of the program, including successes related to efficiencies and cost-effectiveness. The conferees support USAID's efforts to leverage other Federal agencies' investments in similar areas and avoid duplication.

Funds made available for food security and agriculture development are subject to the terms of section 7078 of this Act. The required spend plan should also specify the amount and purpose of any funds to be transferred to other agencies.

Funds provided for environment programs funded through USAID, the Department of State, and the Department of the Treasury should be made available to help developing countries reduce greenhouse gas emissions; develop renewable energy and increase end-use energy efficiency; adapt to rising temperatures, water and food scarcity, and rising sea levels; protect tropical forests, wildlife, and other biodiversity; and implement policies for the transparent and sustainable use of natural resources. The conferees endorse language in the Senate report directing that \$200,000,000 be made available for biodiversity conservation programs, including \$2,000,000 to implement and enforce the Lacey Act (section 8204 of Public Law 110-246), \$10,000,000 for biodiversity programs in the Brazilian Amazon and \$20,000,000 for such programs in the Andean Amazon. The conferees endorse language in the Senate report on funding for the Congo Basin Forest Partnership, and direct that not less than \$9,000,000 of such funds be directly apportioned to the United States Fish and Wildlife Service (USFWS) for programs in Central Africa. The conferees endorse language in the Senate report directing that \$1,000,000 be directly apportioned to the Department of the Interior for biodiversity and archaeological conservation activities in Guatemala's Mayan Biosphere Reserve, to include governance and law enforcement. The conferees recommend funding for other international conservation programs administered by the USFWS, United States Forest Service, the National Park Service, and the National Oceanic and Atmospheric Administration. The conferees continue to support funding to protect great apes in Indonesia and Africa and wildlife in South Sudan and Niger.

The conferees direct the Secretary of the Treasury to submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of natural resources in the preceding 12 months, and whether each institution considered, in providing such assistance, the extent to which the country has functioning

systems, laws, and regulations in place to prevent or limit the public disclosure of company payments as required by section 1504 of Public Law 111-203.

The conferees endorse funding and purposes included in the Senate report for the Leahy War Victims Fund.

The conferees direct the USAID Administrator to target 50 percent of funding for microenterprise and microfinance to the very poor, as required by section 252(c) of the Foreign Assistance Act of 1961. The conferees direct USAID to continue to increase these programs in sub-Saharan Africa.

The conferees note the importance of land tenure in economic development, and expect USAID to build upon the programmatic experience of the Millennium Challenge Corporation to improve the implementation of such activities.

The conferees expect USAID to seek to ensure that assistance does not compete with emerging small businesses, entrepreneurs, and local economies in recipient countries, and instead works to strengthen them.

The conferees direct the Secretary of State, in consultation with the Ambassador-at-Large of the Office for Global Women's Issues, other relevant United States Government agencies, and international and non-governmental organizations, to identify and take emergency measures to respond to violence against women and girls in situations of armed conflict and direct the Secretary of State to consult with the Committees on Appropriations, as necessary.

The conferees endorse funding included in the Senate report for victims of torture.

#### COUNTRIES

*Ecuador.*—The conferees endorse language in the Senate report on health and environment programs in Ecuador.

*Ethiopia.*—The conferees remain concerned with the Government of Ethiopia's increasing restrictions on the media and expect the Department of State and USAID to support programs that promote freedom of expression and association in Ethiopia.

*Guatemala.*—The conferees support programs to address gender-based violence.

*Indonesia.*—The conferees recommend that \$70,000,000 of funds provided under this heading be made available for assistance for Indonesia, of which not less than \$400,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

*Morocco.*—The conferees note that funds provided in title III of this Act for Morocco may be used in regions and territories administered by Morocco. The conferees remain concerned with resolving the dispute over the Western Sahara and urge the Department of State to prioritize a negotiated settlement.

*Nepal.*—The conferees endorse the Senate report recommending that \$7,000,000 under this heading be made available for assistance for Nepal.

*People's Republic of China.*—The conference agreement does not include funds for programs in the PRC under this heading.

*Philippines.*—The conferees recommend that \$35,000,000 be made available for assistance for the Philippines under this heading.

*Senegal.*—The conferees recommend that not less than \$50,000,000 should be made available for assistance for Senegal under this heading. However, the conferees are concerned that Hissène Habré has not been extradited for prosecution for crimes against humanity, and direct the Secretary of State to submit a report to the Committees on Appropriations, not later than 45 days after en-

actment of this Act, on steps taken by the Government of Senegal to assist in bringing Habré to justice.

*Vietnam.*—The conferees recommend not less than \$5,000,000 under this heading be made available for health/disability activities in areas in Vietnam that were targeted with Agent Orange or remain contaminated with dioxin. The conferees endorse Senate report language on consultation and the development of a multi-year plan.

#### INTERNATIONAL DISASTER ASSISTANCE

The conference agreement provides \$825,000,000 for International Disaster Assistance, and an additional \$150,000,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees direct the USAID Administrator to consult with the Committees on Appropriations on efforts to facilitate communication and collaboration with the private sector, non-profit organizations, and other entities seeking to assist during an international disaster.

The USAID Administrator is also directed to consult with the Committees on Appropriations, not later than 90 days after enactment of this Act, on the format and content of international disaster assistance reports that are made available to Congress and the public.

#### TRANSITION INITIATIVES

The conference agreement provides \$50,141,000 for Transition Initiatives, and an additional \$6,554,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees direct USAID's Office of Transition Initiatives (OTI) to submit a report to the Committees on Appropriations at the end of the fiscal year summarizing new, ongoing, and completed country programs implemented by OTI in fiscal year 2012. Prior to submission, OTI should consult with the Committees on Appropriations regarding the format and content of the report.

#### COMPLEX CRISES FUND

The conference agreement provides \$10,000,000 for Complex Crises Fund, and an additional \$30,000,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DEVELOPMENT CREDIT AUTHORITY (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a ceiling of \$40,000,000 for funds that may be transferred from other programs in this title to the Development Credit Program and provides \$8,300,000 for administrative expenses.

#### ECONOMIC SUPPORT FUND

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$3,001,745,000 for Economic Support Fund (ESF), and an additional \$2,761,462,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 7078 of this Act requires submission of a spend plan for certain countries and programs not later than 30 days after enactment of this Act. The conferees request that these spend plans integrate the funds appropriated under this heading and in title VIII of this Act for OCO/GWOT where appropriate, and the OCO/GWOT amounts should be separately identified in the integrated plan.

*Afghanistan.*—The conferees remain concerned with the capacity of the Government

of Afghanistan to effectively oversee increased levels of direct government-to-government assistance.

The conferees direct the USAID Administrator to regularly update the Committees on Appropriations on the Accountable Assistance for Afghanistan Initiative.

The conferees expect the Department of State to resolve disagreements regarding the tax-exempt status for United States-based contractors and subcontractors that implement United States Government assistance programs in Afghanistan and direct the Secretary of State to report to the Committees on Appropriations on steps being taken to address tax-exempt status in new and existing contracts and agreements.

The conference agreement provides \$10,000,000 for the Afghan Civilian Assistance Program if problems identified by the USAID Inspector General are addressed and not less than \$5,000,000 for the Office of Global Women's Issues small grant program as described in the Senate report.

*Africa.*—The conferees support the budget request for Liberia and South Sudan.

*Burma.*—The conferees endorse Senate report language on the United States Special Envoy and Policy Coordinator for Burma and request that the Special Envoy consult regularly with the Committees on Appropriations on developments in, and assistance for, Burma.

*Central American Regional Security Initiative (CARSI)/Caribbean Basin Security Initiative (CBSI).*—The conferees support the budget request for CARSI and CBSI.

*Colombia.*—The conference agreement provides not less than \$179,000,000 under this heading to be apportioned directly to USAID for continued support of new and ongoing alternative development/institution building in Colombia, of which not less than \$7,000,000 shall be transferred to the Migration and Refugee Assistance account to address the needs of Colombian refugees in neighboring countries, and not less than \$15,000,000 is provided for assistance for Afro-Colombian and indigenous groups including for renewable energy activities in isolated communities. The conferees support assistance for flood relief and recovery including for small farmers, and recommend that not less than \$3,000,000 be made available for continued support for biodiversity conservation programs and \$500,000 for community-based programs to address the needs of children disabled by landmines and other causes related to the armed conflict.

*Cuba.*—The conferees support the budget request for Cuba.

*Cyprus.*—The conferees recommend \$3,500,000 for Cyprus and endorse the purposes and intent of the funding included in the Senate report.

*Egypt.*—The conference agreement includes conditions on assistance and authority regarding assistance for Egypt in section 7041 of this Act, which are further discussed under title VII of this joint explanatory statement.

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations, not later than 60 days after enactment of this Act, outlining steps that the Government of Egypt is taking to protect religious minorities, including Coptic Christians, prevent sectarian and gender-based violence, and hold accountable those who commit such acts.

Funds made available for Egypt are subject to the terms of section 7078 of this Act. The required spend plan shall also include the proposed uses of unobligated/available funds appropriated in prior years.



*El Salvador.*—The conferees are aware of the devastating flooding in El Salvador during 2011 that caused extensive damage and recognize that El Salvador is extremely vulnerable to recurrent natural disasters. The conferees expect that additional assistance be provided under this heading and under the International Disaster Assistance heading for flood relief, reconstruction, and relocation of at-risk populations, including support for small farmers, and to enhance El Salvador's capabilities to prevent and respond to future disasters.

*Haiti.*—The conferees support the budget request for Haiti and direct that assistance for Haiti provided under this heading in this Act and prior appropriations acts be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Haitian civil society organizations and directly improves the security, economic and social well-being, and political status of Haitian women and girls.

*Iraq.*—The conference agreement includes conditions on assistance for Iraq in section 7041(d) of this Act, which are similar to prior years. As the Government of Iraq's oil revenues continue to increase, the conferees expect Iraq to assume the full cost for development and security programs in Iraq currently funded by the Department of State and USAID.

The conferees recommend \$10,000,000 for stabilization programs in Iraq, for which the policy justification and decisions shall be the responsibility of the Chief of Mission. Such funds shall not be used for cultural programs or for costs usually associated with Department of State operations.

Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing: (1) the specific manner in which the Government of Iraq has committed to contributing to, and sustaining, security-related programs funded by this Act; (2) the estimated timeframe under which Iraq will assume full responsibility for funding such security-related programs; (3) the operation and maintenance costs of aircraft utilized in Iraq in support of security-related programs; and (4) estimates for the overhead costs associated with security sector programs in fiscal year 2012 and subsequent fiscal years. The report may be submitted in classified form, if necessary.

The conferees expect the Department of State and USAID to continue efforts to encourage the incorporation of women in stabilizing and developing Iraq, including within government institutions.

The conferees endorse language in the Senate report on ethno-religious minorities in Iraq.

*Jordan.*—The conferees intend that assistance for Jordan provided under this heading will be used for programs to reduce poverty and create jobs, strengthen democracy, and protect human rights, in addition to activities described in the justification materials submitted to Congress.

*Lebanon.*—The conferees recommend \$500,000 for continued support for the United States Forest Service's forest and biodiversity conservation programs in Lebanon.

*Mexico.*—The conferees support the budget request under this heading and under the Development Assistance heading for USAID programs in Mexico and direct the USAID Administrator to submit a report, not later than 90 days after enactment of this Act, on how these programs address the root causes of violence and instability.

*Middle East Partnership Initiative (MEPI).*—The conferees provide \$70,000,000 for MEPI

and recommend that not less than \$10,000,000 of such funds be made available to continue scholarships for students in countries with significant Muslim populations at not-for-profit education institutions, in a manner consistent with prior fiscal years, including the awarding of funds through an open and competitive process. The conferees endorse the reporting requirement under this subheading in the Senate report.

The conferees support efforts to promote peace and stability in the Middle East, including through activities that seek to mitigate extremist incitement and propaganda efforts, in order to further United States counterterrorism efforts.

The conferees also encourage the use of Internet-based activities to further peace and reconciliation online.

*Middle East Regional Cooperation Program (MERC).*—The conferees recommend \$5,000,000 for MERC.

*Middle East/North Africa Response Fund (Response Fund).*—The conference agreement includes \$50,000,000 for the Response Fund to provide the Department of State and USAID with the necessary flexibility to respond quickly to political crises in the Middle East and North Africa. The Secretary of State and USAID Administrator are directed to consult with the Committees on Appropriations on the uses of such funds and submit a spending plan for all funds provided in this Act and prior appropriations acts for these purposes.

*Near East Regional Democracy (NERD).*—The conferees support the budget request for NERD.

*Pakistan.*—Funds provided under Chief of Mission authority in Pakistan shall not be used for cultural programs or for costs usually associated with Department of State operations.

*People's Republic of China.*—The conferees recommend \$12,000,000 under this heading for United States institutions of higher education and nongovernmental organizations for democracy, governance, rule of law, and environment programs in the PRC. These programs should support training for citizens, lawyers, and businesses on key issues including criminal justice, occupational safety, and environmental protection. No funds are for the Government of China and programs should be awarded on a competitive basis.

The conferees endorse the requirement in the Senate report for an assessment of the PRC's long term strategic intentions in the region.

*Reconciliation Programs.*—The conferees recommend \$10,000,000 for "New Generation in the Middle East" initiative to build understanding, tolerance, and mutual respect among young Israelis and Palestinians of diverse economic and social backgrounds who have leadership potential. The conferees intend such programs and activities to be conducted in the region, and direct the Secretary of State and the USAID Administrator to consult with the Committees on Appropriations on the development and implementation of this initiative.

*Syria.*—The conference agreement includes a provision relating to democracy and human rights programs in Syria. The conferees direct that a portion of the funds be programmed in consultation with other governments in the region, specifically Turkey and other key allies in the Middle East, as appropriate.

*Tibet.*—The conferees endorse the funding and purposes included in the Senate report for Tibet.

*Timor-Leste.*—The conferees recommend not less than \$1,000,000 for higher education scholarships in Timor-Leste.

*Tunisia.*—The conferees recommend \$5,000,000 for democracy and governance programs and for programs to protect human rights in Tunisia. The conference agreement also authorizes funding for the cost of loan guarantees.

*Uganda.*—The conference agreement includes section 7043(h) regarding areas affected by the Lord's Resistance Army (LRA). The conferees support the goals of the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act (Public Law 111-172) to help end the atrocities committed by the LRA, protect innocent civilians, and stabilize the affected region. The conferees direct that up to \$10,000,000 be made available for peace and security in the affected region to address these issues, including programs to improve physical access, telecommunications infrastructure and early-warning mechanisms and to support the disarmament, demobilization, and reintegration of former LRA combatants, especially child soldiers.

*Vietnam.*—The conferees recommend not less than \$15,000,000 for environmental remediation of dioxin contamination at the Da Nang and Bien Hoa airports and other severely contaminated sites.

*West Bank and Gaza.*—The conference agreement continues restrictions in current law on assistance for the West Bank and Gaza, and includes new limitations.

The conferees endorse Senate report language regarding a Government Accountability Office assessment of the United Nations Relief and Works Agency in the West Bank.

#### GLOBAL PROGRAMS

The conferees recognize the utility of humanitarian cash disbursements to individuals in certain limited dire circumstances, but expect that any such assistance provided through the government of the recipient country will comply with the determination, consultation, and notification requirements in section 7031 of this Act relating to direct government-to-government assistance.

The conferees endorse language in the Senate report on classification societies, except that the foreign governments noted shall include those of the Islamic Republic of Iran, the Democratic People's Republic of North Korea, the Republic of the Sudan, and Syria.

The conferees recommend \$3,000,000 to implement the Kimberly Process Certification Scheme, but are concerned with reports that the Kimberly Process is failing to prevent conflict diamonds from entering the legitimate global diamond trade. The conferees direct the Department of State to assess whether the Kimberly Process can achieve its goals, and whether alternative mechanisms are needed to prevent conflict diamonds from entering legitimate supply chains.

The conferees recommend \$5,000,000 under this heading for activities to counter violent extremism included in the budget request under Nonproliferation, Anti-terrorism, Demining, and Related Programs.

The conference agreement provides the budget request for counterterrorism programs in Africa. The conferees direct that an additional \$10,000,000 be made available for counterterrorism programs in East Africa to be managed by USAID.

The conferees endorse language in the Senate report recommending \$5,000,000 for disability programs.

The conferees support continued funding for the Department of State's Internet freedom program and direct the Secretary of State to submit to the Committees on Appropriations prior to the initial obligation of

funds, a report detailing planned expenditures of the funds made available to promote Internet freedom. The conferees also direct the Secretary, in coordination with the USAID Administrator, to submit to the Committees, not later than September 30, 2012, a report listing programs supported by the Department of State and USAID to promote Internet freedom, including an assessment of the results of these programs and safeguards against the use of circumvention technology for illicit or illegal purposes, and detailing how such programs support and are coordinated with cyber diplomacy and the United States International Strategy for Cyberspace. The conferees recommend that the fiscal year 2013 congressional budget justification materials include a request for funds for this program under this heading.

The conferees recommend \$5,000,000 for the Extractive Industries Transparency Initiative.

The conferees endorse language in the Senate report on forensic anthropology in countries of Central and South America.

The conferees recommend \$1,900,000 for the House Democracy Partnership.

The conferees recommend \$4,500,000 under this heading for polio eradication activities in Afghanistan and Pakistan.

The conferees recommend that not less than \$36,000,000 under the Economic Support Fund, International Narcotics Control and Law Enforcement, Assistance for Europe, Eurasia and Central Asia, and Development Assistance headings should be used for activities to combat trafficking in persons internationally, including to protect and rehabilitate victims, prosecute perpetrators, and support research initiatives. Additional funds are provided under Diplomatic and Consular Programs.

The conferees endorse language included in the Senate report on assistance for wheelchair programs.

#### DEMOCRACY FUND

The conference agreement provides \$114,770,000 for Democracy Fund.

The conferees recognize that dissidents and defectors often possess unique information about the political and economic situation inside a country, particularly in closed societies. The conferees therefore direct the Secretary of State, in consultation with the heads of other relevant United States agencies, to consider ways to better disseminate this information, including to human rights groups and civil society.

#### ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

The conference agreement provides \$626,718,000 for Assistance for Europe, Eurasia and Central Asia.

The conferees support the budget request for fiscal year 2012 for countries funded under this heading and note that any deviation from these amounts is subject to the regular notification procedures of the Committees on Appropriations.

The conferees endorse language in the Senate report concerning assistance for the North Caucasus in the amount and for purposes similar to prior fiscal years.

The conferees recommend assistance for victims of the Nagorno-Karabakh conflict at levels consistent with prior years, and for ongoing needs related to the conflict. The conferees urge a peaceful resolution of the conflict.

The conferees direct the Secretary of the Treasury to keep the Committees on Appropriations informed on its efforts to address: export quotas, allocation of grain licenses,

and VAT tax refunds with the Government of Ukraine, and repression of fundamental rights in Ukraine, including due process of law and freedoms of expression and association.

The conferees endorse language and funding amounts in the Senate report for wildlife conservation programs in Russia and forest management programs in Ukraine.

The conferees support programs to address the fight against tuberculosis and HIV/AIDS in Ukraine and Georgia.

#### DEPARTMENT OF STATE

##### MIGRATION AND REFUGEE ASSISTANCE

The conference agreement provides \$1,639,100,000 for Migration and Refugee Assistance, and an additional \$229,000,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees remain concerned with the plight of refugees from Burma residing in Thailand and India, and recommend sufficient funding to address their needs. The conferees direct the Secretary of State to continue to make the welfare of such refugees a priority, including in bilateral and multilateral discussions with other donors and governments.

The conferees endorse directives in the Senate report concerning Iraqi and Pakistani refugees and internally displaced persons (IDPs), and the use of assistance for Pakistani IDPs identified in the Internally Displaced Persons Vulnerability Assessment and Profiling mechanism.

The conferees encourage the Secretary of State to sustain and enhance efforts for increasing resettlement opportunities for Eritrean refugees, and continue to coordinate with the international community to develop and implement a strategy to protect and assist displaced Somalis. Additionally, the conferees encourage the Secretary to build on the Department of State's report on repatriation and reintegration of unaccompanied children by exploring initiatives and partnerships with United States nongovernmental organizations for the safe return and reintegration of such children.

The conferees endorse the funding recommendation in the Senate report regarding Tibetan refugees in India and Nepal and urge the Secretary of State to work with the Government of Nepal to ensure the safe transit of Tibetan refugees and provide legal protections to Tibetans residing in Nepal.

The conferees note that United Nations Relief and Works Agency (UNRWA) schools serve as an alternative to Hamas-run schools in Gaza, and that UNRWA has included supplemental human rights and non-violent conflict resolution training in their curriculum. The conferees urge the Secretary of State to work with UNRWA to explore steps to further the elimination of inflammatory and inaccurate information in host country textbooks used in UNRWA schools. Additionally, section 7049(d) continues the accountability report included in prior appropriations acts for the Department of State, foreign operations and related programs.

#### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement provides \$27,200,000 for the United States Emergency Refugee and Migration Assistance Fund.

#### INDEPENDENT AGENCIES

##### PEACE CORPS

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$375,000,000 for the Peace Corps.

The conferees note the recent enactment of the Kate Puzey Peace Corps Volunteer Protection Act of 2011 (Public Law 112-57) containing various reporting requirements addressing the safety and security of volunteers, including the prevention of, and response to, sexual assault.

The conferees direct that opinions and recommendations from Peace Corps volunteers should be solicited through regular surveys on a confidential basis, and that information that would otherwise be obtainable under the Freedom of Information Act that is of general interest to the public concerning the Peace Corps is made publicly available in a timely manner on the Peace Corps Web site.

Funds appropriated under this heading are subject to the terms of section 7078 of this Act.

#### MILLENNIUM CHALLENGE CORPORATION

The conference agreement provides \$898,200,000 for Millennium Challenge Corporation (MCC).

The conferees direct the Chief Executive Officer (CEO) of the MCC to submit a report to the Committees of Appropriations, not later than 90 days after enactment of this Act, that includes an assessment of the current practices, procedures, and recommendations for improvements in the MCC's ability to identify and track patterns of corruption; the MCC's process for determining the actions necessary to inhibit corruption; and the process to determine if the level of corruption warrants termination or suspension of the MCC compact.

The conferees reaffirm the MCC's mandate to increase economic growth and reduce poverty, and direct the CEO of the MCC to consult with the Committees on Appropriations, prior to submission of congressional notifications, for new compacts regarding the corresponding economic rate of return estimated for each compact component funded.

The conferees recognize that the MCC amended its procurement guidelines on September 28, 2010, to bar government-owned enterprises from competing for MCC procurement contracts. The conferees direct the CEO of the MCC to consult with the Committees on Appropriations on a case-by-case basis if this policy is waived.

The conferees direct the MCC CEO to submit an annual report to the Committees on Appropriations, not later than 120 days after enactment of this Act, on all MCC-funded investment funds, that includes the following information for each investment fund in operation: the identity, selection process, and professional background of current and past managers; the fees and compensation currently provided to senior management; the level of MCC financing provided at the end of the previous fiscal year; a comprehensive and detailed description of the fund's operations, activities, financial condition, and accomplishments for the preceding fiscal year; and the audit plan for each fund.

Funds in this account are subject to the requirements of section 7078 of this Act.

#### INTER-AMERICAN FOUNDATION

The conference agreement provides \$22,500,000 for Inter-American Foundation.

#### AFRICAN DEVELOPMENT FOUNDATION

The conference agreement provides \$30,000,000 for African Development Foundation.

#### DEPARTMENT OF THE TREASURY

##### INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement provides \$25,448,000 for International Affairs Technical



Assistance, and an additional \$1,552,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

DEBT RESTRUCTURING

The conference agreement provides \$12,000,000 for Debt Restructuring to support implementation of the Tropical Forest Conservation Act.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement provides \$1,061,100,000 for International Narcotics Control and Law Enforcement, and an additional \$983,605,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees direct the Secretary of State to notify the Committees on Appropriations in writing, within 5 days of exercising authority allowing funds made available under this heading to be spent “notwithstanding any other provision of law”, and such notification shall include a justification of such activities.

The conferees did not include the requested authority to disregard the geographic or purpose limitations on assistance provided in prior acts related to the Andean Counterdrug Initiative or Andean Counterdrug Programs. The conferees direct the Department of State and USAID to program remaining funds without delay and use the funds within the region.

The conferees support the budget request for CARSI and CBSI and expect the spend plans submitted pursuant to section 7078 of this Act for CARSI and CBSI to include activities that were conducted with prior year appropriations, achievements associated with the expenditure of such funds, and activities that will be funded in fiscal year 2012, including goals to be met.

The conferees recommend \$160,600,000 for activities in Colombia of which not less than \$30,000,000 is for rule of law programs, including \$7,000,000 for USAID human rights activities, and \$15,000,000 for the Office of the Colombian Attorney General including \$7,000,000 for the human rights unit. The conferees direct the Department of State to report to the Committees on Appropriations, not later than 45 days after enactment of this Act, on the proposed uses of funds for Colombia’s judicial agencies, including activities to be supported, information on how assistance will help to reduce impunity, and benchmarks to be used for measuring progress in meeting specific goals.

The conferees recommend \$5,000,000 for the International Commission Against Impunity in Guatemala (CICIG).

The conferees continue to be concerned with the lack of a professional, accountable police force in Guatemala and expect priority be given to funding the implementation of a police reform strategy that has the support of the Guatemalan government and human rights organizations.

The conferees direct the Secretary of State to report to the Committees on Appropriations, not later than 120 days after enactment of this Act, on the role of United States assistance in addressing the needs of Guatemalan women and girls who have been victims of violence. The report shall include a description of how assistance supports victims of trafficking, rape and other sexual violence, combats human trafficking, and improves the capacity of government institutions, including the judiciary, law enforcement, and civil society organizations.

The conferees direct that no funds made available under this heading may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to any individual or unit of the Haitian National Police if the Secretary of State has credible information that such individual or unit has committed a gross violation of human rights or other serious crimes.

The conferees support the budget request for the International Law Enforcement Academies.

The conferees recommend up to \$248,500,000 for assistance for Mexico and note efforts by the Government of Mexico to implement constitutional reforms. The conferees are concerned, however, with the steadily increasing drug-related violence in Mexico, and credible reports of a pattern of abuses by Mexican police. The conferees are also concerned with ongoing gender-based crimes in Mexico, and encourage the Department of State to provide forensic equipment and training to Mexican states and localities that have the highest rate of homicide and other violent crime to ensure local law enforcement agencies have tools to solve and prosecute these cases. Additionally, the conferees direct the Secretary of State to provide a report, not later than 90 days after enactment of this Act, on how programs funded under this heading are achieving judicial and law enforcement reforms in Mexico. The report should include objectives to be met, benchmarks for measuring progress, intended results, and the extent to which such programs are coordinated with the federal and state governments in Mexico.

The conferees support continued assistance to strengthen civilian law enforcement and judicial institutions to reduce violent crime and narcotics trafficking in Mexico and Honduras. The conference agreement includes sections 7045(d) and 7045(e) that require the withholding of a portion of the assistance for military and police forces in these countries until the Secretary of State makes certain findings and submits them in a report to the Committees on Appropriations.

The conferees direct the Department of State to ensure the prompt delivery of equipment and training provided under this heading for Mexico. Additionally, the conferees continue to support cooperation between the United States and Mexico to combat organized crime and drug trafficking along the border. The conferees direct the Secretary of State to develop and implement a coordinated border security strategy.

The conferees continue to support demand reduction programs and direct the Secretary of State to provide assistance at levels consistent with prior fiscal years.

The conferees request that the country-by-country report required under this heading integrate the additional funds appropriated under this heading in title VIII for OCO/GWOT where appropriate, and the OCO/GWOT amounts should be separately identified in the integrated report.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement provides \$590,113,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs (NADR), and an additional \$120,657,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 7078 of this Act requires submission of a spend plan for certain countries and programs not later than 30 days after enactment of the Act. The conferees request that these spend plans integrate the funds appropriated under this heading and in title VIII of this Act for OCO/GWOT where appropriate, and the OCO/GWOT amounts should be separately identified in the integrated plan.

The conferees direct the Secretary of State to notify the Committees on Appropriations in writing, within 5 days of exercising authority allowing funds made available under this heading to be spent “notwithstanding any other provision of law”, and such notification shall include a justification of such activities.

The conference agreement does not include assistance for the Countering Violent Extremism program as included in the budget request, but includes funding for these programs within the ESF account.

The conferees recognize the importance of mine removal, mine victim assistance, and the proper storage and disposition of small arms/light weapons, and support the Department of State’s efforts to expand this work.

The conference agreement prioritizes the clearance of unexploded ordnance (UXO) in areas where such ordnance was caused by the United States. The conferees endorse Senate report language directing that \$9,000,000 be made available for UXO clearance in Laos, and intend that funds also be prioritized for UXO clearance in locations in the Oceania region that have high concentrations of United States UXO dating to World War II.

Section 7078 of this Act requires a spend plan for this account not later than 30 days after enactment of this Act. The conferees request that the spend plan integrate the funds appropriated under this heading in title VIII of this Act for OCO/GWOT, and the OCO/GWOT amounts should be separately identified in the integrated plan.

Funds in this account are allocated according to the following table, and are subject to the provisions of section 7019 of this Act:

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

(Budget authority in thousands of dollars)

Programs	Budget authority
Nonproliferation Programs:	
Nonproliferation and Disarmament Fund .....	30,000
Export Control and Related Border Security Assistance ..	60,909
Global Threat Reduction .....	68,978
IAEA Voluntary Contribution .....	85,900
CTBT International Monitoring System .....	33,000
Weapons of Mass Destruction Terrorism .....	6,042
UN Security Council Resolution 1540 Trust Fund .....	1,500
CTBT Preparatory Commission-Special Contributions ...	7,500
Subtotal—Nonproliferation Programs .....	293,829
Anti-terrorism Programs <sup>1</sup>	
Anti-terrorism Assistance .....	79,284
Terrorist Interdiction Program .....	42,000
CT Engagement with Allies .....	8,000
Counterterrorism Financing .....	17,000
Countering Violent Extremism .....	0
Subtotal—Anti-terrorism Programs .....	146,284
Regional Stability & Humanitarian Assistance	
Conventional Weapons Destruction .....	150,000
Humanitarian Demining Program (non-add)	[95,000]
Small Arms/Light Weapons Destruction (non-add)	[55,000]
Subtotal—Regional Stability & Humanitarian Assistance .....	150,000
Total, Nonproliferation, Anti-terrorism, Demining, and Related Programs .....	590,113

<sup>1</sup> An additional \$120,657,000 is included in title VIII under this heading designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

PEACEKEEPING OPERATIONS

The conference agreement provides \$302,818,000 for Peacekeeping Operations, and

an additional \$81,000,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 7078 of this Act requires submission of a spend plan for certain countries and programs not later than 30 days after enactment of the Act. The conferees request that these spend plans integrate the funds appropriated under this heading and in title VIII of this Act for OCO/GWOT where appropriate, and the OCO/GWOT amounts should be separately identified in the integrated plan.

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations, prior to the obligation of funds provided under this heading, for the Africa Maritime Security Initiative (AMSI), including a description of how the AMSI will address piracy, terrorist activity, and trafficking in drugs, arms, and persons along the African coast, as well as a description of coordination efforts with the Department of Defense.

The conference agreement provides \$28,000,000 for the Multinational Force and Observers (MFO) including \$1,000,000 to address force protection enhancements. The conferees expect the MFO to account for and apply funds in a manner such that the principle of equality of contributions to the basic operating budget between the United States, Egypt, and Israel shall be maintained.

Section 7078 of this Act requires a spend plan for this account not later than 30 days after enactment of this Act. The conferees request that the spend plan integrate the funds appropriated under this heading in title VIII of this Act for OCO/GWOT, and the OCO/GWOT amounts should be separately identified in the integrated plan.

#### FUNDS APPROPRIATED TO THE PRESIDENT INTERNATIONAL MILITARY EDUCATION AND TRAINING

The conference agreement provides \$105,788,000 for International Military Education and Training (IMET).

The conferees recommend parity in the allocation of funds for Armenia and Azerbaijan.

The conferees support the budget request for Indonesia and the Philippines.

The conferees direct the Secretary of State to consult with the Committees on Appropriations prior to the obligation of funds provided under this heading for assistance for Libya.

#### FOREIGN MILITARY FINANCING PROGRAM

The conference agreement provides \$5,210,000,000 for Foreign Military Financing Program (FMF), and an additional \$1,102,000,000 in title VIII under this heading is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 7078 of this Act requires submission of a spend plan for certain countries and programs not later than 30 days after enactment of the Act. The conferees request that these spend plans integrate the funds appropriated under this heading and in title VIII of this Act for OCO/GWOT where appropriate, and the OCO/GWOT amounts should be separately identified in the integrated plan.

The conference agreement provides the budget request for Israel, Egypt, Jordan, and Tunisia.

The conferees note the recent progress of PRC military modernization, and the increasing frequency of aggressive assertions in territorial disputes, including on the seas

and in cyberspace. In response, regional neighbors, including India, Japan, and Singapore, are reviewing defense postures and updating their military hardware. The conferees encourage the Administration to continue to engage the People's Liberation Army in these matters, as well as allies in the region on the political, economic, and military implications of the strategic rise of the PRC, including through military assistance and sales programs.

The conferees recommend parity in the allocation of funds for Armenia and Azerbaijan.

The conferees note the existence of multiple laws that prohibit assistance to Foreign Terrorist Organizations (FTOs). Because of particular concerns with United States military assistance in Lebanon and Yemen, the conferees include language in section 7041 reaffirming that such assistance may not be provided to the armed forces of either country if such force is controlled by an FTO.

The conferees support programs for the Guatemalan Coast Guard, Navy, and Army Corps of Engineers that enhance regional naval cooperation and maritime security and that increase disaster response and peace-keeping capabilities.

The conference agreement continues restrictions in current law on assistance for the Guatemalan Army. The conferees will consider a request for funding for such activities in fiscal year 2013 if the army has a narrowly defined mission focused on border security and external threats, is implementing a reform strategy that has broad support within Guatemalan society, is respecting human rights, is cooperating with civilian investigations and prosecutions of cases involving current and retired officers and with the CICIG, and is publicly disclosing all military archives pertaining to the internal armed conflict.

The conferees support the budget request for Mexico.

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations, not later than 90 days after enactment of this Act, in classified form if necessary, on the use of assistance provided by the United States for the Lebanese Armed Forces, including the training, curriculum, and equipment provided, and an assessment of the performance of such forces and of factors that limit the operational capabilities of such forces. The conferees note that section 7041 limits the purposes for which funds may be made available, and the conferees further direct that United States security assistance not affect Israel's qualitative military edge in the region.

#### TITLE V

#### MULTILATERAL ASSISTANCE

#### FUNDS APPROPRIATED TO THE PRESIDENT INTERNATIONAL ORGANIZATIONS AND PROGRAMS

The conference agreement provides \$348,705,000 for International Organizations and Programs.

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations, not later than 45 days after enactment of this Act, describing the amount of funds since 2008 that the United Nations Environment Program has allocated for anti-malaria research and the programs funded.

Funds in this account are allocated, unless otherwise noted, according to the following table, and are subject to the provisions of section 7019 of this Act:

#### INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(Budget authority in thousands of dollars)

Programs	Budget authority
Center for Human Settlements .....	1,900
International Civil Aviation Organization .....	950
International Conservation Programs .....	7,900
International Contributions for Scientific, Educational, and Cultural Activities .....	0
International Development Law Organization .....	600
IMO Maritime Security Programs .....	400
Intergovernmental Panel on Climate Change/U.N. Framework on Climate Change .....	10,000
Montreal Protocol Multilateral Fund .....	27,000
OAS Development Assistance Programs .....	3,500
OAS Fund for Strengthening Democracy .....	4,500
Inter-American Commission on Human Rights (non-add) .....	(2,000)
U.N. Capital Development Fund .....	955
U.N. Children's Fund .....	131,755
U.N. Democracy Fund .....	4,755
U.N. Development Program .....	82,000
U.N. Environment Program .....	7,700
U.N. High Commissioner for Human Rights .....	5,000
Multilateral Action Initiatives .....	0
U.N. Office for the Coordination of Humanitarian Affairs .....	3,000
U.N. Population Fund .....	35,000
U.N. Voluntary Fund for Technical Cooperation in the Field of Human Rights .....	1,400
U.N. Voluntary Fund for Victims of Torture .....	6,000
U.N. Women .....	7,500
World Meteorological Organization .....	2,090
World Trade Organization Technical Assistance .....	1,150
International Chemicals and Toxics Programs .....	3,650
<b>Total, International Organizations and Programs ...</b>	<b>348,705</b>

#### INTERNATIONAL FINANCIAL INSTITUTIONS

The conferees direct the Secretary of the Treasury to report to the Committees on Appropriations, not later than 45 days after enactment of this Act, on the status of the implementation of the International Monetary Fund's (IMF) New Income Model; the degree to which staff reductions have occurred as planned; a comparison of the number of staff over the previous three years; the average and median salary for senior officers of the IMF; and an overview of IMF internal resources over the previous three years. Additionally, the report shall include a cost estimate of the planned renovation of Headquarters Building 1 and the source of funds to pay for this renovation.

The conference agreement includes a provision, section 7082, directing the Secretary of the Treasury to report to the Committees on Appropriations, prior to disbursing any funds for United States contributions to the general capital increases, that the multilateral banks are making substantial progress toward implementing reforms, including those agreed to as part of the general capital increase agreements.

The conferees direct the Secretary of the Treasury to submit to the Committees on Appropriations, not later than 90 days after enactment of this Act, a report that estimates the impact on poverty alleviation and economic growth in communities along the border between the United States and Mexico if the North American Development Bank's mandate were expanded to include financing of infrastructure projects in the border region that promote growth in trade between the United States and Mexico, sustainable economic and social development, and job creation in the region.

#### GLOBAL ENVIRONMENT FACILITY

The conference agreement provides \$89,820,000 for the Global Environment Facility (GEF).

The conferees direct the Secretary of the Treasury to submit a report to the Committees on Appropriations, not later than 45 days after enactment of this Act, describing the amount of funds since 2008 that the GEF has allocated for anti-malaria research and the programs funded.

CONTRIBUTION TO THE INTERNATIONAL  
DEVELOPMENT ASSOCIATION

The conference agreement provides \$1,325,000,000 for Contribution to the International Development Association.

The conference agreement provides \$167,000,000 for the United States' share of the Multilateral Debt Relief Initiative commitment, including \$91,000,000 for the remainder of the IDA-15 share and \$76,000,000 for the IDA-16 share.

CONTRIBUTION TO THE INTERNATIONAL BANK  
FOR RECONSTRUCTION AND DEVELOPMENT

The conference agreement provides \$117,364,344 for Contribution to the International Bank for Reconstruction and Development.

LIMITATION ON CALLABLE CAPITAL  
SUBSCRIPTIONS

The conference agreement provides \$2,928,990,899 for Limitation on Callable Capital Subscriptions.

CONTRIBUTION TO THE CLEAN TECHNOLOGY  
FUND

The conference agreement provides \$184,630,000 for Contribution to the Clean Technology Fund.

CONTRIBUTION TO THE STRATEGIC CLIMATE  
FUND

The conference agreement provides \$49,900,000 for Contribution to the Strategic Climate Fund.

GLOBAL AGRICULTURE AND FOOD SECURITY  
PROGRAM

The conference agreement provides \$135,000,000 for Global Agriculture and Food Security Program.

CONTRIBUTION TO THE INTER-AMERICAN  
DEVELOPMENT BANK

The conference agreement provides \$75,000,000 for Contribution to the Inter-American Development Bank.

The conference agreement provides \$4,670,000 for payment to the Inter-American Investment Corporation.

LIMITATION ON CALLABLE CAPITAL  
SUBSCRIPTIONS

The conference agreement provides \$4,098,794,833 for Limitation on Callable Capital Subscriptions.

CONTRIBUTION TO THE ENTERPRISE FOR THE  
AMERICAS MULTILATERAL INVESTMENT FUND

The conference agreement provides \$25,000,000 for Contribution to the Enterprise for the Americas Multilateral Investment Fund.

CONTRIBUTION TO THE ASIAN DEVELOPMENT  
BANK

The conference agreement provides \$106,586,000 for Contribution to the Asian Development Bank.

LIMITATION ON CALLABLE CAPITAL  
SUBSCRIPTIONS

The conference agreement provides \$2,558,048,769 for Limitation on Callable Capital Subscriptions.

CONTRIBUTION TO THE ASIAN DEVELOPMENT  
FUND

The conference agreement provides \$100,000,000 for Contribution to the Asian Development Fund.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT  
BANK

The conference agreement provides \$32,417,720 for Contribution to the African Development Bank.

LIMITATION ON CALLABLE CAPITAL  
SUBSCRIPTIONS

The conference agreement provides \$507,860,808 for Limitation on Callable Capital Subscriptions.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT  
FUND

The conference agreement provides \$172,500,000 for Contribution to the African Development Fund.

The conference agreement provides \$7,500,000 for the Multilateral Debt Relief Initiative.

EUROPEAN BANK FOR RECONSTRUCTION AND DE-  
VELOPMENT LIMITATION ON CALLABLE CAP-  
ITAL SUBSCRIPTIONS

The conference agreement provides \$1,252,331,952 for Limitation on Callable Capital Subscriptions.

CONTRIBUTION TO THE INTERNATIONAL FUND  
FOR AGRICULTURAL DEVELOPMENT

The conference agreement provides \$30,000,000 for Contribution to the International Fund for Agricultural Development.

## TITLE VI

## EXPORT AND INVESTMENT ASSISTANCE

## EXPORT-IMPORT BANK OF THE UNITED STATES

## INSPECTOR GENERAL

The conference agreement provides \$4,000,000 for the Inspector General for the Export-Import Bank (the Bank).

The conferees are concerned with the absence of regular inspections of Overseas Private Investment Corporation (OPIC) operations and the oversight of an Inspector General, and direct the President of OPIC to consult with the Committees on Appropriations and other appropriate congressional committees on the options for increasing oversight of OPIC programs, including under the authorities of the Export-Import Bank Inspector General.

## SUBSIDY APPROPRIATION

The conference agreement provides \$58,000,000 for Subsidy Appropriation for the Export-Import Bank.

## ADMINISTRATIVE EXPENSES

The conference agreement provides \$89,900,000 for Administrative Expenses for the Export-Import Bank.

The conference agreement includes \$6,000,000 to support the Bank's efforts to establish regional offices focusing on small businesses and to significantly increase the number of small business transactions.

The conferees direct that the use of the aggregate loan, guarantee, and insurance authorities available to the Bank in fiscal year 2012 should not result in greenhouse gas emissions from the extraction or production of fossil fuels or the use of fossil fuels in electricity generation that exceed the average of the total emissions in the preceding three fiscal years resulting from the use of these authorities unless, not less than 15 days prior to each such use of such authorities in fiscal year 2012, the Bank provides a written report to the Committees on Appropriations that such use would result in emissions exceeding this amount and indicating the amount of the increase, and posts such report on the Bank's Web site.

The conference agreement directs that not less than 10 percent of the Bank's authority for aggregate loan, guarantee, and insurance should be used for renewable energy and end-use energy efficiency technologies. The conferees direct the Bank to provide a report to the Committees on Appropriations, not later than 90 days after enactment of this Act, that includes: all financing for renewable energy and end-use energy efficiency technologies, or other environmentally beneficial exports carried out in fiscal year 2011; efforts made by the Bank to promote and support such exports; information on which regions

and sectors exhibit the greatest potential for such exports; how the Bank defines and tracks such activities; data on the Bank's progress toward meeting the 10 percent directive and the Bank's planned efforts to overcome any shortfall; the Bank's data, current policies, and efforts to mitigate greenhouse gas emissions resulting from projects it finances; and, as applicable, the implementation status of recommendations made by the GAO concerning the promotion of renewable energy and end-use energy efficiency technologies, as well as other environmentally beneficial exports.

OVERSEAS PRIVATE INVESTMENT CORPORATION  
NONCREDIT ACCOUNT

The conference agreement provides \$54,990,000 for Noncredit Account of OPIC.

## PROGRAM ACCOUNT

The conference agreement provides \$25,000,000 for Program Account of OPIC.

The conferees endorse prior year reporting requirements relating to a semi-annual report on OPIC investment funds, and prior consultation on local currency guarantees and financing for nongovernmental organizations and private and voluntary organizations, as stated in House Report 111-187 accompanying H.R. 3081.

The conferees direct the President of OPIC to include in its fiscal year 2013 congressional budget justification a confidential annex that describes new loans, guarantees, and insurance approved in fiscal year 2011 by category, recipient, country, level of OPIC resources provided, and source year of financing used. The conferees also direct OPIC to provide additional detail, including an annual summary of positive and negative subsidy by product line.

The conferees are concerned with the absence of regular inspections of OPIC operations and the oversight of an Inspector General, and direct the President of OPIC to consult with the Committees on Appropriations and other appropriate congressional committees on the options for increasing oversight of OPIC programs, including under the authorities of the Export-Import Bank Inspector General.

## TRADE AND DEVELOPMENT AGENCY

The conference agreement provides \$50,000,000 for Trade and Development Agency.

TITLE VII  
GENERAL PROVISIONS

The following general provisions are continued in this Act substantively unchanged from the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111-117):

- Sec. 7001. Allowances and Differentials
- Sec. 7003. Consulting Services
- Sec. 7005. Personnel Actions
- Sec. 7007. Prohibition Against Direct Funding for Certain Countries
- Sec. 7010. Reporting Requirement
- Sec. 7012. Limitation on Assistance to Countries in Default
- Sec. 7014. Reservations of Funds
- Sec. 7016. Notification of Excess Defense Equipment
- Sec. 7017. Limitation on Availability of Funds for International Organizations and Programs
- Sec. 7018. Prohibition on Funding for Abortions and Involuntary Sterilization
- Sec. 7020. Prohibition of Payment of Certain Expenses

Sec. 7022. Authorization Requirements  
 Sec. 7023. Definition of Program, Project, and Activity  
 Sec. 7026. Separate Accounts  
 Sec. 7027. Eligibility for Assistance  
 Sec. 7028. Impact on Jobs in the United States  
 Sec. 7030. Debt-for-Development  
 Sec. 7032. Authority to Engage in Debt Buybacks or Sales  
 Sec. 7035. Arab League Boycott of Israel  
 Sec. 7036. Palestinian Statehood  
 Sec. 7037. Restrictions Concerning the Palestinian Authority  
 Sec. 7038. Prohibition on Assistance to the Palestinian Broadcasting Corporation  
 Sec. 7039. Assistance for the West Bank and Gaza  
 Sec. 7047. Prohibition of Payments to United Nations Members  
 Sec. 7048. War Crimes Tribunals Drawdown  
 Sec. 7050. Community-Based Police Assistance  
 Sec. 7053. Parking Fines and Real Property Taxes Owed by Foreign Governments (incorporates prior year conditions by reference)  
 Sec. 7054. Landmines and Cluster Munitions  
 Sec. 7055. Prohibition on Publicity or Propaganda  
 Sec. 7056. Limitation on Residence Expenses  
 Sec. 7059. Prohibition on Promotion of Tobacco  
 Sec. 7064. Requests for Documents  
 Sec. 7068. Extradition  
 Sec. 7069. Commercial Leasing of Defense Articles  
 Sec. 7072. Repression in the Russian Federation  
 Sec. 7073. Prohibition on First-Class Travel

The following general provisions are either new, or are substantively modified, from those included in division F of Public Law 111-117:

*Sec. 7002. Unobligated Balances Report (Modified)*

Section 7002 of the conference agreement requires any department or agency funded by this Act to provide a quarterly report on unobligated and unexpended balances to the Committees on Appropriations. The conferees expect the report to specify, where feasible, funds obligated pursuant to bilateral agreements which have not been further sub-obligated. The conferees note that current reports from USAID designate expired and unexpired funds by account and fiscal year, and expect the Department of State to continue to work on modifying their financial systems to enable them to submit a report in a similar format. The conferees also direct the Department of State and USAID to provide periodic briefings on the information in this report, including on the status of sub-obligations related to bilateral agreements.

*Sec. 7004. Embassy Construction (Modified)*  
 The conference agreement includes authorization within section 7004 for the Maintenance Cost Sharing initiative to utilize funding from the Capital Security Cost Sharing (CSCS) program for the maintenance, repair, and rehabilitation of new facilities with an inter-agency presence.

*Sec. 7006. Local Guard Contracts (Modified)*  
*Sec. 7008. Coups d'Etat (Modified)*

The conferees intend that the modifications to this provision shall apply to prospective coups d'état and shall not apply to retrospective assessments.

*Sec. 7009. Transfer Authority (Modified)*

*Sec. 7011. Availability of Funds (Modified)*  
*Sec. 7013. Prohibition on Taxation of United States Assistance (Modified)*  
*Sec. 7015. Notification Requirements (Modified)*

*Sec. 7019. Allocations (Modified)*  
*Sec. 7021. Prohibition on Assistance to Governments Supporting International Terrorism (Modified)*

Section 7021 of the conference agreement combines sections 7021 and 7022 in division F of Public Law 111-117 relating to prohibitions on the export of lethal military equipment and on providing bilateral assistance to countries supporting international terrorism. Additionally, section 7021 prohibits bilateral assistance to any foreign government controlled by a designated terrorist organization.

*Sec. 7024. Authorities for the Peace Corps, Inter-American Foundation and African Development Foundation (Modified)*

*Sec. 7025. Commerce, Trade and Surplus Commodities*

The conference agreement includes language expanding exceptions to the application of subsection (b). When relying on this expanded exception, the USAID Administrator should, in order to maximize program effectiveness, consult with relevant agriculture industry representatives regarding the same, similar, or substitute commodities and products.

*Sec. 7029. International Financial Institutions (Modified)*

*Sec. 7031. Financial Management and Budget Transparency (Modified)*

For the purposes of this section the term "direct government-to-government assistance" shall include cash transfers, non-project sector assistance, and other forms of assistance where funds appropriated by this Act are provided directly to the recipient government.

Section 7031(c) includes language related to anti-kleptocracy. The conferees note that this provision revises current law (section 7084 of division F of Public Law 111-117) and includes a national interest waiver. The conferees note that ineligibility for entry into the United States under this provision is not dependent on a decision or other action by any Federal agency other than the Department of State.

*Sec. 7033. Multi-Year Commitments (New)*

The conferees understand that the Secretary of the Treasury does not intend to increase the quota resources of the IMF in fiscal year 2012. If the Secretary does intend to commit the United States to additional contributions to the IMF, the conference agreement includes a provision that would, at a minimum, require consultation with the Committees on Appropriations not less than 7 days before such pledge is made.

*Sec. 7034. Special Provisions (Modified)*

Section 7034(h)(5) states that funds appropriated by this Act that are made available to promote democracy and human rights shall also be made available to support freedom of religion, especially in the Middle East and North Africa.

Section 7034(k) redesignates section 620J of the Foreign Assistance Act of 1961 to section 620M, and modifies it by substituting "credible information" for "credible evidence" in order to clarify that the information need not be admissible in a court of law to be credible and to conform to similar wording in a comparable provision in the Defense Appropriations Act, and by adding guidelines for: tracking United States assistance to foreign security forces; the collection, receipt,

evaluation, and preservation of information about gross violations of human rights; vetting both individuals and units; and, to the maximum extent practicable, publicly identifying units for which no assistance shall be furnished pursuant to section 620M.

*Sec. 7040. Limitation on Assistance for the Palestinian Authority (Modified subsection (f))*

*Sec. 7041. Near East (Modified)*

Section 7041(a)(1) of this Act provides limitations on assistance for Egypt, and includes authorities for an Egypt debt initiative.

Section 7041(a)(3) provides authority and conditions for an Egypt initiative. The conferees make available up to \$500,000,000 of the funds appropriated under the Economic Support Fund heading in this Act and prior acts for such purposes. However, the conferees note that all funds are subject to the regular notification procedures of the Committees on Appropriations and expect that funds will be provided in tranches, at the minimum rate necessary, and in a manner consistent with the advancement of United States—Egyptian strategic interests. The conferees note that this initiative demonstrates United States support for Egypt's democratic transition and economic development, and should serve as an incentive to the Government of Egypt (GOE) to pursue policies of mutual interest. The conferees intend that prior to the use of the authority under this initiative the transition to a civilian government will have substantially progressed, and the GOE will implement economic development policies consistent with the objectives of such initiative.

The conferees direct that the notification submitted to the Committees on Appropriations include a detailed description and estimate of the economic benefits of projects anticipated to be undertaken, the role of the GOE in implementing projects, an explanation of how such projects contribute to economic and democratic reforms in Egypt, and the means by which the uses of funds and results achieved will be monitored and measured. The conferees intend that the notification may be submitted to other congressional committees, as appropriate.

The conferees direct the Secretary of State to use prior appropriated funds to the maximum extent practicable with respect to supporting projects and initiatives in Egypt, and to structure the timing and amounts of disbursements of funds for activities regarding the Egypt debt initiative. The Secretary of State shall consult with the Committees on Appropriations and other congressional committees, as appropriate, on the planned uses of the funds prior to obligating funds under such structured disbursement. The conferees expect the Secretary of State to spend down prior appropriated funds in an efficient manner, and to keep the Committees on Appropriations informed on a regular basis on the balances of such funds.

Section 7041(b) of this Act includes language authorizing the establishment of enterprise funds in Egypt, Tunisia, and Jordan. The conferees intend that at the termination of the respective funds, 50 percent of the proceeds realized by each fund from the liquidation of its assets should be returned to the United States Treasury. The conferees request that the Comptroller General of the United States conduct a review, one year after the establishment of any enterprise fund, to examine the management and oversight of the funds and to determine if appropriate and sufficient safeguards exist against financial misconduct.

The conference agreement includes language regarding democracy promotion in

Libya and Syria, and restricts infrastructure assistance for Libya.

Sec. 7042. Serbia (Modified)

Sec. 7043. Africa (Modified)

The conferees direct the Secretary of State to provide to the Committees on Appropriations the report detailed in section 7061(b)(3) of S. 1601 (112th Congress).

The conferees endorse language in the Senate report regarding the disappearance of journalist Ebrimah Manneh from The Gambia.

Sec. 7044. Asia (Modified)

Sec. 7045. Western Hemisphere (Modified)

The conferees direct that of the funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, 25 percent may be obligated only after the Secretary of State consults with, and subsequently certifies and submits a written report to, the Committees on Appropriations that—

(1) The Colombian Armed Forces are suspending those members, of whatever rank, who have been credibly alleged to have violated human rights, or to have aided, abetted or benefitted from paramilitary organizations or other illegal armed groups; all such cases are promptly referred to civilian jurisdiction for investigation and prosecution, and the Colombian Armed Forces are not opposing civilian jurisdiction in such cases; and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities.

(2) The Government of Colombia has taken all necessary steps to sever links with paramilitary organizations or other illegal armed groups.

(3) The Government of Colombia is dismantling paramilitary networks, including by arresting and prosecuting under civilian criminal law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted or benefitted from paramilitary organizations or other illegal armed groups, and by returning land and other assets illegally acquired by such organizations or their associates to their rightful occupants or owners.

(4) The Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, and other social activists, and the rights and territory of indigenous and Afro-Colombian communities; and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants, in their operations.

The conferees also direct that not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing any United States funding, assistance or other support for the Departamento Administrativo de Seguridad, its officials, employees, affiliates and contractors during the period 2002 through 2010, including but not limited to training, equipment, information sharing, technical assistance, and facilities construction. To the maximum extent possible the report shall be provided in unclassified form, but may also include a classified annex.

Sec. 7046. South Asia (Modified)

The conferees direct the Secretary of State to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, detailing what steps have been taken by the Government of Sri Lanka and international bodies to thoroughly and credibly investigate war crimes and violations of international humanitarian law during the internal armed conflict, and evaluating the adequacy of steps taken by the Government of Sri Lanka to hold perpetrators accountable. The report should also indicate whether suspected combatants detained during the conflict remain in custody and whether humanitarian organizations have access to such detainees.

The conferees direct that funds available for Afghanistan under the ESF and INCLE headings for training of foreign police, judicial, and military personnel should address gender-based violence, where appropriate.

The conferees direct that, not later than 180 days after enactment of this Act, the Secretary of State, in consultation with the USAID Administrator, submit a report to the Committees on Appropriations detailing actions taken by the Government of Afghanistan to expand rail transport in Afghanistan since 2009; providing an assessment of any national rail transport strategy, including the costs associated with implementation of such strategy; providing an analysis of the economic benefits of expanding and improving rail connections with neighboring countries, including in areas with significant resources; and making recommendations for the standardization of rail gauge in Afghanistan that is compatible with Central Asian countries, including Uzbekistan.

Sec. 7049. United Nations (New)

Section 7049(a) requires that 15 percent of United States contributions to United Nations agencies and the Organization of American States shall be withheld from obligation if the Secretary of State determines and reports that such agency or organization is not taking steps to meet certain conditions. The Secretary may waive this requirement if to do so is in the national interest. The conferees intend this restriction to apply only to such entities that receive annual United States contributions exceeding \$20,000,000. The conferees further intend that for the purposes of this section, "necessary access" means access necessary for United States Government officials to obtain the results of financial and performance audits in a timely manner.

Sec. 7051. Attendance at International Conferences (Modified)

Sec. 7052. Aircraft Transfer and Coordination (Modified)

Sec. 7057. United States Agency for International Development Management (Modified)

The conferees intend that funds appropriated under the heading Operating Expenses in title II of this Act are made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities.

Sec. 7058. Global Health Activities (Modified)

Sec. 7060. Programs to Promote Gender Equality (Modified)

Sec. 7061. Gender-Based Violence

For the purposes of this Act, the conferees direct that gender-based violence should include any form of violence or abuse that tar-

gets women or men on the basis of their gender and results in physical, sexual or psychological harm.

The conferees direct the Secretary of State and the USAID Administrator to submit to the Committees on Appropriations, not later than 180 days after the enactment of this Act, a multi-year strategy to prevent and respond to violence against women and girls in countries where it is common. The strategy should include achievable and sustainable goals, benchmarks for measuring progress, and expected results. The formulation of the strategy should include regular engagement with men and boys as community leaders and advocates in ending such violence.

Sec. 7062. Sector Allocations (New)

This section consolidates directives, related reporting requirements and limitations for program funding in sectors including education, environment, and food security and agriculture development. The conferees expect these funds to be awarded competitively and in accordance with all applicable rules and regulations. With respect to funding requirements in this section and other minimum funding requirements contained in the conference agreement, the conferees note that funds appropriated in title VIII of this Act under the same headings may be used to meet such requirements.

Sec. 7063. Central Asia (Modified)

Sec. 7065. Overseas Private Investment Corporation (Modified)

Sec. 7066. International Prison Conditions (Modified)

Sec. 7067. Prohibition on Use of Torture (Modified)

Sec. 7070. Independent States of the Former Soviet Union (Modified)

Sec. 7071. International Monetary Fund (Modified)

Sec. 7074. Disability Programs (Modified)

Sec. 7075. Enterprise Funds (Modified)

Sec. 7076. Consular Affairs (New)

Sec. 7077. Procurement Reform (New)

Section 7077 provides authority to the USAID Administrator to award contracts and other acquisition instruments to local entities if the procurement meets the criteria described in this provision.

Sec. 7078. Operating and Spend Plans (New)

Sec. 7079. Rescissions (New)

Sec. 7080. Special Defense Acquisition Fund (New)

Sec. 7081. Authority for Capital Increases (New)

Sec. 7082. Reforms Related to General Capital Increases (New)

Sec. 7083. Authority for Replenishments (New)

Sec. 7084. Authority for the Fund for Special Operations (New)

Sec. 7085. United Nations Population Fund (Modified)

The conference agreement continues prior year conditions on funding for the United Nations Population Fund and modifies the funding level.

Sec. 7086. Limitations (New)

Sec. 7087. Use of Funds in Contravention of this Act (Modified)

The conferees continue the requirement that the Executive Branch notify the Committees on Appropriations 5 days in advance of any action or other decision that would otherwise have been prohibited or required by this Act but for a determination that a provision in this Act is unconstitutional.

The following general provisions included in division F of Public Law 111-117 have been modified and merged with other provisions in this Act: Sections 7022, 7043, 7046, 7050,

7052, 7054, 7064, 7065, 7076, 7081, 7084, 7086, and 7089.

The conference agreement does not include section 7066 included in division F of Public Law 111-117 regarding a comprehensive expenditures report. Instead, the conferees direct the Secretary of State, in consultation with relevant agency heads, to report to the Committees on Appropriations, not later than 180 days after enactment of this Act, on options for standardizing assistance information, by program, country, and fiscal year. The conferees intend to direct the submission of this report in future fiscal years, and to require its posting on the Foreign Assistance Dashboard.

The conference agreement does not continue the following general provisions included in division F of Public Law 111-117: Sections 7033, 7041, 7068, 7088, and 7091.

#### TITLE VIII

##### OVERSEAS CONTINGENCY OPERATIONS/ GLOBAL WAR ON TERRORISM

Funds appropriated as OCO/GWOT under this title address the "extraordinary and temporary" costs of contingency operations in Afghanistan, Pakistan and Iraq, as well as other counterterrorism and counterinsurgency programs and response to conflict-related and other crises. As noted in the congressional budget justification for fiscal year 2012, OCO funds are expected to be phased out over time.

#### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement provides \$4,389,064,000 for Diplomatic and Consular Programs, of which \$236,201,000 is for Worldwide Security Protection. The amount provided is for the extraordinary costs of operations in Afghanistan, Pakistan, and Iraq and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees intend that funds made available for operations in Afghanistan will be used to train and deploy additional direct-hire personnel to improve monitoring and control of United States assistance.

The conferees direct the Secretary of State to cooperate with the Office of Inspector General for the Department of State and SIGIR, including requests from the SIGIR for information and documentation involving operations in support of foreign assistance programs.

The conferees direct that the spend plan required by section 7078 of this Act include a detailed description of the designated amounts by category, break-out costs of operations by location and provide staffing levels for each location and provincial area, where applicable. In addition, with respect to funds transferred to other agencies in support of Afghanistan operations, the spend plan should include projected transfer amounts and number of staff supported by each agency.

#### CONFLICT STABILIZATION OPERATIONS

The conference agreement provides \$8,500,000 for CSO for deployment costs, including to Afghanistan, Pakistan, and Iraq. The amount provided is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985. In addition, the agreement includes authority for the Secretary of State to transfer up to \$35,000,000 of the funds appropriated under the heading Diplomatic and Consular Programs in title I for the support of CSO operations and activities.

The conferees direct that the Secretary of State notify the Committees on Appropriations within fifteen days of a new deployment of the Civilian Response Corps (CRC), to include the destination, size, composition, and expected duration and cost of the deployment.

The conferees expect the spend plan required by section 7078 of this Act to include details on projected staffing of the CRC, a list of deployments and planned deployments for the fiscal year, and a summary of any strategic review of CSO operations, including a timeline for implementation of organizational, personnel, and program changes.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$67,182,000 for the Office of Inspector General at the Department of State, of which \$3,250,000 is for support of the Middle East Regional Office, \$44,387,000 is for SIGAR, and \$19,545,000 is to sustain the current level of operations for SIGIR. The amount provided is for the extraordinary costs of program oversight in Afghanistan, Pakistan, and Iraq and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees do not support the proposed drawdown of SIGIR in fiscal year 2012 as proposed in the request. SIGIR should continue to exercise oversight over the assistance programs in Iraq, including the support costs associated with programs funded under the International Narcotics Control and Law Enforcement heading.

Section 7078 of this Act requires the relevant department, agency, or organization to submit to the Committees on Appropriations a spend plan for funds appropriated in titles I and II of this Act. The conferees expect both SIGAR and SIGIR to submit such plans not later than 30 days after enactment of this Act.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement provides \$15,600,000 for Educational and Cultural Exchange Programs. The amount provided is for the extraordinary costs of exchange and public diplomacy programs in Afghanistan and Pakistan, and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement provides \$33,000,000 for Embassy Security, Construction, and Maintenance. The amount provided is for the extraordinary costs of leased facilities in Iraq and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

#### INTERNATIONAL ORGANIZATIONS CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement provides \$101,300,000 for Contributions to International Organizations. The amount provided is for the extraordinary costs of United Nations missions in Afghanistan and Iraq and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

#### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement provides \$4,400,000 for International Broadcasting Operations for the extraordinary costs of United States international broadcasting to

Iraq, Afghanistan, Pakistan, and the Middle East and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

#### RELATED PROGRAMS

##### UNITED STATES INSTITUTE OF PEACE

The conference agreement provides \$8,411,000 for USIP. The amount provided is for the extraordinary costs of USIP programs in Afghanistan, Pakistan, and Iraq and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### OPERATING EXPENSES

The conference agreement provides \$255,000,000 for Operating Expenses. The amount provided is for the extraordinary costs of operations in Afghanistan, Pakistan, and Iraq and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$4,500,000 for the Office of Inspector General. The amount provided is for the extraordinary costs of oversight activities of programs and operations in Afghanistan, Pakistan, and Iraq and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

##### BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL DISASTER ASSISTANCE

The conference agreement provides \$150,000,000 for International Disaster Assistance. The amount provided is for the extraordinary costs of the United States response to crises resulting from conflict, including in Afghanistan, Pakistan, Iraq, Yemen, and the Horn of Africa, and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

##### TRANSITION INITIATIVES

The conference agreement provides \$6,554,000 for Transition Initiatives. The amount provided is for the extraordinary costs of contingency operations in conflict countries, such as Afghanistan, Pakistan, Libya, and Yemen and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

##### COMPLEX CRISES FUND

The conference agreement provides \$30,000,000 for the Complex Crises Fund. The amount provided is for the extraordinary costs of addressing security and stabilization requirements in conflict countries, such as Pakistan, Somalia, and Yemen, and countries emerging from conflict and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

##### ECONOMIC SUPPORT FUND

The conference agreement provides \$2,761,462,000 for the Economic Support Fund for the extraordinary costs of contingency operations, including in Afghanistan, Pakistan, Iraq, Yemen, Somalia, North Africa, and for African counterterrorism partnerships. The full amount provided is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

## DEPARTMENT OF STATE

## MIGRATION AND REFUGEE ASSISTANCE

The conference agreement provides \$229,000,000 for Migration and Refugee Assistance. The amount provided is for the extraordinary costs of United States response to crises resulting from conflict, including in Afghanistan, Pakistan, Iraq, Yemen, and the Horn of Africa, and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

## DEPARTMENT OF THE TREASURY

## INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement provides \$1,552,000 for International Affairs Technical Assistance. The amount provided is for the extraordinary costs of contingency operations, including in Afghanistan, Pakistan, and Iraq and is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

## INTERNATIONAL SECURITY ASSISTANCE

## DEPARTMENT OF STATE

## INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement provides \$983,605,000 for International Narcotics Control and Law Enforcement for the extraordinary costs of contingency operations, including in Afghanistan, Pakistan, Iraq, Yemen, Somalia, and for African counterterrorism partnerships. The amount provided is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

## NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The conference agreement provides \$120,657,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs for the extraordinary costs of anti-terrorism assistance, including in Afghanistan, Pakistan, Iraq, Yemen, Kenya, and for support of the Office of the Coordinator for Counterterrorism, to include the Regional Strategic Initiative. The amount provided is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

## PEACEKEEPING OPERATIONS

The conference agreement provides \$81,000,000 for Peacekeeping Operations for the extraordinary costs of contingency operations in Somalia and counterterrorism activities in Africa. The amount provided is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

## FUNDS APPROPRIATED TO THE PRESIDENT

## FOREIGN MILITARY FINANCING PROGRAM

The conference agreement provides \$1,102,000,000 for the Foreign Military Financing Program for the extraordinary costs of contingency operations, including in Iraq, Pakistan, the Philippines, and Yemen. The amount provided is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

The conferees expect that the spend plan required by section 7078 of this Act will include a detailed description, by program ob-

jective, of all activities supported with funds made available under this heading.

## PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

## (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$850,000,000 for the Pakistan Counterinsurgency Capability Fund. The amount provided is designated for OCO/GWOT pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

## GENERAL PROVISIONS

## Sec. 8001

This provision clarifies that the amounts appropriated by this title are in addition to amounts appropriated or otherwise made available in this Act for fiscal year 2012.

## Sec. 8002

This provision makes applicable to funds appropriated in this title the authorities and conditions applicable to such accounts elsewhere in the Act.

## Sec. 8003

This provision confers authority to the Secretary of State to transfer funds appropriated in this title for assistance between accounts, subject to the regular notification procedures of the Committees on Appropriations.

## Sec. 8004

This provision provides for transfer of up to \$50,000,000 to the Global Security Contingency Fund pending authorization of the account.

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	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
<b>TITLE I - DEPARTMENT OF STATE AND RELATED AGENCY</b>			
<b>DEPARTMENT OF STATE</b>			
<b>Administration of Foreign Affairs</b>			
Diplomatic and consular programs.....	7,275,420	6,116,472	5,195,947
Agency acquisition workforces (Sec. 7059).....	---	(3,000)	---
Worldwide security protection.....	1,497,000	1,453,730	1,355,000
<b>Total, Diplomatic and consular programs...</b>	<b>8,772,420</b>	<b>7,570,202</b>	<b>6,550,947</b>
Conflict stabilization operations.....	34,930	92,200	---
Capital investment fund.....	59,380	125,000	59,380
Office of Inspector General.....	99,800	65,154	61,904
Educational and cultural exchange programs.....	598,800	637,100	583,200
Representation allowances.....	7,484	8,175	7,300
Protection of foreign missions and officials.....	27,944	27,744	27,000
Embassy security, construction, and maintenance.....	823,350	863,317	762,000
Worldwide security upgrades.....	793,410	938,200	775,000
<b>Total, Embassy security.....</b>	<b>1,616,760</b>	<b>1,801,517</b>	<b>1,537,000</b>
Emergencies in the diplomatic and consular service....	9,480	10,000	9,300
Repatriation Loans Program Account:			
Direct loans subsidy.....	737	1,089	737
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## DIVISION I: DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED AGENCIES APPROPRIATIONS ACT 2012

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	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Administrative expenses.....	710	711	710
Total, Repatriation loans program account.....	1,447	1,800	1,447
Payment to the American Institute in Taiwan.....	21,108	23,320	21,108
Payment to the Foreign Service Retirement and Disability Fund.....	158,900	158,900	158,900
Total, Administration of Foreign Affairs.....	11,408,453	10,521,112	9,017,486
International Organizations			-2,390,967
Contributions to international organizations, current year assessment.....	1,578,651	1,619,400	1,449,700
Contributions for international peacekeeping activities, current year assessment.....	1,883,931	1,920,000	1,828,182
Total, International Organizations.....	3,462,582	3,539,400	3,277,882
International Commissions			-184,700
International Boundary and Water Commission, United States and Mexico:			
Salaries and expenses.....	43,213	45,591	44,722
Construction.....	26,447	31,900	31,453
Total, Boundary and Water Commission.....	69,660	77,491	76,175
			+6,515

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	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference
American sections, international commissions.....	12,583	11,996	11,887	-896
International fisheries commissions.....	50,399	31,291	36,300	-14,099
Total, International commissions.....	132,642	120,778	124,162	-8,480
RELATED AGENCY				
Broadcasting Board of Governors				
International Broadcasting Operations.....	730,037	754,261	740,100	+10,063
Broadcasting capital improvements.....	6,861	12,769	7,030	+169
Total, Broadcasting Board of Governors.....	736,898	767,030	747,130	+10,232
Related Programs				
The Asia Foundation.....	17,864	14,906	17,000	-864
United States Institute of Peace operating expenses...	39,420	42,740	30,589	-8,831
Center for Middle Eastern-Western dialogue.....	838	840	840	+2
Eisenhower Exchange Fellowship program.....	499	500	500	+1
Israeli Arab scholarship program.....	374	375	375	+1
East-West Center.....	20,958	10,830	16,700	-4,258
National Endowment for Democracy.....	117,764	104,000	117,764	---
Total, Related programs.....	197,717	174,191	183,768	-13,949

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>OTHER COMMISSIONS</b>				
Commission for the Preservation of America's Heritage Abroad				
Salaries and expenses.....	634	656	634	---
Commission on International Religious Freedom				
Salaries and expenses.....	4,291	4,400	3,000	-1,291
Commission on Security and Cooperation in Europe				
Salaries and expenses.....	2,605	2,715	2,715	+110
Congressional-Executive Commission on the People's Republic of China				
Salaries and expenses.....	1,996	2,000	1,996	---
United States - China Economic and Security Review Commission				
Salaries and expenses.....	3,493	3,500	3,493	---
<b>Total, title I, Department of State and Related Agency.....</b>	<b>15,951,311</b>	<b>15,135,782</b>	<b>13,362,266</b>	<b>-2,589,045</b>

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
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TITLE II - ADMINISTRATION OF FOREIGN ASSISTANCE

Funds Appropriated to the President

United States Agency for International Development

Operating expenses of the U.S. Agency for International Development (USAID).....	1,347,300	1,503,420	1,092,300	-255,000
Agency acquisition workforces (Sec. 7058).....	---	(3,530)	---	---
Conflict stabilization operations.....	4,990	---	---	-4,990
Capital Investment Fund.....	129,740	189,200	129,700	-40
Operating expenses of the U.S. Agency for International Development Office of Inspector General....	44,910	51,500	46,500	+1,590

Total, title II, Administration of Foreign Assistance.....	1,526,940	1,744,120	1,268,500	-258,440
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TITLE III - BILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

Global Health Initiative:

Global Health Initiative.....	---	---	---	---
U.S. Agency for International Development.....	2,495,000	3,073,600	2,625,000	+130,000

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Department of State.....	5,334,310	5,641,900	5,542,860	+208,550
(Global fund contribution).....	(748,500)	(1,000,000)	(1,050,000)	(+301,500)
Total, Global Health and Child Survival.....	7,829,310	8,715,500	8,167,860	+338,550
Development assistance.....	2,519,950	2,918,002	2,519,950	---
(Transfer out).....	(-30,000)	(-50,000)	---	(+30,000)
International disaster assistance.....	863,270	860,700	825,000	-38,270
Transition initiatives.....	54,890	56,000	50,141	-4,749
Complex Crisis fund.....	39,920	75,000	10,000	-29,920
Development Credit Authority: (By transfer).....	(30,000)	(50,000)	(40,000)	(+10,000)
Administrative expenses.....	8,283	8,300	8,300	+17
Economic Support Fund: Egypt.....	249,500	250,000	250,000	+500
Other.....	5,696,685	5,718,663	2,751,745	-2,944,940
Total, Economic support fund.....	5,946,185	5,968,663	3,001,745	-2,944,440
Democracy Fund.....	114,770	---	114,770	---
Assistance for Europe, Eurasia, and Central Asia.....	695,740	626,718	626,718	-69,022
Department of State				
Migration and refugee assistance.....	1,686,620	1,613,100	1,639,100	-47,520
United States Emergency Refugee and Migration				

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Assistance Fund.....	49,900	32,000	27,200	-22,700
Total, Department of State.....	1,736,520	1,645,100	1,666,300	-70,220
Independent Agencies				
Peace Corps.....	374,250	439,600	375,000	+750
Millennium Challenge Corporation.....	898,200	1,125,100	898,200	---
Inter-American Foundation.....	22,454	19,100	22,500	+46
African Development Foundation.....	29,441	24,000	30,000	+559
Total, Independent Agencies.....	1,324,345	1,607,800	1,325,700	+1,355
Department of the Treasury				
International Affairs Technical Assistance.....	25,448	30,120	25,448	---
Debt restructuring.....	49,900	15,000	12,000	-37,900
Total, Department of the Treasury.....	75,348	45,120	37,448	-37,900
Total, title III, Bilateral economic assistance.	21,208,531	22,526,903	18,353,932	-2,854,599
Appropriations.....	(21,208,531)	(22,526,903)	(18,353,932)	(-2,854,599)
(By transfer).....	(30,000)	(50,000)	(40,000)	(+10,000)
(Transfer out).....	(-30,000)	(-50,000)	---	(+30,000)

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TITLE IV - INTERNATIONAL SECURITY ASSISTANCE			
Department of State			
International narcotics control and law enforcement...	1,593,806	1,511,838	1,061,100
Total, International narcotics control.....	1,593,806	1,511,838	1,061,100
Nonproliferation, anti-terrorism, demining and related programs.....	738,520	708,540	590,113
Peacekeeping operations.....	304,390	292,000	302,818
Funds Appropriated to the President			
International Military Education and Training.....	105,788	109,954	105,788
Foreign Military Financing Program:			
Grants:			
Israel.....	2,994,000	3,075,000	3,075,000
Egypt.....	1,297,400	1,300,000	1,300,000
Other.....	1,082,830	1,175,463	835,000
Total, Foreign Military Financing Program.	5,374,230	5,550,463	5,210,000
Global security contingency fund.....	---	50,000	---
Total, title IV, Security assistance.....	8,116,734	8,222,795	7,269,819
Appropriations.....	(8,116,734)	(8,222,795)	(7,269,819)
			(-846,915)

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TITLE V - MULTILATERAL ASSISTANCE				
Funds Appropriated to the President				
International Organizations and Programs.....	354,290	348,705	348,705	-5,585
International Financial Institutions				
World Bank Group				
Clean Technology Fund.....	184,630	400,000	184,630	---
Strategic Climate Fund.....	49,900	190,000	49,900	---
The International Bank for Reconstruction and Development (IBRD):				
Contribution to the IBRD paid in capital.....	---	117,364	117,364	+117,364
(Limitation on callable capital).....	---	(2,928,991)	(2,928,991)	(+2,928,991)
Global Environment Facility.....	89,820	143,750	89,820	---
Subtotal, IBRD.....	89,820	261,114	207,184	+117,364
Contribution to the International Development Association.....				
Multilateral debt relief initiative.....	1,232,530	1,358,500	1,325,000	+92,470
Total, World Bank Group.....	1,556,880	2,376,614	1,933,714	+376,834
Contribution to the Enterprise for the Americas				
Multilateral Investment Fund.....	24,950	25,000	25,000	+50



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	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted
Contribution to the Inter-American Development Bank paid in capital.....	---	102,018	75,000
(Limitation on callable capital).....	---	(4,098,795)	(4,098,795)
Inter-American Development Bank, Inter-American Investment Corporation.....	20,958	20,429	4,670
Total, Inter-American Development Bank.....	20,958	122,447	79,670
Contribution to the Asian Development Fund.....	---	115,250	100,000
Asian development bank paid in capital.....	106,373	106,586	106,586
(Limitation on callable capital).....	(2,558,049)	(2,558,049)	(2,558,049)
Contribution to the African Development Bank:			
Paid in capital.....	---	32,418	32,418
(Limitation on callable capital).....	---	(507,861)	(507,861)
Contribution to the African Development Fund.....	109,780	195,000	172,500
Total, African Development Bank.....	109,780	227,418	204,918
Multilateral debt relief initiative.....	---	7,500	7,500
European Bank for Reconstruction and Development (limitation on callable capital).....	---	---	(1,252,332)
Contribution to the International Fund for Agricultural Development.....	29,440	30,000	30,000
			+560

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Global agriculture and food security program.....	99,800	308,000	135,000	+35,200
Total, International Financial Institutions...	1,948,181	3,318,815	2,622,388	+674,207
Total, title V, Multilateral assistance.....	2,302,471	3,667,520	2,971,093	+668,622
(Limitation on callable capital).....	(2,558,049)	(10,093,696)	(11,346,028)	(+8,787,979)

TITLE VI - EXPORT AND INVESTMENT ASSISTANCE

Export-Import Bank of the United States

Subsidy appropriation.....	58,000	76,400	58,000	---
Administrative expenses.....	83,880	124,600	89,900	+6,020
Inspector General.....	2,495	4,000	4,000	+1,505
Offsetting collections.....	-141,800	-417,900	-417,900	-276,100
Total, Export-Import Bank of the United States..	2,575	-212,900	-266,000	-268,575
Overseas Private Investment Corporation				
Noncredit account:				
Administrative expenses.....	52,310	57,890	54,990	+2,680
Insurance fees and other offsetting collections...	-272,300	-277,000	-277,000	-4,700
Subtotal.....	-219,990	-219,110	-222,010	-2,020

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Program account.....	18,115	31,000	25,000	+6,885
Total, Overseas Private Investment Corporation....	-201,875	-188,110	-197,010	+4,865
Funds Appropriated to the President				
Trade and Development Agency.....	49,900	56,270	50,000	+100
Total, title VI, Export and investment assistance	-149,400	-344,740	-413,010	-263,610

TITLE VII - GENERAL PROVISIONS

Intl Broadcasting Operations (BBG) (Sec. 2121 (g)(2)).	9,980	---	---	-9,980
Diplomatic and Consular (Sec. 2118 (f)) (Rescission)..	-55,000	---	---	+55,000
Dev Assistance Prior Yr (Sec. 2118 (c)) (Rescission)..	-1,000	---	---	+1,000
Economic Support Funds (Sec. 2118 (g)) (Rescission)...	-120,000	---	---	+120,000
Visa Fraud Prevention (Sec. 2118 (h)) (Rescission)....	-140,000	---	---	+140,000
Buying Power Maint Acct (BPMA) (Sec. 2118 (b)) (Resc).	-17,000	---	---	+17,000
Export Import Bank - Balances (Rescission) (Sec. 2118 (a)).....	-275,000	---	-400,000	-125,000
Assistance for the newly independent states of the former Soviet Union - FY2007 (Resc) (Sec. 2118 (d)).	-11,700	---	---	+11,700
Assistance for Europe, Eurasia, Central Asia (AEECA) (Sec. 2118 (i)) (Rescission).....	-19,000	---	---	+19,000
Intl Narcotics Control and Law Enforcement - FY2002 (Sec. 2118 (e)) (Rescission).....	-7,183	---	---	+7,183

DIVISION I: DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
HR 2055  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
-----				
ESF - MRA (By transfer).....	(7,000)	---	---	(-7,000)
Fraud Prevention & Detection Fees.....	---	---	---	---
Sec. 7041 debt relief, enterprise funds, Tunisia.....	---	---	---	---
Diplomatic and consular programs (Rescission).....	---	---	-13,700	-13,700
Economic Support Funds (Rescission).....	---	---	-100,000	-100,000
SDAF Transfer (Sec. 7083(a)).....	---	-100,000	-100,000	-100,000
SDAF Obligation Limitation (Sec. 7083(b)).....	---	100,000	100,000	+100,000
=====				
Total, title VII, General Provisions.....	-635,903	---	-513,700	+122,203
Appropriations.....	(9,980)	---	---	(-9,980)
Rescissions.....	(-645,883)	---	(-513,700)	(+132,183)
(By transfer).....	(7,000)	---	---	(-7,000)
=====				
TITLE VIII - OVERSEAS CONTINGENCY OPERATIONS / GLOBAL WAR ON TERRORISM				
Diplomatic and consular programs (OCO/GWOT).....	---	4,323,255	4,389,064	+4,389,064
(Worldwide security protection).....	---	(246,854)	(236,201)	(+236,201)
(Transfer to other agencies).....	---	(-230,000)	(-230,000)	(-230,000)
Conflict stabilization operations.....	---	---	8,500	+8,500
Office of Inspector General (OCO/GWOT).....	---	62,932	67,182	+67,182
Education and cultural exchange programs (OCO/GWOT).....	---	---	15,600	+15,600
Embassy security, construction, and maintenance.....	---	---	33,000	+33,000
Contributions to int'l organizations (OCO/GWOT).....	---	---	101,300	+101,300
Broadcasters board of governors (OCO/GWOT).....	---	---	4,400	+4,400
United States Institute of Peace (USIP) (OCO/GWOT).....	---	---	8,411	+8,411

DIVISION I: DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
HR 2055

(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference vs. Enacted	Conference vs. Enacted
Contributions for international peacekeeping activities, current year assessment.....	---	---	---	---
United States Institute of Peace - Operating expenses.	---	---	---	---
Operating expenses of USAID (OCO/GWOT).....	---	---	255,000	+255,000
Operating expenses of USAID International Development: OIG (OCO/GWOT).....	---	---	4,500	+4,500
International Disaster Assistance (OCO/GWOT).....	---	---	150,000	+150,000
Transition Initiatives (OCO/GWOT).....	---	---	6,554	+6,554
Complex Crises fund.....	---	---	30,000	+30,000
Economic Support Fund (OCO/GWOT).....	---	1,216,600	2,761,462	+2,761,462
Migration and Refugee assistance (MRA) (OCO/GWOT).....	---	---	229,000	+229,000
International Affairs Technical Assistance	---	---	1,552	+1,552
International narcotics control and law enforcement (OCO/GWOT).....	---	1,000,000	983,605	+983,605
Nonproliferation, Anti-terrorism, Demining and Related programs (NADR) (OCO/GWOT).....	---	---	120,657	+120,657
Peacekeeping Operations (PKO) (OCO/GWOT).....	---	---	81,000	+81,000
Foreign Military Financing program (OCO/GWOT).....	---	1,000,000	1,102,000	+1,102,000
Pakistan Counterinsurgency Capability Fund (OCO/GWOT) .	---	1,100,000	850,000	+850,000
Global Stability contingency fund (OCO/GWOT).....	---	---	---	---
<b>Total, Title VIII - OCO / GWOT</b>	<b>---</b>	<b>8,702,787</b>	<b>11,202,787</b>	<b>+11,202,787</b>

DIVISION I: DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
HR 2055  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Grand total.....	48,320,684	59,655,167	53,501,687	+5,181,003
Appropriations.....	(48,966,567)	(50,952,380)	(42,812,600)	(-6,153,967)
Overseas contingency operations.....	---	(8,702,787)	(11,202,787)	(+11,202,787)
Rescissions.....	(-645,883)	---	(-513,700)	(+132,183)
(By transfer).....	(37,000)	(50,000)	(40,000)	(+3,000)
(Transfer out).....	(-30,000)	(-50,000)	---	(+30,000)
(Limitation on callable capital).....	(2,558,049)	(10,093,696)	(11,346,028)	(+8,787,979)

HAROLD ROGERS,  
C.W. BILL YOUNG,  
JERRY LEWIS,  
RODNEY P.  
FRELINGHUYSEN,  
ROBERT B. ADERHOLT,  
JO ANN EMERSON,  
KAY GRANGER,  
MICHAEL K. SIMPSON,  
JOHN ABNEY CULBERSON,  
ANDER CRENSHAW,  
DENNY REHBERG,  
JOHN R. CARTER,  
NORMAN D. DICKS,  
PETER J. VISCLOSKEY,  
NITA M. LOWEY,  
JOSÉ E. SERRANO,  
ROSA L. DELAURO,  
JAMES P. MORAN,  
DAVID E. PRICE,  
SANFORD D. BISHOP.

*Managers on the part of the House.*

TIM JOHNSON,  
DANIEL K. INOUE,  
MARY LANDRIEU,  
PATTY MURRAY,  
JACK REED,  
BEN NELSON,  
MARK PRYOR,  
PATRICK J. LEAHY,  
KAY BAILEY HUTCHISON,  
LISA MURKOWSKI,  
ROY BLUNT,  
JOHN HOEVEN,  
THAD COCHRAN.

*Managers on the part of the Senate.*

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK  
HOUSE OF REPRESENTATIVES  
Washington, DC, December 15, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 15, 2011 at 5:15 p.m.:

That the Senate agreed to the conference report accompanying the bill H.R. 1540.

That the Senate agreed to H. Con. Res. 92.  
With best wishes, I am

Sincerely,

KAREN L. HAAS.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 58 minutes p.m.), the House stood in recess subject to the call of the Chair.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 12 o'clock and 56 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2055, CONSOLIDATED APPROPRIATIONS ACT, 2012; PROVIDING FOR CONSIDERATION OF H.R. 3672, DISASTER RELIEF APPROPRIATIONS ACT, 2012; PROVIDING FOR CONSIDERATION OF H. CON. RES. 94, CORRECTING THE ENROLLMENT OF H.R. 3672; AND FOR OTHER PURPOSES

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-332) on the resolution (H. Res. 500) providing for consideration of the conference report to accompany the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; providing for consideration of the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672; and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today after 2 p.m.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today and December 16.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for Friday, December 16, on account of attending an important event in the district.

Mr. DIAZ-BALART (at the request of Mr. CANTOR) for today on account of family medical issues.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 384. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

#### ADJOURNMENT

Mr. DREIER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes a.m.), the House adjourned until today, Friday, December 16, 2011, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4307. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Christmas Tree Promotion, Research, and Information Order; Stay of Regulations [Documented No.: AMS-FV-10-0008-1A] (RIN: 0581-AD00) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4308. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Energy Conservation Standards for Direct Heating Equipment [Docket Number: EERE-2011-BT-STD-0047] (RIN: 1904-AC56) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4309. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medical Loss Ratio Rebate Requirements for Non-Federal Governmental Plans [CMS-9998-IFC2] (RIN: 0938-AR35) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4310. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medical Loss Ratio Requirements under the Patient Protection and Affordable Care Act [CMS-9998-FC] (RIN: 0938-AQ71) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4311. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia and Ohio; Determinations of Attainment of the 1997 Annual Fine Particle Standard for the Parkersburg-Marietta and Wheeling Nonattainment Areas [EPA-R03-OAR-2011-0469; FRL-9498-7] received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4312. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Revisions to Control Volatile Organic Compound Emissions for Surface Coating and Graphic Arts [EPA-R06-OAR-2010-0775; FRL-9496-8] received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4313. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning; Louisiana; Baton Rouge Area: Redesignation to Attainment for the 1997 8-Hour Ozone Standard [EPA-R06-OAR-2010-0776; FRL-9498-2] received November 29, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4314. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Placer County Air Pollution Control District [EPA-R09-2011-0846; FRL-9493-2] received November 29,

2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4315. A letter from the Director of Regulation Policy and Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Servicemembers' Group Life Insurance Traumatic Injury Protection Program — Genitourinary Losses (RIN: 2900-AO20) received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4316. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and Claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2011-57) received November 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee of Conference. Conference report on H.R. 2055. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112-331). Ordered to be printed.

Mr. DREIER: Committee on Rules. House Resolution 500. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; providing for consideration of the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672; and for other purposes (Rept. 112-332). Referred to the House Calendar.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COFFMAN of Colorado:

H.R. 3673. A bill to prohibit an increase in the compensation of Members of Congress from taking effect unless Congress consents to the increase by concurrent resolution; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. KING of New York, Mr. MCCAUL, Mr. BILIRAKIS, Mrs. MILLER of Michigan, Mr. WALBERG, Mr. MARINO, Mr. LONG, Mr. TURNER of New York, Mr. STIVERS, and Mr. LANGEVIN):

H.R. 3674. A bill to amend the Homeland Security Act of 2002 to make certain im-

provements in the laws relating to cybersecurity, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Oversight and Government Reform, Science, Space, and Technology, the Judiciary, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCALISE:

H.R. 3675. A bill to repeal certain provisions of the Communications Act of 1934, title 17 of the United States Code, and the regulations of the Federal Communications Commission that intervened in the television marketplace, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANDRY (for himself, Mr. DUNCAN of South Carolina, Mr. BUCSHON, Mr. HUELSKAMP, Mr. GRAVES of Georgia, Mr. WALSH of Illinois, Mr. ROKITA, Mr. LABRADOR, Mr. HARRIS, Mr. STUTZMAN, Mr. RIBBLE, Mr. DESJARLAIS, Mr. CULBERSON, Mr. ROE of Tennessee, Mr. GOWDY, Mr. MULVANEY, Mr. REED, Mr. GOHMERT, Mr. CLARKE of Michigan, and Mr. GOSAR):

H.R. 3676. A bill to amend the provisions of the National Defense Authorization Act for Fiscal Year 2012 to specifically state that United States citizens may not be detained against their will without all the rights of due process afforded to citizens in a court ordained or established by or under Article III of the Constitution of the United States; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH (for himself, Mr. BRADY of Pennsylvania, Ms. LEE of California, and Mr. TIERNEY):

H.R. 3677. A bill to authorize the Secretary of Housing and Urban Development to establish a national program to create jobs and increase economic development in underserved areas by promoting cooperative development; to the Committee on Financial Services.

By Mr. MCNERNEY:

H.R. 3678. A bill to amend the Plant Protection Act to direct the Secretary of Agriculture to provide assistance to certain owners as compensation for economic losses due to quarantine, and for other purposes; to the Committee on Agriculture.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. KING of New York, Ms. SPEIER, Ms. NORTON, Ms. BORDALLO, Mr. BLUMENAUER, Mr. WELCH, Ms. SCHAKOWSKY, Mr. DEFAZIO, Mr. LUJAN, Mr. HINCHEY, Mr. OLVER, Mr. BOSWELL, Ms. LORETTA SANCHEZ of California, Mr. McDERMOTT, Mr. SMITH of Washington, Ms. WILSON of Florida, Mr. HONDA, and Mr. HOLT):

H.R. 3679. A bill to amend the Public Health Service Act to establish the position of National Nurse for Public Health; to the Committee on Energy and Commerce.

By Mrs. McMORRIS RODGERS (for herself and Ms. DEGETTE):

H.R. 3680. A bill to improve hydropower, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEBSTER:

H.R. 3681. A bill to amend the Internal Revenue Code of 1986 to allow a credit to pass-thru entities for hiring individuals who are unemployed and receive unemployment benefits; to the Committee on Ways and Means.

By Mr. DUFFY:

H.R. 3682. A bill to repeal the Patient Protection and Affordable Care Act and provide for comprehensive health reform, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BUERKLE:

H.R. 3683. A bill to amend title XVIII of the Social Security Act to delay implementation of the Medicare hospital readmissions reduction program for 5 years, to require Congressional approval for additional applicable conditions, and to provide for a report on potential impact of such program; to the Committee on Ways and Means.

By Mr. GRIMM (for himself and Mr. REED):

H.R. 3684. A bill to amend the Surface Transportation and Uniform Relocation Assistance Act of 1987 to authorize the Secretary of Transportation to permit Federal regulation and review of tolls and toll increases on certain surface transportation facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HERGER (for himself, Mr. MCCLINTOCK, and Mr. AMODEI):

H.R. 3685. A bill to amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KEATING:

H.R. 3686. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself and Mr. COURTNEY):

H.R. 3687. A bill to amend title 38, United States Code, to provide for coverage under the beneficiary travel program of the Department of Veterans Affairs of certain disabled veterans for travel for certain special disabilities rehabilitation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NADLER:

H.R. 3688. A bill to amend the copyright law to secure the rights of artists of works of visual art to provide for royalties, and for other purposes; to the Committee on the Judiciary.



By Mr. OWENS:

H.R. 3689. A bill to authorize the Administrator of the Environmental Protection Agency to waive any emission standard or other requirement under section 112 of the Clean Air Act (42 U.S.C. 7412) applicable to the control of asbestos emissions in the demolition or renovation of a condemned building for which there is a reasonable expectation of structural failure; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 3690. A bill to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAULSEN (for himself, Mr. KIND, Ms. MCCOLLUM, Mr. KLINE, Mr. CRAVAACK, Mr. MCGOVERN, Mrs. BACHMANN, Mr. WALZ of Minnesota, and Mr. ELLISON):

H.R. 3691. A bill to amend title XVIII of the Social Security Act with respect to application of the frailty adjustment to certain Medicare Advantage plans; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mr. BASS of New Hampshire):

H.R. 3692. A bill to establish an entrepreneur-based immigrant category for alien entrepreneurs who have completed or are in the process of completing a degree in Science, Engineering, Math or a technology-related field; to the Committee on the Judiciary.

By Mr. STIVERS (for himself, Mr. RYAN of Ohio, and Mr. TIBERI):

H.R. 3693. A bill to amend title 31, United States Code, to save the American taxpayers money by immediately altering the metallic composition of the 1-cent coin, to require a prompt review and report, with recommendations, for cost-saving changes in the metallic content of other circulating United States coins, and for other purposes; to the Committee on Financial Services.

By Mr. STIVERS (for himself, Mr. RYAN of Ohio, and Mr. TIBERI):

H.R. 3694. A bill to amend title 31, United States Code, to save the American taxpayers money by immediately altering the metallic composition of the 5-cent coin, to require a prompt review and report, with recommendations, for cost-saving changes in the metallic content of other circulating United States coins, and for other purposes; to the Committee on Financial Services.

By Mr. THOMPSON of Mississippi (for himself, Mr. CUMMINGS, Mr. DUNCAN of Tennessee, and Mr. PIERLUISI):

H.R. 3695. A bill to amend title 14, United States Code, to modify the process for congressional nomination of individuals for appointment as cadets at the Coast Guard Academy, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COFFMAN of Colorado:

H.J. Res. 93. A joint resolution proposing an amendment to the Constitution of the United States relating to limits on the number of terms a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. BOEHNER:

H. Res. 497. A resolution to provide for the placement of a statue or bust of Sir Winston Churchill in the United States Capitol; to the Committee on House Administration.

By Mr. CARTER:

H. Res. 498. A resolution recognizing and commending Baylor University quarterback Robert Griffin III for winning the 2011 Heisman Trophy and for his academic and athletic accomplishments; to the Committee on Education and the Workforce.

By Mr. DAVIS of Illinois (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. LIPINSKI, Ms. SCHAKOWSKY, and Mr. QUIGLEY):

H. Res. 499. A resolution congratulating the students, staff, faculty, and alumni of the City Colleges of Chicago on the 100th anniversary of the institution; to the Committee on Education and the Workforce.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. COFFMAN of Colorado:

H.R. 3673.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authorities on which this bill rests are:

The power of Congress to make law regarding the compensation for the services of Senators and Representatives, as enumerated in Article I, Section 6, Clause 1 of the United States Constitution, as amended by the 27th Amendment to the United States Constitution.

By Mr. DANIEL E. LUNGREN of California:

H.R. 3674.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. SCALISE:

H.R. 3675.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. LANDRY:

H.R. 3676.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, section 8 of the United States Constitution (clauses 10, 11, 14, and 18), which grants Congress the power to define and punish offenses against the law of nations, to make rules concerning captures on land and water; to make rules for the government and regulation of the land and naval forces; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. FATTAH:

H.R. 3677.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I Section 8 Clause 3 of the United States Constitution, which states the United States Congress shall have power "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes".

By Mr. MCNERNEY:

H.R. 3678.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3679.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 of the Constitution of the United States.

By Mrs. McMORRIS RODGERS:

H.R. 3680.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, clause 3 to regulate Commerce with foreign nations and among the several States.

By Mr. WEBSTER:

H.R. 3681.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1. "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;"

By Mr. DUFFY:

H.R. 3682.

Congress has the power to enact this legislation pursuant to the following:

Consistent with the original understanding of the commerce clause, the authority to enact this legislation is found in Clause 3 of Section 8, Article I of the Constitution. The bill repeals the Patient Protection and Affordable Care Act, which exceeds the authority vested in Congress by the Constitution. Finally, the bill removes government intrusion into the doctor-patient relationship, which is protected by the Ninth and Tenth Amendments to the Constitution.

By Ms. BUERKLE:

H.R. 3683.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. GRIMM:

H.R. 3684.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. HERGER:

H.R. 3685.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

By Mr. KEATING:

H.R. 3686.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. MICHAUD:

H.R. 3687.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. NADLER:

H.R. 3688.

Congress has the power to enact this legislation pursuant to the following:

Article 1, sec. 8, cl. 3 (commerce clause), cl. 8 (copyright clause), and cl. 18 (necessary and proper clause).

By Mr. OWENS:

H.R. 3689.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. PALLONE:

H.R. 3690.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. PAULSEN:

H.R. 3691.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. SCHIFF:

H.R. 3692

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution. Article I, Section 8, Clause 4 of the Constitution.

By Mr. STIVERS:

H.R. 3693.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8—"To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures"

By Mr. STIVERS:

H.R. 3694.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8—"To coin Money, regulate the Value thereof, and foreign Coin, and fix the Standard of Weights and Measures"

By Mr. THOMPSON of Mississippi:

H.J. 3695.

Congress has the power to enact this legislation pursuant to the following:

The Constitution including Article I, Section 8.

By Mr. COFFMAN of Colorado:

H.J. Res. 93.

Congress has the power to enact this legislation pursuant to the following:

Article V of the U.S. Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. AL GREEN of Texas and Ms. SCHAKOWSKY.

H.R. 104: Mr. DINGELL.

H.R. 177: Mr. HARRIS.

H.R. 191: Mr. RANGEL.

H.R. 265: Ms. CLARKE of New York.

H.R. 266: Mr. SABLAN.

H.R. 267: Mr. SABLAN.

H.R. 452: Mrs. ADAMS.

H.R. 507: Mr. THOMPSON of Pennsylvania and Mr. GERLACH.

H.R. 620: Mr. JONES.

H.R. 721: Mr. RIVERA, Mr. WITTMAN, Ms. WILSON of Florida, Ms. WASSERMAN SCHULTZ, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 733: Mr. CARDOZA, Mr. HURT, and Mr. REED.

H.R. 735: Mr. REHBERG.

H.R. 876: Ms. CHU.

H.R. 890: Mr. BUCHANAN, Mr. CRENSHAW, and Mr. PETERSON.

H.R. 1063: Mr. SCOTT of South Carolina and Mr. JOHNSON of Ohio.

H.R. 1148: Mr. TIERNEY and Mr. INSLEE.

H.R. 1193: Mr. RIVERA.

H.R. 1206: Mr. FRELINGHUYSEN.

H.R. 1259: Mrs. EMERSON and Mr. ROYCE.

H.R. 1288: Mr. ACKERMAN.

H.R. 1294: Mr. ENGEL.

H.R. 1295: Mr. ENGEL.

H.R. 1332: Mr. MARKEY, Mr. LEWIS of California, Mrs. MCMORRIS RODGERS, Mr. HANNA, Mr. RUPPERSBERGER, Ms. LEE of California, Mr. DOGGETT, Mr. BRALEY of Iowa, Mr. JONES, Mr. DOLD, Mr. DEUTCH, Ms. CASTOR of Florida, and Mr. ENGEL.

H.R. 1418: Mr. LOBIONDO.

H.R. 1463: Mrs. ELLMERS.

H.R. 1513: Ms. HIRONO, Ms. PINGREE of Maine, Mr. CLARKE of Michigan, Mr. MEEKS, Ms. SLAUGHTER, and Mr. CUMMINGS.

H.R. 1524: Mr. GRIJALVA.

H.R. 1672: Mr. MEEKS, Mr. HANNA, Mr. SERRANO, Ms. HOCHUL, and Mr. SMITH of New Jersey.

H.R. 1697: Mr. LATOURETTE and Mr. AKIN.

H.R. 1704: Mr. THOMPSON of Pennsylvania and Mr. GERLACH.

H.R. 1738: Mrs. BIGGERT, Mr. FITZPATRICK, and Mr. THOMPSON of Pennsylvania.

H.R. 1744: Mr. FLEISCHMANN.

H.R. 1834: Mr. BROUN of Georgia.

H.R. 1956: Mr. GRAVES of Missouri.

H.R. 1978: Mr. GRIJALVA and Mr. FILNER.

H.R. 2020: Mr. LARSON of Connecticut.

H.R. 2040: Mrs. BLACK.

H.R. 2093: Mr. MARCHANT.

H.R. 2098: Mr. HOLT and Ms. WOOLSEY.

H.R. 2182: Mr. HIMES.

H.R. 2268: Mr. WILSON of South Carolina.

H.R. 2284: Mr. BILIRAKIS.

H.R. 2313: Mr. GALLEGLY and Mr. GUINTA.

H.R. 2412: Mr. PAYNE and Mr. HOLT.

H.R. 2418: Mr. LATHAM.

H.R. 2429: Ms. JENKINS.

H.R. 2453: Mr. JOHNSON of Ohio, Mr. ROSKAM, Mr. ROE of Tennessee, Mr. DESJARLAIS, Mr. COLE, Mr. GRIFFIN of Arkansas, Mr. PALAZZO, Mr. NUNES, Mr. REHBERG, Mr. SCHWEIKERT, Mr. GOODLATTE, Mr. FORTENBERRY, Mr. LANKFORD, Mr. WALDEN, Mr. MCCLINTOCK, Mr. HARRIS, Mr. LANDRY, Mr. STUTZMAN, Mr. KINGSTON, Mr. LAMBORN, Mr. GINGREY of Georgia, Mr. AMODEI, Mr. WHITFIELD, Mr. COFFMAN of Colorado, Mr. MILLER of Florida, Mr. GARRETT, Mr. MCCOTTER, Mr. CASSIDY, Ms. HAYWORTH, Mr. BASS of New Hampshire, Mr. PETRI, Mr. DENT, Mr. BOUTANY, Mr. DENHAM, Mr. GUTHRIE, Mr. SCHOCK, Mr. TERRY, Mr. YOUNG of Florida, Mr. SHUSTER, Mr. THORNBERRY, Mr. CULBERSON, Mr. BARTON of Texas, Mr. SIMPSON, Mr. MCHENRY, Mr. PAULSEN, Mr. CONNOLLY of Virginia, Mr. YODER, Mr. THOMPSON of Pennsylvania, Mr. PITTS, Mr. ROHRBACHER, Mr. KING of Iowa, Mr. DAVIS of Kentucky, Mr. OLSON, Mr. STIVERS, Mrs. NOEM, Mr. FRANKS of Arizona, Mrs. BLACK, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. CRAVAACK, Mr. WESTMORELAND, Mr. ANDREWS, Mrs. MILLER of Michigan, Mr. GARDNER, Mr. MCKINLEY, Mr. KINZINGER of Illinois, Mr. KING of New York, Mr. TURNER of New York, Mr. FLEMING, Mr. NEUGEBAUER, Mr. GIBSON, Mrs. CAPITO, Mr. FARENTHOLD, Mr. AUSTIN SCOTT of Georgia, Mr. STEARNS, Mr. BURGESS, Mr.

BACHUS, Mr. RENACCI, Mr. GRIFFITH of Virginia, Ms. JENKINS, Mr. HUELSKAMP, Mr. FLEISCHMANN, Mr. GRIMM, Mr. HUIZENGA of Michigan, Mr. YOUNG of Alaska, Mr. BENISHEK, Mr. CAMPBELL, Mr. LANCE, Mr. FRELINGHUYSEN, Mr. CONAWAY, Mr. NUGENT, Ms. BUERKLE, Mrs. ADAMS, Mr. MANZULLO, and Mr. ADERHOLT.

H.R. 2484: Mr. YOUNG of Florida.

H.R. 2492: Mr. MCNERNEY, Mr. QUIGLEY, and Mrs. BIGGERT.

H.R. 2499: Ms. BERKLEY.

H.R. 2536: Mr. THOMPSON of Pennsylvania and Mr. GERLACH.

H.R. 2543: Mr. DEFASIO.

H.R. 2786: Mrs. MALONEY and Mr. ISRAEL.

H.R. 2874: Mr. PENCE.

H.R. 2881: Ms. WATERS.

H.R. 2996: Mr. JONES.

H.R. 3053: Mr. PAYNE.

H.R. 3082: Mr. RIBBLE.

H.R. 3122: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3129: Mr. MORAN.

H.R. 3162: Mr. BACHUS.

H.R. 3242: Ms. LEE of California.

H.R. 3269: Mr. SCALISE, Mr. HONDA, Mr. ROKITA, Mr. MCNERNEY, Mr. THORNBERRY, Mr. TIERNEY, Mr. YODER, Mr. ROE of Tennessee, Mr. YOUNG of Florida, Mr. SCOTT of South Carolina, Mr. HIMES, Mr. BUCHANAN, Mr. CLARKE of Michigan, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. HINCHEY, Mr. SARBANES, and Mr. MCCOTTER.

H.R. 3276: Mr. BILIRAKIS, Mr. WEST, Mr. DIAZ-BALART, Mr. BUCHANAN, and Mr. YOUNG of Florida.

H.R. 3324: Mr. HONDA.

H.R. 3368: Mr. CLARKE of Michigan.

H.R. 3399: Mr. HOLDEN and Mr. CHANDLER.

H.R. 3400: Mr. DESJARLAIS, Mr. GUINTA, Mr. COLE, and Mr. PITTS.

H.R. 3423: Mr. TERRY, Mr. GRIFFIN of Arkansas, Mr. MURPHY of Pennsylvania, Mr. MILLER of North Carolina, Mr. DONNELLY of Indiana, Mr. HULTGREN, Mr. TURNER of New York, Mr. JACKSON of Illinois, Mr. BRALEY of Iowa, Mr. BACHUS, Mrs. LOWEY, Mr. STARK, Mr. HONDA, and Ms. PINGREE of Maine.

H.R. 3425: Mr. FARR.

H.R. 3442: Mrs. NAPOLITANO, Mr. MCDERMOTT, Ms. LORETTA SANCHEZ of California, and Mr. LOEBSACK.

H.R. 3521: Mr. MULVANEY, Mr. SHERMAN, Ms. BASS of California, Mr. CICILLINE, Mr. HUELSKAMP, and Mr. LANCE.

H.R. 3547: Mr. QUIGLEY, Mr. POLIS, and Mr. STARK.

H.R. 3572: Mr. DOGGETT, Mr. ELLISON, Mr. GARAMENDI, Mr. COURTNEY, Mr. YARMUTH, Mr. NADLER, Mr. KEATING, and Mr. CLARKE of Michigan.

H.R. 3573: Ms. LEE of California, Mr. GRIJALVA, and Ms. WOOLSEY.

H.R. 3577: Mr. GOHMERT, Mr. GRAVES of Georgia, Mr. WESTMORELAND, Mr. MULVANEY, Mr. FLORES, Mr. DUNCAN of South Carolina, Mr. AUSTIN SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. DESJARLAIS, Mr. ROE of Tennessee, Mr. BARTLETT, Mrs. LUMMIS, Mr. FRANKS of Arizona, Mr. NEUGEBAUER, Mr. HUELSKAMP, Mr. JOHNSON of Illinois, Mr. YOUNG of Indiana, and Mr. HUIZENGA of Michigan.

H.R. 3581: Mr. ROKITA.

H.R. 3582: Mr. HANNA, Mr. FLORES, Mr. FLEMING, Mr. MARCHANT, Mr. MULVANEY, Mr. WILSON of South Carolina, Mrs. LUMMIS, Mr. DESJARLAIS, Mr. ROKITA, and Mr. GOSAR.

H.R. 3589: Mr. FORTENBERRY and Ms. BUERKLE.

H.R. 3606: Mr. DOLD, Ms. HAYWORTH, and Mr. ROYCE.

H.R. 3627: Mr. HONDA and Mr. SESSIONS.

H.R. 3638: Mr. CAPUANO, Mr. JOHNSON of Georgia, and Ms. SCHAKOWSKY.

H.R. 3639: Mr. WEST and Mr. WOMACK.

H.J. Res. 8: Ms. HOCHUL.

H.J. Res. 86: Ms. ESHOO.

H.J. Res. 88: Mr. COOPER.

H.J. Res. 92: Mr. GRIJALVA.

H. Con. Res. 85: Mr. GENE GREEN of Texas and Mr. PETERSON.

H. Con. Res. 87: Mr. MICHAUD and Mr. FALEOMAVAEGA.

H. Res. 282: Mr. BERMAN.

H. Res. 475: Mr. JONES, Mr. SCHILLING, Mr. GRIFFIN of Arkansas, and Mr. BOUSTANY.

H. Res. 490: Mr. LONG, Mr. GOHMERT, Mr. WALSH of Illinois, Mr. GOWDY, Mr. GRAVES of Georgia, Mr. FINCHER, Mr. AKIN, Mr. HARRIS, Mr. COLE, Mr. TIBERI, Mr. LAMBORN, Mr. FLEMING, Mr. AUSTIN SCOTT of Georgia, Mr.

POSEY, Mr. KING of Iowa, Mr. BROOKS, Mr. ROE of Tennessee, Mrs. LUMMIS, Mr. FLORES, Mr. MULVANEY, Mr. STUTZMAN, Mr. GINGREY of Georgia, Mr. DESJARLAIS, Mr. KELLY, Mrs. NOEM, Mr. TURNER of New York, Mr. AMODEI, Mr. CRAWFORD, Mr. BENISHEK, Mr. BARTON of Texas, Mr. CARTER, Mr. POMPEO, Mr. ROKITA, Mr. SENSENBRENNER, Mr. HULTGREN, Mr. MCCOTTER, Mr. SESSIONS, Mr. TIPTON, Mr. MICA, Mrs. BLACK, Ms. BUERKLE, Mr. PALAZZO, Mr. HUELSKAMP, Mr. WESTMORELAND, Mr. ROSS of Florida, Mr. MCHENRY, Mr. COFFMAN of Colorado, Mr. POE of Texas, Mr. QUAYLE, and Mr. REHBERG.

H. Res. 492: Mr. JONES.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

*[Omitted from the Record of December 14, 2010]*

OFFERED BY MR. CAMP

H.R. 3659, The provisions that warranted a referral to the Committee on Ways and Means in the Welfare Integrity and Data Improvement Act do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## EXTENSIONS OF REMARKS

### HONORING THE RETIREMENT OF DOTTIE P. MARSHALL

#### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. MORAN. Mr. Speaker, today, I come before this body to give praise and express gratitude to Dottie P. Marshall, National Park Service Superintendent for the George Washington Memorial Parkway. Dottie is retiring this month after close to forty years of service with the National Park Service. She began her career in 1971 as a member of the Youth Conservation Corps at Harpers Ferry National Historic Park. She went on to direct one of the service's Youth Conservation Corps camps. Over the years she has been a budget analyst, administrative officer, Deputy Superintendent, Associate Regional Director and Superintendent.

I first met Dottie when she began work at the George Washington Memorial Parkway more than 12 years ago. The Parkway is the largest contiguous property in my congressional district. It includes Arlington House, the Robert E. Lee Memorial and the Women in the Military Service for America Memorial, more than 29 sites and resources. They all enhance the lives of my constituents on a daily basis. Of course, throughout our acquaintance there have been dozens of contentious issues we have had to deal with over the years. But, almost all of them have been resolved amicably. And in the pressure cooker that the Nation's capital can become, she has deftly managed to solve problems large and small before any lids were blown. Dottie epitomizes "grace under fire."

Recounting them now is like a walk down memory lane. From standing with her when rumors about the imminent closure of the popular Belle Haven Marina generated a large and angry turnout to discussing which type of plant would be the ideal buffer between a residential neighborhood and Jones Point Park, Dottie has shown leadership and wisdom. In every circumstance and on every occasion, Dottie has been fair, honest and dedicated in her commitment to resolve whatever matter was at hand. In fact, long ago she earned my respect, trust and appreciation.

I am particularly proud of several major projects that she successfully completed, including restoration of the Slave Quarters at Arlington House, improving the ramp from the 14th Street Bridge onto the northbound lanes of the parkway and honoring the World War II veterans who finally received their long overdue recognition for their intelligence work at the secret interrogation facility known as "P.O. Box 1142," today known as Fort Hunt.

I wish her the best in her future pursuits. Dottie can take pride in knowing her skillful management will ensure that of many of our

Nation's treasured historic, cultural and natural resources will endure long after we are all gone.

Dottie, congratulations on a job well done, and thank you for your exceptional service.

### EXPANSION OF THE WOMEN'S POST TRAUMATIC STRESS DIS- ORDER RESIDENTIAL TREAT- MENT PROGRAM AT THE BATA- VIA VA MEDICAL CENTER

#### HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Ms. HOCHUL. Mr. Speaker, it is my distinct honor to take the opportunity to recognize the expansion of the Women's Post Traumatic Stress Disorder Residential Treatment Program at the Batavia VA Medical Center in my district today. This is the first residential PTSD treatment center for women veterans in New York State. The VA is anticipating the treatment of up to 120 women veterans at this facility, and will provide care from 6–8 weeks depending on their needs. The \$5.4 million in funding for this project was provided by a women's health initiative by the Department of Veterans Affairs and will help provide vital services to female veterans throughout Western New York.

For over two decades women have served on the battlefield, leading to unprecedented trauma that requires focused treatment upon their return to civilian life. And with more women serving in the military than ever before—15 percent of all active military personnel and 20 percent of reservists—we must expand the availability of health facilities and benefits to our women veterans.

According to the Department of Veterans Affairs, women veterans are four times more likely to have long lasting PTSD than men, which may lead to severe depression, substance abuse, and physical health problems. The VA is taking the proper steps to adapt to the growing number of women veterans; however, there are currently less than a dozen centers in the United States that provide PTSD services.

Without the selfless actions of all the brave men and women of the Armed Forces, past and present, our country would not live so freely. For years, our veterans have gone untreated for PTSD, causing perpetual hardships for them and their families after they have returned home from the battlefield. Today, we recognize our female veterans and make progress in providing them with the proper care they need and deserve.

### HONORING THELMA AND JOSEPH LASALVIA FOR RECEIVING THE CHRISTE FIDELIS AWARD

#### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor two of my constituents, Thelma and Joseph LaSalvia, for receiving the Christe Fidelis Award in recognition of their devotion to their faith and to St. Louis de Montfort Parish.

On November 6, 2011, Cardinal Francis George of Chicago honored Thelma and Joseph LaSalvia with the Christe Fidelis Award at a prayer service celebrated at Holy Name Cathedral. Christe Fidelis, which translates to "Loyalty to Christ," is awarded to Catholics throughout the Archdiocese who have demonstrated a high level of Christian service through various ministries in their respective parishes.

Thelma and Joe LaSalvia are well deserving of this award. Over the years, they have been involved in the ministry of care to the sick, the capital campaign, and the church's contemporary choir. They also celebrate a weekly communion service at a local nursing home, volunteer on the church decorating committee, and serve as sacristans for their weekday liturgies. Through this aid they illustrate their dedication to the parish and to making a positive difference in the lives of many people in need.

As a fellow Catholic, I am strengthened by their example of faithful living. Their help to those in need, to the sick, and to the elderly is remarkable. I applaud Thelma and Joe LaSalvia for their selfless dedication to others and wish them well as they continue their journey as faithful Catholics serving others.

### PERSONAL EXPLANATION

#### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. FILNER. Mr. Speaker, on rollcall 931, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yes."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN OPPOSITION OF IMPLICATIONS  
TO MEDICAL RESEARCH IN H.R.  
1254

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Ms. MATSUI. Mr. Speaker, I rise today to bring attention to a possible unintentional consequence of H.R. 1254, the Synthetic Drug Control Act of 2011. This legislation would add two categories of synthetic drugs to the list of Schedule I controlled substances.

While I am troubled by news reports involving these drugs and I support restrictions on the sale of these chemicals for purposes of illicit use, I am concerned about the impact the ban would impose on legitimate scientific research, including much needed medical advances.

To maintain our position in the world as the leader in the research and development of pharmaceuticals, we must ensure that researchers have access to the compounds necessary to discover and create new drugs. We cannot afford to stifle these advancements. At a time when other countries continue to make gains in medical research, we must make certain our researchers have all available means necessary to further their studies and uphold our competitive edge.

If enacted into law, should this measure hinder any progress in the arena of medical research, I would urge Congress to re-examine this issue in a way that protects public health while continuing to make much needed medical advancements possible. In the meantime, I would also urge my colleagues in the Senate to thoroughly examine this issue during any consideration of H.R. 1254 or a similar legislative proposal.

HONORING CHIEF MASTER  
SERGEANT DAVID W. PARKER

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. JORDAN. Mr. Speaker, I am honored to commend to the House the outstanding contributions of Chief Master Sergeant David W. Parker who recently retired after thirty-two years of service with the Ohio Air National Guard's 180th Fighter Wing.

Chief Parker enlisted in the Ohio Air National Guard on December 31, 1979, and began basic training in February, 1980. He started as an Electronic Warfare Specialist in the Electronic Counter Measures Shop in the Consolidated Aircraft Maintenance Squadron. There he earned the rank of Technical Sergeant.

In 1994, Chief Parker was chosen as one of only three members of the 180th to be part of the Combined Task Force at Incirlik Air Base, Turkey, where he was part of a team that provided electronic countermeasures maintenance support.

In 1995, he was promoted to Master Sergeant. In 1998, he was selected First Ser-

geant of the Aircraft Maintenance Squadron. He was named the Enlisted Association's First Sergeant of the Year in 1998 and the 180th Fighter Wing First Sergeant of the Year in both 1998 and 2004.

He became Senior Master Sergeant in 2005 and Chief Master Sergeant in 2008. In 2010 he became the NCOIC of Student Flight, a position he held until retirement.

Throughout his career, Chief Parker was deployed numerous times, including such locations as Cold Lake, Canada; Incirlik Air Base, Turkey; Balad Air Base, Iraq; and Al Udeid Air Base, Qatar.

Chief Parker also received copious awards during his thirty-two years of service including the Meritorious Service Medal, the Air Force Commendation Medal, the Armed Forces Expeditionary Medal, the Global War on Terrorism Service Medal, the Small Arms Marksmanship Ribbon, the Ohio Commendation Medal, and the Ohio Award of Merit.

Chief Master Sergeant David W. Parker's long and distinguished career with the Ohio Air National Guard is a shining example to all who volunteer and serve. I am proud to wish him and his family every success as they move on to a new chapter in their lives.

CURBING CONGRESSIONAL  
BENEFITS

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, today I am introducing two more pieces of legislation to curb the benefits currently available to Members of Congress.

The first ends the automatic pay increase privilege for Members of Congress. In 1989, Congress established the current formula for automatic annual salary adjustments under the Ethics Reform Act. The formula is based on the Employment Cost Index which tracks changes in private sector wages and salaries. Unless Congress passes a law blocking it, the adjustment goes into effect automatically.

The current system is set up to allow Members of Congress to receive pay raises without having to cast recorded votes for them and that is just wrong. Requiring recorded votes on pay increases will not only make the actions of Congress more transparent but it is another step that will make Congress more accountable to the citizens who elect them.

Another benefit available to Members is lifetime eligibility for service in Congress. A lifetime of service in Congress is, I believe, far too insulating and privileged to assure us that our Representatives are firmly empathetic to and aligned with the needs of the American people. But given the significance of seniority in Congress, States that encourage their members to pledge to limit their terms voluntarily are at a disadvantage with States that don't. I believe that the solution is to make term limits mandatory by passing a constitutional amendment that would limit the terms of Members of Congress so that everyone will be subject to the same requirement. I am introducing a proposal to do this, and limit House and Senate Member terms to 12 years.

These bills are the latest proposals of my ongoing efforts to reform Congress. In addition to chairing the Congressional Balanced Budget Amendment Caucus, and so working to take away the unlimited ability of Congress to borrow money, I introduced House Resolution 270 in January, which would cut Congressional pay by 10 percent as well as reduce Congressional office budgets. In September, I introduced House Resolution 2913, which would terminate the pension plan available to members of Congress. All of my reforms are about changing the culture of Washington, D.C. to make government work for the American people.

I urge the passage of these bills.

HONORING ERWIN J. KORCZYNSKI

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Captain Erwin J. Korczynski, a talented pilot and patriot from Chicago, Illinois who died on January 5, 2011 of prostate cancer.

From an early age, Captain Korczynski exhibited the success and commitment to public service that would define his life. Born in 1942 to first generation Polish American parents, he achieved the rank of Life Scout for the Boy Scouts of America, lettered 6 times in Track and Field at Lane Technical High School, and was a member of the famous Chicago Cavalier Drum and Bugle Corps. He also attended Northern Illinois University and entered the priesthood at St. Ambrose Seminary in Davenport, Iowa—a calling that he would later selflessly leave to join the Marine Corps.

Even in his early years, Captain Korczynski showed a passion for aviation. From the age of 15, he and his twin brother Edwin took flying lessons and graduated with their flying licenses at the age of 18. He joined the Marine Attack Squadron, VMA 131 in 1963 during the escalation of the Vietnam War. During the course of the war, he rose to the rank of Sergeant and was honorably discharged in 1969.

Following his tenure with the Marines, Captain Korczynski flew commercial planes during the golden age of commercial aviation. Impressively, over 25,000 hours of flight time he maintained a spotless record while at Eastern Airlines and several other airlines around the world.

Using his flying talent to again serve our country, Captain Korczynski volunteered from 1990 to 1991 during the Persian Gulf War. As a pilot in the Civil Reserve Air Fleet (CRAF), he flew civilian aircraft to transport troops and supplies necessary to liberate Kuwait. Captain Korczynski was an honorably discharged Marine and a reservist at the time, but was not activated during the conflict. He volunteered to serve anyway, showing his patriotism and dedication to his country.

In his later years, Captain Korczynski trained and mentored young pilots. Certified as a commercial airline check airman and flight instructor, he instructed young pilots at the Gulfstream Flight Academy for Gulfstream Airlines based in Miami, Florida. He left an everlasting impression on these young pilots

who would later recall these stories of his Marine Corps days, commercial airline career, and world travels as "Erwinisms."

Our country owes a tremendous debt of gratitude to Captain Korczynski for his tireless defense of our country during two major conflicts. In neither case was he obligated to don a uniform. In voluntarily joining the Marines and airlifting 30 years later, he illustrated his commitment to freedom and democracy around the world. Simply put, the United States is a better country because of him. I extend my heartfelt condolences to Captain Korczynski's twin brother, Edwin, wife Henrietta, daughters Elizabeth and Kiersten, sons Ryan and Christian, and granddaughter Emmalyn. He will always be remembered as a great man and a great American.

#### TRIBUTE TO FRANK TAYLOR

#### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. LEVIN. Mr. Speaker, I rise today to recognize a dedicated, compassionate and effective public servant Frank Taylor, who is retiring after serving the people of Macomb County, Michigan for 33 years, the last 10 as Director of the County's Community Services Agency. Mr. Taylor is a leader in the field of Community Action Agencies and a shining example of everything a public servant should aspire to be.

Mr. Taylor graduated from Wayne State University with a Bachelor of Science Degree in Education in 1974. The next year he began teaching and coaching at Harper Woods Public Schools and began earning his Master of Arts Degree in Education from Oakland University which he completed in 1980. In 1979, he began his successful tenure with Macomb County, starting at the Macomb/St. Clair Workforce Development Board as a Youth Programs Supervisor. He rose through the ranks becoming Assistant Director in 1982 and holding that position until 1997 when he was promoted to Director. In 2001 he embraced a new challenge, moved departments and became Director of the Macomb County Community Services Agency.

Under Mr. Taylor's leadership the Community Services Agency established highly effective programs and services that addressed that most pertinent needs of county residents. He worked diligently to leverage funds from the Recovery Act, administering over 14 million dollars for vital programs such as Home Weatherization, Food Assistance and Early Head Start. In fact, through creative thinking, he was able to leverage funds and make the vital Early Head Start program permanent one year after its enactment.

In addition, the Senior Nutrition program vastly increased the number of meals offered to homebound senior citizens and the Food Program increased the amount of emergency food distributed. Mr. Taylor effectively identified grant opportunities to provide emergency services to low income individuals in need.

In 2010 Mr. Taylor led a statewide initiative to purchase a multimillion dollar client data-

base within nine months that substantially increased accessibility and efficiency. The initiative included a plan to deliver training to staff and is now being used by every Community Action Agency in the State.

I have witnessed first-hand Mr. Taylor's passion and dedication through the years. He is an outspoken advocate for low-income home energy assistance, as well as the Community Service Block Grant program, which is so important to the delivery of vital services to those in need. Mr. Taylor has always focused like a laser on ensuring that residents of the county receive the highest quality of services in an efficient and compassionate manner. It has been a true pleasure for my staff and I to work with him, and the citizens of Macomb County are grateful for his dedicated service.

Mr. Speaker, I ask my colleagues to join me in recognizing Frank Taylor, who has worked tirelessly to improve the quality of living for working class people in Macomb County for 33 years. I am confident he will continue to play an important role in the community where he is highly thought of, in addition to enjoying a bit of retirement. Importantly, he and his wife Rosanne, married 34 years, now get to enjoy spending time with their first grandchild, Olivia, just born on December 6th.

#### LEGISLATION TO ALLOW CONGRESSIONAL NOMINATIONS TO THE U.S. COAST GUARD

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I am proud to introduce legislation today with the following Members: Mr. ELIJAH CUMMINGS, Mr. JOHN DUNCAN, and Mr. PEDRO PIERLUISI.

Currently, Members of Congress are allowed to nominate a limited number of candidates to the U.S. Military Academy, the U.S. Naval Academy, the U.S. Air Force Academy, and the U.S. Merchant Marine Academy. However, the smallest of the five federal service academies—the U.S. Coast Guard Academy, USCGA—does not accept congressional nominations.

Instead, the USCGA admits candidates through a process that closely resembles the admissions processes of civilian colleges and universities. Without a congressional nominations process, the applicant pool of candidates to the USCGA is predictably less geographically diverse than at the other military service academies. The inevitable result of a less geographically diverse applicant pool is a less geographically diverse class. The statistics bear this out; in fact, there was not a single appointment from Arkansas, Delaware, Louisiana, Mississippi, Montana, North Dakota, Oregon, South Dakota, Vermont, American Samoa, Northern Mariana Islands, Puerto Rico, and U.S. Virgin Islands in the USCGA Class of 2015.

Under my legislation, starting in academic year 2013, each Member of Congress would be allowed to nominate up to three qualified candidates to the U.S. Coast Guard Academy.

In turn, the Coast Guard would be required to fill a quarter of slots for the incoming class from the expanded pool of qualified, geographically-diverse applicants received through the congressional nominations process. Then, in each subsequent academic year, half of the slots in each incoming class would have to be filled through the congressional nominations process.

My legislation will not require the Coast Guard to lower its student selection criteria or increase the size of the student population. To the contrary, it anticipates that the Coast Guard will utilize its criteria to select the best candidates from the pool of Member-nominated candidates for half of the slots in the incoming class, just as it will do to fill the slots in the other half of the incoming class. My legislation simply seeks to make Congress a partner in helping to put talented young people—from every corner of the country—on the path to a rewarding career in the U.S. Coast Guard.

I urge support of this commonsense, bipartisan legislation.

#### PERSONAL EXPLANATION

#### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, due to unforeseen circumstances, I was unable to vote on the Conference report to H.R. 1540, the National Defense Authorization Act of FY2012 on December 14, 2011. I would like to have it reflected in the CONGRESSIONAL RECORD that if I had the opportunity to vote on H.R. 1540, I would have voted "aye."

#### COPTIC CHRISTIANS UNDER ATTACK

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. POE of Texas. Mr. Speaker, Christians in Egypt are under attack. The revolution may have overthrown a longtime dictator, but it has not freed Christians there from decades of persecution. In fact, it may have made matters worse.

Christians in Egypt are a deeply rooted minority of about 10 million in a largely Muslim society of 81 million. Prior to the revolution, they had a hard time. Discrimination was not an official policy of the Mubarak regime—he didn't want to lose his aid dollars the U.S. was giving him—but he sure made it hard on Christians. When Christians wanted to build a new church or renovate their own, they had to get a permit. That's fine, except for the fact that the Mubarak government intentionally delayed the permitting process. Churches would have to wait years for permits—some churches are still waiting. Mubarak pretended to fix this problem when he handed permitting control over to the 28 regional governors, but wait times for a permit didn't get any better.

They were also discriminated against when it came to appointments to high-level government and military posts. There were only a handful of Christians in the upper ranks of the security services and armed forces. There was one Christian governor out of 28, one elected Member of Parliament out of 454 seats, no known university presidents or deans, and very few legislators or judges. According to the State Department, public university training programs for Arabic-language teachers exclude non-Muslims because the curriculum involves the study of the Koran.

Other discrimination was official for everyone to see. Under Egyptian law, Muslim men can marry Christian women but Muslim women are prohibited from marrying Christian men.

And sometimes discrimination progressed to outright violence against Christians. In September 2010, in the Omraneya district of Cairo, Egyptian authorities reportedly used excessive force and live ammunition on peaceful demonstrators protesting the government's continued refusal to approve a license to build a local church extension. Two people, including a teenager, were killed, and dozens were wounded. No one has been brought to justice.

When the government was using excessive force, it was radical Islamists. On January 1, 2011, a bomb detonated in front of a Coptic church, Al Qiddissin (Two Saints), in Alexandria, where a New Year's prayer service was being held. At least 23 Christians were killed and nearly 100 wounded in the worst sectarian attack on Christians in Egypt in more than a decade. On January 23, then-Interior Minister Habib El-Adly asserted that conclusive evidence pointed to a militant group, Army of Islam, as responsible for the attack.

On January 11, 2011, an off-duty police officer opened fire in a train in Minya province, killing one Christian and injuring five others. The shooter, a Muslim, was charged with murder and will be tried in a state security court. The Ministry of Interior denied the shooting was sectarian.

When the revolution came, thousands of Christians fueled the protests, yearning for a new government that would respect the religious beliefs of its own people. But just a few weeks after the revolution, it became clear that Christians were actually in more danger.

During the revolution, a bunch of bad guys escaped prison. To protect themselves, monks at the Anba Bishoy monastery north of Cairo built a security wall. Well, the Egyptian military didn't like that very much, so in late February they tore down the wall with machine guns and bulldozers. You can see video online of monks running for cover as the military is opening fire with heavy machinery. A monk and six church workers were injured in the process.

In February the governor of el-Minya, demolished 10 Coptic homes because the owners of those homes refused to contribute one-fifth of their property to build a mosque.

In early March in Cairo, 13 people were killed and nearly 150 wounded in clashes that erupted during large-scale demonstrations by Christians protesting the destruction of a church in the provincial town of Sol. The demonstrators called for the rebuilding of the church, punishment of perpetrators, and better

treatment by Egyptian authorities. Some of the demonstrations reportedly blocked major highways. According to some accounts, the Egyptian military stood by for as long as four hours without intervening in the clashes.

On March 20, in Qena, Salafists, including an off-duty policeman, accused a Copt named Ayman Mitri of renting an apartment to a prostitute, cut off one of his ears and mutilated his other ear. The attackers then informed the police that they had carried out the punishment required by Islamic law. As was usual under Mubarak, the police refrained from pressing charges and called for a "reconciliation" meeting between the religious communities. The Christian man agreed to compensation during the reconciliation session instead of pursuing criminal charges because the extremists allegedly threatened his family.

Also as under Mubarak, the authorities' refusal to punish attacks on Christians has led to more attacks. On March 23, Salafists surrounded St. George's church in Beni Ahmad and successfully demanded that a church expansion approved by the government be stopped. On March 27, they blockaded St. Mary's church in Giza, saying it did not have a permit. After yet another "reconciliation" meeting between Copts and Muslims, services at the church were forbidden until it acquired a new permit.

On March 28, Salafists attacked a liquor store in Kasr El-Bassil owned by a Copt, destroyed other stores, and demanded that coffee shops be closed. One villager was killed and eight others injured. On April 5, hundreds occupied St. John the Beloved church in Kamadeer, stopping repairs after heavy rain, and told Copts that they were not allowed to pray there anymore. After yet another "reconciliation," Copts were told to build a church 200 meters away, one without a dome, cross, bell, or any other external feature marking it as a church.

Beginning on April 15, over 10,000 demonstrators, mostly Salafists, protested in the southern province of Qena against the appointment of a new governor, Emad Mikhail, who is a Christian (the previous governor, Magdy Ayoub, was also Christian). Protesters blocked main roads, stopped buses to separate men and women passengers, and disrupted the main rail route in Upper Egypt for eight days. There were threats to bar Mikhail from the province and even to kill him. Tensions ran so high that local Christians stayed inside and couldn't celebrate Palm Sunday. The armed forces refused to intervene, and, although Egypt's cabinet initially rejected calls for the governor's resignation, on April 25, Prime Minister Essam Sheraf surrendered and said he would "freeze" the appointment for three months.

On April 28, the U.S. Commission on International Religious Freedom for the first time recommended to Secretary of State Hillary Clinton that Egypt be labeled a "Country of Particular Concern (CPC)." This designation refers, as commission chair Leonard Leo noted, to "the world's worst religious freedom violators and human rights abusers."

The abuse continues, with the worst violence against Christians in decades.

On October 9 thousands of peaceful demonstrators marched in downtown Cairo to pro-

test the attack of a Coptic Christian church and called for an end to the systematic discrimination against Copts by the Egyptian authorities. At some point in the protest, violent clashes erupted between the protesters and the Egyptian military forces. Video shows Egyptian military tanks speeding through crowds and running over protesters. At one point, the Egyptian State Television aired a message calling on "honorable citizens" to take to the streets to protect the Egyptian army from "the Coptic protesters." The call was answered by Islamists who came in to join the violence against the Christians. In what is now known as the "Maspero Massacre," over 25 people were killed and 300 injured. This marked the first time that the military—not the state police or radical Islamist groups—used violence against Christians.

Since the revolution, 5 churches have been attacked. The most disturbing part of these attacks is that they all happened in broad daylight, with the military standing by and watching. Those perpetrators who are clearly identified by video footage of the attacks have still not been arrested.

Former state security officials who tortured Christians have not been brought to justice either. One woman has burn marks on her arms and on her inner thighs from state security officials that wanted to know who the priest was who baptized her and what church she was baptized in. She wouldn't give his name, so the torture went on for three days. She knows the names of her abusers because they made sure they introduced themselves before they started the torture. But have they been tried? No.

Another man was tortured by state security because he converted from Islam to Christianity. He described how they removed his clothing, tied him down and put a metal chair between his legs and tied wires around his genitals and to his toes and then turned on the electricity. He knows the exact location of where he was tortured and the name of the person who tortured him, but of course he has not been brought to justice.

There is one more disturbing story to tell and that has to do with the kidnapping, rape, and forced marriage of Christian women to Muslim men. In testimony before the Helsinki Commission, it was described like this.

Christian girls are lured to an isolated place, drugged and kidnapped. Often, they are raped. They are then forced to marry their rapist and forbidden from returning to their families. Here is one story from Christian Solidarity International and the Coptic Foundation for Human Rights' report.

R. was abducted October 11, 2005. She had lived in the same neighborhood all of her life and knew all the neighbors. She was especially good friends with the daughter of a neighboring Muslim family, Sarah. They practically grew up together and were like sisters, inseparable. Sarah had an admirer named Wali, a classmate, who called her all the time. Wali began to call for Sarah on R.'s phone. His calls became so frequent that finally R. told Wali to stop calling her. He became very angry. "You will regret telling me not to call you," he said in a threatening voice. She stopped seeing Sara after that. This happened in 2004.

After a year and a half, she received a call from Wali's telephone number. The voice was different and polite. A young man introduced himself as Amir, and said that he was an admirer of hers. He also knew everything about her. He wanted to meet her in a church. When R. said that she did not usually meet people she did not know, he replied that he knew she was on her way to church and that he would wait for her outside. There, he introduced himself and asked R.'s mother for her hand in marriage. The mother replied that it was not so simple. Amir went to their flat the next day to speak to R.'s father. Amir told R.'s father that he wanted nothing from the family except for their daughter's hand in marriage. He had seen her in the street and instantly felt that she would be a perfect wife for him.

R.'s father did not want them to date until he met the boy's parents. Amir kept giving excuses: his mother was sick and his father was out of town. Finally, he told them that his father died. R.'s parents wanted to go as a family to pay respects but Amir said that this would not be necessary since his home was far away.

Later that week, Amir's sister contacted them and came to meet R. R. was engaged and ready to be married. She said she was not deeply in love, but that Amir seemed like a decent person. Amir's sister Christina asked R. to go shopping with them. R.'s mother initially opposed the idea but finally relented when the girls told her they would not go far.

Christina offered to find a taxi and returned saying she had found one quickly. In retrospect, R. says that this was odd since they lived in a neighborhood in which it was usually difficult to find taxis.

Christina gave directions to the taxi driver to a close-by shopping area. It was a warm day and Christina offered R. some juice. R. declined but Christina insisted and drank it, remembering that the bottle was already opened. By the time she finished her juice, she felt quite dizzy. The taxi took a detour onto a dirt road and stopped in an isolated area. The driver said that there was something wrong with the car and he needed to check. Christina got out as well.

A van pulled up full of people and some came over to get her. Amir was one of them.

R. could not talk, even though she wanted to ask many questions. They began to beat her and she fainted.

When she woke up, she was in bed surrounded by many different strange men. "Amir" told her that he was in reality Wali, whom she had dismissed so abruptly in the past and he reminded her of his threat. He then announced that she was going to be married to a Muslim man.

She wanted to get out of the room but a woman blocked the door. She was locked in the room without her purse or her phone. This was the period of Ramadan, when under Islamic Law it is not possible to marry. R. insisted on a conversion immediately. She was taken to the religious authorities where five other girls were waiting. All of them were Christians preparing to marry Muslims.

The papers were signed and the conversion was complete. R. was given the Muslim name of Fatimah. She refused to say the proclamation of faith and was beaten.

She was married to another man she had never met, Mahmoud. When she refused to have sex with him, the family held her down while he raped her. She began bleeding profusely.

She stayed with him for 9 months and was beaten every day. The Coptic cross which was tattooed on her wrist was burned off with acid and she still has scars. R. was forced to cover herself completely when she left her home and was called Fatima by the family members. Her veil was black.

R. pretended to observe the Muslim rituals and prayers, but it was just a pretense for her. As a result of the rape and constant beatings, she became physically ill. When her husband went to work, he locked her in the house, alone, without a phone. She was never allowed to leave by herself. On the day of her escape, she told her in-laws that she was going to pray in the mosque but instead she called her mother and said she wanted to come home. She took a taxi to her parents' house. She is unable to have children as a result of the rape.

The practice is horrible and nothing is done about it. One parish father testifies that he has had over 50 cases of forced conversions of Coptic women in one year alone in his congregation. Another bishop says he has 45 women who were abducted and are now living in his safe house.

The Egyptian government has so far failed to protect Coptic Orthodox Christians. All we're talking about here is allowing people to practice what they believe. The government should not be inciting violence against them or running them over with tanks. It should be going after those that burn their places of worship or kidnap, rape, and torture them. Christians need to feel like the government has their back, not that it is out to get them. There cannot be unity and reconciliation until people feel like there is some sort of equality in society. There has to be consequences for persecution. This Administration needs to make the protecting of religious minorities a major point whenever it talks to its counterparts in the Egyptian government. They need to be clear that there will be consequences for them too if nothing changes. Our aid is not endless and it is not free. We should not support tyrants and dictators who oppress their own people. Egypt must uphold fundamental human rights, including protecting Christians.

And that's just the way it is.

RECOGNIZING THE OUTSTANDING  
PUBLIC SERVICE CONTRIBUTIONS OF CRAIG J. ROLISH AND  
THOMAS W. HABERKORN

**HON. MARK S. CRITZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. CRITZ. Mr. Speaker, I rise to recognize two individuals, Craig J. Rolish and Thomas W. Haberkorn, who have devoted themselves to ensuring prosperous futures for the military veterans of southwestern Pennsylvania. Back in 1993, Mr. Rolish and Mr. Haberkorn helped to establish Veterans' Community Initiatives

(VCI), an organization dedicated to finding employment for the men and women who have returned home from serving our nation in uniform. Since then, VCI has served nearly 5,500 clients and made approximately 4,000 job placements. The willingness of these men to devote the last 18 years of their lives to serving the needs of veterans is a testament to their appreciation for causes greater than themselves.

Mr. Rolish is currently the Vice President/Treasurer of VCI. Having served in the Air Force in Vietnam, Mr. Rolish was forced to personally confront the challenges a returning soldier must face in trying to reintegrate into society. While he could have easily devoted the years following his service to ensuring his own wellbeing, he instead chose to continue to work to improve the communities of southwestern Pennsylvania. Upon returning to Johnstown, Mr. Rolish put his financial expertise to good use, collaborating with Fannie Mae to help a number of individuals and small businesses rebuild after the devastating Johnstown flood of 1977. He also served as the CEO of the non-profit NORCAM, helping that organization to become one of the pre-eminent drivers of economic development in the region.

For Mr. Rolish, public service is a passion. He has served on a number of volunteer boards and commissions, including the Highland Sewer & Water Authority and the Johnstown Area Regional Industry, and has been an effective fundraiser for causes close to my own heart. He is personally responsible for accumulating over \$100,000 for St. Jude's Hospital and over \$180,000 in private donations for a memorial statue of my mentor in public service, the late Congressman John P. Murtha. In recognition of his beneficence and selflessness, Mr. Rolish was honored with the Chapel of Four Chaplains Legion of Honor award in 2002. This honor is given by the Four Chaplains Memorial Foundation to outstanding individuals who embody the spirit of giving.

Thomas Haberkorn, VCI's Vice President/Secretary, has also devoted his life to serving the people, businesses and non-profits of southwestern Pennsylvania. Like Mr. Rolish, Mr. Haberkorn served his country in the Air Force in Vietnam and continued to serve the public welfare upon returning home. He has served as an East Hills Kiwanis Board member, as well as a member of Johnstown Professional Networking. He has also been active with a number of charities, including the Special Olympics and the Salvation Army.

Mr. Haberkorn's true legacy is his commitment to veterans. He began providing support to those who have served us in combat long before helping to establish VCI. Mr. Haberkorn has been very active with Vietnam Veterans of America (VVA) for many years. He is the founder and current president of VVA Chapter 364, as well as the District Director of the VVA Pennsylvania State Council. In addition to working with VVA, Mr. Haberkorn has also done a great deal to support the local VFW, American Legion, and Conemaugh Valley Veterans. Like Mr. Rolish, he has been honored with the Chapel of Four Chaplains Legion of Honor award in recognition of his outstanding public service efforts over many years.



Mr. Speaker, in all of the time I have spent engaging with local community leaders, I have rarely, if ever, encountered two men with stronger character than Craig J. Rolish and Thomas W. Haberkorn. Their fortitude and unwavering commitment to public service—and in particular to serving the needs of combat veterans—deserve our gratitude and appreciation. I am proud to represent them in Congress.

CONFERENCE REPORT ON H.R. 1540,  
NATIONAL DEFENSE AUTHORIZATION  
ACT FOR FISCAL YEAR 2012

**HON. MAZIE K. HIRONO**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Ms. HIRONO. Mr Speaker, I voted for the final version of the 2012 National Defense Authorization Act because passage of this bill is important to the servicemen and women of our country and their families. The bill provides an average 1.6 percent pay increase for our troops and ensures that TRICARE premiums for military retirees will not be higher than the rate of increase in the cost-of-living.

In addition, the bill authorizes \$225 million in construction projects for Hawaii, including projects in Fort Shafter, Schofield Barracks, Joint Base Pearl Harbor-Hickam, Kaneohe Bay, and Kalaeloa on Oahu and Barking Sands on Kauai. These projects will provide jobs and strengthen the economy.

I do have reservations about the detainee provisions included in the bill. Although the provisions have been modified to provide protections for U.S. citizens, this issue deserves further consideration by the Congress.

The bill does reject the broad House language on the Authorization for Use of Military Force (Section 1034), which many feared could be used by the current or a future president as an unlimited authorization to go to war.

The final bill does not include provisions from the House-passed bill that would have discriminated against gay and lesbian service members. It also provides new protections for victims of sexual assault in the military. These are positive changes that improve the bill.

In addition, the bill reauthorizes for six years the Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs, which I strongly support. The SBIR program provides grants as a way to increase participation by small companies in federally financed research and development activities. The related STTR program encourages commercial development by small companies of university and federal laboratory research projects.

I introduced bills earlier this year to strengthen these programs by doubling the amounts of the Phase I (initial investigation phase) and Phase II (research and development) grants, which have been static since 1982. Under the reauthorization provided in this bill, the Phase I awards will rise from \$100,000 to \$150,000 and Phase II grants will increase from \$750,000 to \$1 million. The SBIR program has been especially important

in Hawaii and has helped to nurture the growth of some of our most innovative companies, such as TREX Enterprises, Oceanit, Archionetics, and Cellular Bioengineering, Inc., to name a few.

EXTEND UNEMPLOYMENT  
INSURANCE

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. RANGEL. Mr. Speaker, I rise today because people are suffering. Time's running out for America's long-term job hunters. If Congress fails to act by December 31, nearly 2 million will be cut off in January alone. And without action in 2012, that number will rise to at least 6 million.

The Ways & Means Committee has been collecting stories on Facebook of people who have lost their jobs and Mr. LEVIN has been reading them on the floor. Yesterday SEIU launched the ExtendUI tweet-a-thon in hopes to make a powerful case to ExtendUI without cuts or preconditions that hurt the 99 percent. I also collected stories on my Facebook page and via Twitter. Here are some of the stories from my constituents in their own words. Republicans, are you listening? Can't you hear the pain and cries of the American people?

Don Wright: "I need a job for a lot of reasons but the most important one is Dignity. When you don't have a job you feel terrible. It is hard to face other people especially your family. You don't feel like a man anymore. You can't get any respect from your wife and if she leaves you nobody wants to go out with a man without a job. So you are staying single and broke and alone. You get depressed and feel hopeless and you are a good man if you fight against envy—envy of others who have jobs and the things that a job brings. Your family loves you but are at the same time ashamed of you and your kids become worried at being asked what their Daddy does. The list goes on all of it bad. A job any job would be better than no job. Keep the jobless in your mind and hearts."

Paula Christianson: "I lost my job over a year ago due to an accident that left me disabled longer than the Family Medical Leave Act allowed. I had worked there for almost 7 years and was voted employee of the month but none of that mattered when they sent me a termination letter to my home. This has all contributed to my depression issues and Generalized Anxiety disorder. All I do is worry how I am going to survive! It consumes me. Please don't take away this help it is my and many others only hope left! I am not looking for a handout just a helping hand to continue to support my family until I can find employment! Again, please help!"

Patricia Dentley: "I took an early termination package in hopes of continuing working until retirement age, but almost 6 years later, I'm still unemployed, and because of how my package was setup, I couldn't claim unemployment during the initial period after working. I was never in anyone's statistics regarding unemployed, with no benefits other than filing for

early retirement or not having that. Most of the jobs with the company I was with is now in other countries with whom the American companies are paying less money, less benefits, and reaping a lot from these countries. I do want the other people in these countries to improve their lives, but we also have to live in ours. I don't know if you remember when our country paid farmers not to farm, now, not only are many people in our country unable to purchase the higher cost foods today, but other countries whom they could have helped are also starving, why, because of greed. I hope this helps not only you Representative RANGEL, but a lot of other people you are fighting for."

Jeanne Alvarado: "I was laid off from my position at Coca Cola Enterprises a year and a half ago. This happened two months before I was to be vested in the company. To say the least, I was devastated and depressed however, I picked myself up and immediately started seeking employment. I have applied to hundreds of positions within the five boroughs which include all the beverage companies, nursing homes etc. I have only had the opportunity to interview for five positions. The painful hard fact Congressman is that companies do not want to hire people of my age group. There is nothing out there for us at this age. I am 52 years old and I have worked since I was thirteen. Most of my teen and adults years I worked two jobs while raising my children. At this age I should be enjoying life with my family and grandchildren however, I find myself scared, depressed and full of anxiety at the thought of perhaps finding myself homeless. I have only one check left and then I will have no income. My savings is totally gone, as a matter of fact I do not even have a bank account anymore. My credit is destroyed and I am in a serious financial crisis. The little \$288 dollars I receive from unemployment helps me keep food on the table and pay the minimum to my bills which are all behind. Thank God my son won a scholarship for college or else he might not have been able to further his education. I have to say I resent the Republicans for assuming that we the unemployed are lazy and do not look for work. Yes this might be the case for some however, there is good and bad in everything in life just as there are good Politicians and bad ones. That does not mean we must form a general opinion based on only a few. I am not a lazy person. As a matter of fact, I am willing to clean toilets if it means keeping a roof over my head and food on my table. Most Republicans are rich and will go home to a happy holiday, for many of us there will be no holiday. I cannot even afford to buy a tree this year. Please let the Republicans in the House know that many people, does not matter Democrat or Republican, are watching and are growing a real distaste for the cruel treatment we are getting. Thank you Congressman for your time."

STATEMENT REGARDING H.R. 10,  
REINS ACT, DECEMBER 7, 2011

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Ms. MCCOLLUM. Mr. Speaker, I rise to strongly oppose the REINS Act (H.R. 10). This reckless legislation would put American families at risk while doing nothing to create jobs.

If enacted, H.R. 10 would delay and possibly block agency rulemaking in critical areas of public health and safety. This legislation would require that any "major" new rule be approved by Congress and the President within 70 legislative days. If Congress fails to act by the deadline, the proposed rule could not be reviewed again until the next Congress. My Republican colleagues do not deny this cumbersome process would prevent many new rules from taking effect. They argue preventing new rules is necessary to stimulate hiring and strengthen the economy.

The House Republican majority has used similar justifications to undermine existing regulations that create a level-playing field for business and protect the health and safety of American families. Earlier this month, Republicans passed the Regulatory Flexibility Improvements Act (H.R. 527) and Regulatory Accountability Act (H.R. 3010). These bills add new layers of bureaucracy intended to hamper enforcement of important environmental, labor, financial and food safety laws.

Evidence does not support Republican claims that federal regulation is to blame for persistently-high unemployment. According to the Bureau of Labor Statistics (BLS), only 0.3 percent of Americans laid off in 2010 lost their jobs due to "government regulations." In 2011, the BLS found even fewer layoffs attributable to regulations—0.18 percent. A McClatchy News survey of small businesses in August 2011 did not identify a single business owner who complained about regulation in their industry. In fact, McClatchy reported that "most seemed to welcome it and some pointed to the lack of regulation in mortgage lending as a principal cause of the financial crisis that brought about the Great Recession of 2007–9 and its grim aftermath."

Bruce Bartlett, a former advisor to Republican Presidents Ronald Reagan and George H.W. Bush, said congressional Republicans' anti-regulatory fervor has nothing to do with jobs. Bartlett recently wrote: "Regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

Economists from across the political spectrum agree the real impediment to hiring is weak demand in the economy. Increasing demand is the focus of President Obama's proposed American Jobs Act, which independent economists say would create over 1 million jobs. Despite the jobs crisis facing over 14 million Americans, House Republican leaders refuse to bring the American Jobs Act to the floor for a vote.

H.R. 10 and other anti-regulatory bills will not only fail to create jobs, they expose American families and small businesses to new and unnecessary risks. President Obama has threatened to veto the bill, arguing it would "delay and in many cases thwart" implementation of important rules and increase unnecessary confusion and uncertainty in the economy. The Coalition for Sensible Safeguards warns that H.R. 10 "would make it virtually impossible for federal agencies to ensure that American families are protected from tainted food, unsafe drugs, predatory financial schemes, dirty air and water, and dangerous workplaces."

Abandoning Americans to an unregulated marketplace is not a solution for economic growth—it is a sure threat to public safety. In recent years, many Americans have died as a result of E.coli and salmonella outbreaks in our food supply. A failure to enforce federal workplace safety standards resulted in the tragic deaths of 29 miners in West Virginia. Under-regulation allowed irresponsible bankers and mortgage lenders to destroy the education and retirement savings of millions of Americans. America is, in fact, facing a regulatory crisis. Not the crisis of "over-regulation" my Republican colleagues claim, but a series of crises resulting from a failure to enforce and enact common-sense rules.

Sensible regulation is necessary for an efficient, fair and innovative private market. But we should not be surprised that industry will not always support—and rarely ask—to be regulated. History shows that industry groups initially opposed new requirements for seat belts and air bags, limitations on mercury pollution and even restrictions against child labor. In the short-term, narrow private interests often conflict with the broader public interest. Over time, well-designed and consistently-enforced rules often prove to be less costly and more beneficial than originally expected.

Democrats and Republicans should be working together to improve the federal regulatory structure. Our shared focus in Congress should be on reforming regulations to increase results and reduce costs. Partisan attempts to weaken common sense rules and protections will not make our economy—or our country—stronger.

I urge my colleagues to reject H.R. 10 because it undermines public safety and distracts Congress from the urgent task of creating jobs.

HONORING VICTOR GRIFOLS  
ROURA—SPAIN-U.S. CHAMBER OF  
COMMERCE 2011 BUSINESS LEADER  
OF THE YEAR

**HON. JUDY CHU**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Ms. CHU. Mr. Speaker, I rise today to congratulate Mr. Victor Grifols Roura on being honored as the 2011 Business Leader of the Year by the Spain-U.S. Chamber of Commerce. Mr. Grifols Roura is President and CEO of Grifols, a global healthcare company with U.S. headquarters in my congressional district in Los Angeles.

Founded in Barcelona, Spain in 1940, Grifols is a leading producer of plasma protein therapies essential for the treatment of a variety of rare, chronic and often life-threatening diseases including: hemophilia, von-Willebrand disease, primary immune deficiencies, and alpha-1 antitrypsin deficiency. All of Grifols medicines are derived from human plasma collected at one of the company's 147 plasma donation centers across the country.

For three generations, the Grifols family has been dedicated to improving the lives of patients around the world. One of the company's founders, Dr. Jose Antonio Grifols Roig, developed the plasma donation technique known as plasmapheresis with Dr. Edward Cohn in 1950. Still the method of choice today, plasmapheresis is an automated process that enables individuals to donate plasma while retaining their red blood cells, white blood cells and platelets. This groundbreaking invention gave rise to the modern plasma therapeutics industry.

Mr. Speaker, Grifols employs 700 people in its corporate, manufacturing, warehousing, and testing facilities in California's 32nd District. The company has invested \$135 million in these facilities since 2003 and is moving forward with plans to add 70 new manufacturing jobs.

As part of its commitment to Los Angeles, Grifols supports local organizations that promote education, job training and skills development for area residents. Through an industry partnership with Los Angeles Trade Technical College, Grifols devises curricula and hosts seminars in microbiology, manufacturing, interviewing techniques and resume preparation. Graduating students are given the opportunity to tour the Grifols manufacturing facility and learn about the production of plasma therapies.

Grifols also partners with the Wilshire-Metro WorkSource Center, which provides workforce development resources to job seekers and local businesses. Grifols hires interns from the Center who have completed their certificate program in technology. In addition, the company interviews all graduates of the program to provide them with valuable, real-world experience.

Grifols presence in the U.S. was greatly enhanced this year by the acquisition of Talecris Biotherapeutics. This transaction, valued at almost \$5 billion, is the largest acquisition ever completed by a Spanish company in the U.S. Grifols is now the world's largest collector of human plasma, the third largest manufacturer of plasma protein therapies globally, and the leading plasma manufacturer in Europe.

Mr. Speaker, the Spain-U.S. Chamber of Commerce is the leading forum for the promotion of commercial, economic and industrial relations between Spain and the United States. Founded in 1959 and based in New York City, the Chamber is a non-profit organization dedicated to fostering economic outreach between the two countries.

The Chamber honored Mr. Grifols at its annual gala dinner in Manhattan on December 6th. The U.S. Ambassador to Spain, the Spanish Ambassador to the U.S., and the Spanish Minister of Culture joined over 250 guests in recognizing Mr. Grifols Roura's commitment to fostering expanded economic and social ties between the U.S. and Spain.

Mr. Speaker, I ask my colleagues to join me in congratulating Victor Grifols Roura for his outstanding leadership of Grifols and for his well deserved honor as 2011 Business Leader of the Year by the Spain-U.S. Chamber of Commerce.

TRIBUTE TO COACH ANDREW  
TRENKLE AND THE MAINE  
SOUTH HIGH SCHOOL CONSTITU-  
TION TEAM

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize Coach Andrew Trenkle and the Maine South High School Constitution Team for their achievement in winning the Illinois State Title of the "We the People: the Citizen and the Constitution" competition. This extraordinary accomplishment marks the twentieth time in twenty one years that Maine South's team has won this title.

"We the People: the Citizen and the Constitution," a program sponsored by the Center for Civic Education, educates students on important issues including the purpose of government, the function of the Constitution, and the importance of citizen participation. Participants are encouraged to identify and communicate their own opinions, thereby developing strong skills in discussion, debate, and compromise. In the "We the People" competition, teams of students participate in simulated Congressional hearings, presenting statements and answering challenging questions about the United States Constitution. This year's victory of the 2011-2012 Maine South Constitution Team demonstrates their deep understanding of Constitutional principles as well as their aptitude for critical thinking and teamwork.

Congratulations to all the members of the 2011-12 team: Coach Andrew Trenkle, Paul Ansani, Jeremy Apolinski, Austin Bryniarski, Ethan Campbell, Colton Cannon, Claire Floriano, Merrill Hester, Luke Kapolnek, Lauren Krone, Renee Kumon, Jimmy Loomos, Thomas Lis, Meredith Machon, Caroline Murphy, Kyle Richardson, Michelle Roberts, Allie Sakowicz, Daniel San Gabino, Matt Sherbahn, Katie Solberg, Sarah Tarabey, Caroline Unger, Maddy Vogg, Patrick Wohl, Alex Zaug and Lindsey Zawila.

The United States of America was founded on the principles of civic involvement and responsibility. The students of Maine South High School have proven that they embody those principles and that they will grow to be passionate and capable future leaders. On behalf of the 9th Congressional District, I congratulate you on this outstanding achievement and wish you the best of luck at the National Competition in April 2012.

HONORING CHICAGO POLICE  
OFFICER NIAL FUNCHION

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Officer Nial Funchion of the Chicago Police Department for his swim across the Strait of Gibraltar on October 6, 2011, and for his support of the Brotherhood for the Fallen, a not-for-profit organization dedicated to supporting the families of fallen police officers.

Officer Nial Funchion is an 18-year veteran of the Chicago police force and a trusted public servant. He first became involved in the Brotherhood of the Fallen following a funeral for a colleague killed in the line of duty. At that funeral, he noticed a group of uniformed police officers offering condolences to the family of the slain police officer. He was deeply moved by this kind gesture and contacted the Brotherhood for the Fallen to see how he could help.

Already a tremendous swimmer, Officer Funchion has since dedicated his swimming endeavors to the Brotherhood for the Fallen to raise public awareness for the organization. His most recent swim dedicated to the Brotherhood was perhaps his most impressive. He crossed the 12 miles separating Spain and Morocco, known as the Strait of Gibraltar, in three hours and fifty minutes. Not only did Officer Funchion brave rough waters to complete his swim, but he did so while being followed by a family of orca whales.

Officer Funchion plans to add to his swimming accomplishments by completing endurance swimming's Triple Crown. Over the next two years he intends to complete the 28.5 mile loop around Manhattan Island and the 21 mile swim across the Catalina Channel in southern California. He previously crossed the English Channel in 1992 with the fastest time by an American that year. I applaud Officer Funchion for protecting our community, performing amazing feats to help others, and supporting the Brotherhood for the Fallen, and I wish him safety and calm waters in his coming endeavors.

TRIBUTE ON THE PASSING OF  
OFIELD DUKES

**HON. HANSEN CLARKE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. CLARKE of Michigan. Mr. Speaker, I honor the life and legacy of Ofield Dukes, a public relations pioneer, long-time friend of the Congressional Black Caucus (CBC), and fellow Detroit. Mr. Dukes was firmly committed to fighting for justice and equality for all people.

Mr. Dukes, an Army veteran, graduated from Detroit's Wayne State University with a degree in journalism. After graduation, he worked at The Michigan Chronicle, a weekly African American-run newspaper based in Detroit, until he moved to Washington D.C. in 1964 to work for the federal government.

Mr. Dukes served as the deputy director of public affairs at Lyndon B. Johnson's Office of Equal Employment Opportunity. From 1966 to 1968, Mr. Dukes was a communications advisor to Vice President Hubert H. Humphrey.

Mr. Dukes founded his public relations firm, Ofield Dukes & Associates, in 1969. The firm focuses on political and minority affairs with a focus on African-American and African issues. Mr. Dukes' first client was Detroit's Motown Records. Today, Ofield Dukes & Associates represents the Democratic National Committee, Howard University, The Martin Luther King, Jr. Center for Nonviolent Social Change, and the Congressional Black Caucus, among other notable clients.

Mr. Dukes' relationship with the Congressional Black Caucus dates back to its founding in 1971 when he helped organize the first Congressional Black Caucus dinner. Mr. Dukes also served as an advisor to several CBC chairpersons. He was a founding member of the CBC Foundation, served on the Foundation Board for 14 years, and worked to improve the socioeconomic circumstance of African-Americans around the nation.

Mr. Dukes also spent his time reaching out to younger generations. He taught at the Howard University John H. Johnson School of Communications for 25 years and American University's School of Communications for 8 years, inspiring hundreds of African-American students to pursue careers in public relations and politics.

Mr. Dukes' work ethic, dedication, and resilience embody the spirit of Detroit. In October 2011, Mr. Dukes returned to his hometown of Detroit, Michigan because of his love for the city, family, and friends. After a struggle with bone cancer, Mr. Dukes passed away on December 7, 2011. I am honored to call Mr. Dukes a friend and colleague. He will be greatly missed.

IN RECOGNITION OF FRISCO FIRE  
CHIEF MACK BORCHARDT

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. BURGESS. Mr. Speaker, today I rise to recognize Fire Chief Mack Borchardt for his dedicated service to the Frisco Fire Department and to the people of the 26th Congressional District of Texas.

Chief Borchardt first became a volunteer Frisco firefighter in 1973; at that time, Frisco had an all-volunteer fire department. In November 1987, Chief Borchardt became Frisco's first fulltime fire chief. Through his leadership, diligence, and organization, the Frisco Fire Department now has more than 140 fulltime department members.

Under Chief Borchardt's leadership, the Frisco Fire Department has expanded to become an outstanding example to departments nationwide. They are one of the select few departments in the country that have an ISO 1 rating, which is a testament to their superior standards and procedures. The Frisco Town Council recognized Chief Borchardt with a resolution proclaiming December 2011 as Aubrey

"Mack" Borchardt Month in Frisco. His service to his community, society, and peers throughout the past 30 years is indeed an inspiration.

I am honored to represent the city of Frisco and many of its residents in the United States Congress. I, along with his family, friends, and the citizens of the 26th District celebrate his tireless commitment to his community. Please join me in recognizing and thanking this exceptional community leader for his selfless commitment to our society.

CONGRATULATING VALENCIA COMMUNITY COLLEGE, RECIPIENT OF THE 2011 ASPEN PRIZE FOR COMMUNITY COLLEGE EXCELLENCE

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Valencia Community College on earning the inaugural Aspen Prize for Community College Excellence. The Aspen Prize for Community College Excellence recognizes extraordinary accomplishments in community colleges, applauding those that serve as models for elevating community college education.

Valencia Community College was selected by the Aspen Institute after a competitive, year-long process during which 120 of the nation's top community colleges were judged based on student performance and graduation rates. Of Valencia Community College's full time students, more than half graduate or transfer within three years. This is well above the national average of 40%.

Founded in 1967 as Valencia Junior College, Valencia Community College's goal was to make its students successful, both in the classroom and in their personal and professional lives. Today, Valencia Community College is the third largest community college in Florida, educating more than 50,000 students each year.

This is not the first time Valencia has been recognized for excellence in education. Indeed, Valencia has a long history of national distinction. Valencia was recognized in 2009, with the inaugural Leah Meyer Austin Institutional Student Success Leadership Award; in 2007, by the New York Times as a leading community college; in 2001, by TIME Magazine as one of the nation's best schools at helping first-year students to excel; and in 1998, the National Alliance of Business named Valencia the Community College of the Year.

On behalf of the citizens of the State of Florida, I am pleased to congratulate Valencia Community College's President, Dr. Sanford Shugart, and Valencia Community College's Administration, Board of Trustees, and faculty for pursuing excellence in community college education, both nationally and as a critical part of Florida's education system. May their hard work and dedication inspire others to follow in their footsteps.

TO HONOR PFC BRENDAN MARROCCO, UNITED STATES ARMY, WITH A POEM: "STATEN ISLAND STEEL"

**HON. MICHAEL G. GRIMM**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. GRIMM. Mr. Speaker, I submit the following:

STATEN ISLAND STEEL

All in the shadow of liberty . . .  
 All in this most Gotham of all cities . . .  
 There grew up to be, one of our nation's finest sons so indeed . . .  
 As strong, as strong . . . as strong as can be!  
 Army Strong that's who he!  
 Whose heart and soul, makes our Lord so complete . . .  
 Whose courage so makes even the Angels up on high so weep!  
 Because . . .  
 Some Steel, cannot so be crushed!  
 Some Steel, will not so rust!  
 Some Steel, cannot so be bent!  
 Some Steel . . . cannot so be broken!  
 As if this Steel was Heaven sent!  
 All in how, his heart of Steel has so spoken . . .  
 So very deep down inside,  
 all in what Rocco is invoking . . .  
 That which so brings such tears to eyes . . .  
 Which against all odds somehow kept hope alive!  
 To So Teach Us . . . To So Reach Us . . . To So Beseech Us!  
 Because, The Greatest Steel In This World . . .  
 Comes from Staten Island, my little boys and girls . . .  
 Yea, The Stronger than anything known to man!  
 Staten Island Steel . . .  
 Move over Superman, you're just a comic book . . . Rocco is real!  
 And Batman this is not your city anymore!  
 Brendan Marrocco, "Rocco" . . . Aka . . . Staten Island Steel!  
 Because, Rocco you have the word hero stamped all across your chest!  
 As you Rocco put the B . . . In Be The Best!  
 All found in your heart of gold, and your life's quest . . .  
 For Army Strong is your life's song!  
 Brendan, You Rock . . . all night long . . .  
 And when we gaze upon his heart, we feel the burn!  
 And now more Steel has so been forged!  
 The Bear! PFC Bryan Dilberian a 10th Mountain Man . . .  
 A Brooklyn Man, a Real Beastie Boy who stands!  
 A question asked, "in New York, what are you putting in that water man?"  
 This Christmas and Hanukkah, remember all of those men and women . . .  
 Who upon them this our Nation do so depend . . .  
 Who with hearts of Steel, all for us so live and die . . .  
 As across this nation families cry . . .  
 Separated by death and distance, who this holiday season so miss this . . .  
 And men like Rocco, who with hearts of Steel . . .  
 Who to all of us so reveal!

That word Hero, Brendan Marrocco . . . Staten Island Steel!

REMEMBERING REVEREND WILLIAM KELLER

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. PENCE. Mr. Speaker, I rise to remember the life and ministry of Reverend William Keller.

Reverend Keller faithfully served as a pastor for nearly 70 years in both Illinois and my home state of Indiana. While attending Olivet Nazarene College in 1943, he founded the East Side Church of the Nazarene in Kankakee, Illinois. He later continued his education at both Ball State University and Liberty University.

Reverend Keller was a dear friend of mine, and I mourn the loss of this great public servant. His record of achievement in his community and around the country is extensive and includes serving as Executive Chairman for World Wide Pictures, attending Billy Graham's School of Evangelism, and participating in the Conference on Evangelism in Amsterdam among others. Reverend Keller was also a member of the planning committee for the Leighton Ford and the Lowell Lundstrom Crusades in Muncie, and he organized several open air festivals.

In 1953 he founded the William C. Keller Construction Co. that built churches, office buildings, service stations and residential housing, and Reverend Keller also developed the Keller West Addition in Muncie.

Beginning in 1969, Reverend Keller served as President of the Delaware County Evangelistic Association. Among his many involvements, he was also a member of the Board of Social Concern for the National Association of Evangelicals; past Governor and Lt. Governor of Division H, District 11 of Toastmasters International; past chairman of the steering committee of National Issues Forum; and he served several years as a volunteer Probation Officer and court appointed Special Advocate for children.

I offer my most sincere condolences to his bride of 73 years, Irene; their six children: Martha Lovern, Harold Keller, Dave Keller, Paul Keller, Don Keller, and Bill Keller, Jr.; fifteen grandchildren; twenty-two great grandchildren; two great-great grandchildren; and his siblings Charles, James, and Reba. While the loss of Reverend Keller's selfless work in the community will be deeply felt, heaven is richer with his passing.

RECOGNIZING THE ADKINS BROTHERS FOR ONE HUNDRED FOUR YEARS OF MILITARY SERVICE

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. RAHALL. Mr. Speaker, in southern West Virginia, "family" has a very special and sacred meaning. Its definition goes far beyond

the traditional; more than a group of individuals related by blood or marriage. It is an ideal that transcends all West Virginians; an institution protected, trusted and revered by all. It is the core thread woven into and throughout the fabric of the values we treasure most.

Today, I rise to honor a family of West Virginians from the Logan County community of Pine Creek, in the coalfields of southern West Virginia. They are nine brothers, nine of the eleven sons of the late Olive and Oscar Adkins, who collectively served in our Nation's military for more than 100 years. This is truly a "band of brothers" for which our Nation owes a debt of gratitude.

Shakespeare outlined the honor and drew distinction for the Band of Brothers in the famous St. Crispin's Day speech, a motivational speech delivered to troops about to enter battle in Act IV of the play, Henry V:

Old men forget; yet all shall be forgot, but he'll remember with advantages what feats he did that day. Then shall our names, familiar . . . as household words . . . be in their flowing cups freshly rememb'ed.

This story shall the good man teach his son . . . from this day to the ending of the world, But we in it shall be remembered—we few, we happy few, we band of brothers; For he today that sheds his blood with me; shall be my brother . . .

Fate was kind to the nine Adkins brothers. None were seriously injured, and all returned home safely, although many who served with them were not so lucky. All the Adkins brothers were honorably discharged, and all were proud to serve their country. The pride in this remarkable record of military service is shared by their parents, two other brothers, Hobart and Robert, and four sisters, Madeline, Ruth, Lyndell, and Iris.

The nine who served include Harvey, who was in the U.S. Army during World War II from 1943 to 1946; Jason, who was in the U.S. Army at the end of World War II in 1945 and 1946, then again from 1952 to 1955 during the Korean Conflict; Leon, who served in the Air Force from 1948 to 1952 in the Korean Conflict; Billy, who served in both the Army and Air Force from 1948 to 1954; Lowell, who served in the U.S. Air Force from 1954 to 1974 in both Thailand and Vietnam; Franklin, who served in both U.S. Air Force and Army from 1956 to 1976; Vernon, who joined the Army and served from 1958 to 1979; Linden, who served in the Army from 1965 to 1967; and Clifton, who served in the Army from 1959 to 1981.

Selfless service and sacrifice are the twin pillars supporting our Republic. Surely, these values, so important to the future vigor of our democratic principles, were instilled in the Adkins Brothers by devoted and dedicated parents. Such a record of service is not happenstance or coincidence; rather, it is a record built with an abiding faith in the Almighty's continued blessings on this land of liberty.

Mr. Speaker, in sum, the Adkins brothers share 104 years of U.S. military service, a milestone record of service, that I hope the U.S. Department of Defense will soon formally recognize. I ask my colleagues to join me in acknowledging my fellow West Virginians as true American patriots and to thank them for their distinguished service to our great Nation.

## PERSONAL EXPLANATION

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. FILNER. Mr. Speaker, on rollcall 932, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

### CELEBRATING THE 84TH BIRTHDAY OF HIS MAJESTY KING BHUMIBOL ADULYADEJ

### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. HONDA. Mr. Speaker, December 5 marked the 84th birthday of His Majesty King Bhumibol Adulyadej of Thailand. I would like to take this opportunity to send warm wishes to him and to the people of Thailand as they commemorate his 65-year reign as King of Thailand.

The world's longest-serving monarch, His Majesty King Bhumibol ascended to the throne on June 9, 1946. Throughout his reign, King Bhumibol has both witnessed and been instrumental in the transformation of Thailand into a prosperous, modern state, with a strong agricultural sector and modernized manufacturing and services industries. His contribution to such progress and the devotion and compassion he has for the Thai people has earned King Bhumibol the love and respect of his people as well as worldwide recognition for his leadership.

As a leading advocate for sustainable, human-centered development, King Bhumibol has worked hard to address the critical development issues facing his country and his people, applying scientific knowledge and initiating development projects that take into account the topography, traditions and culture of a region. Focusing on agricultural development, King Bhumibol has overseen thousands of development projects undertaken to improve the food security and welfare of the Thai people. His concern about the sustainability of Thailand's natural resources has spurred several water resource and reforestation projects throughout the country.

I would also like to celebrate the 178-year diplomatic alliance and friendship between Thailand and the United States—one that reflects both common interests and shared values, namely: democracy, good governance, and the rule of law. Indeed, on March 20, 1833, the United States and Thailand (then known as Siam) signed the Treaty of Amity and Commerce, making the Kingdom of Thailand the first treaty ally of the United States in the Asia-Pacific region. His Majesty King Bhumibol's state visit to the United States in 1960 further cemented the excellent relations between our two nations.

Lastly, I would like to express my deepest sympathies to the people of Thailand for the recent historic floods in Thailand, and reiterate my support for both ongoing and additional

humanitarian efforts aimed at providing civilian and military assistance to save lives, restore health, and facilitate Thailand's economic recovery. The United States remains committed to supporting Thailand's long-term recovery. The United States government has contributed significant humanitarian assistance, United States citizens and private sector have donated to reconstruction efforts, and the United States will continue working to help improve Thailand's capacity to prepare and respond to such disasters in the future.

Mr. Speaker, I am pleased to join our longstanding friends, the people of Thailand, as they celebrate the 84th birthday anniversary of His Majesty King Bhumibol Adulyadej and his esteemed 65-year reign of and dedication to Thailand.

### TRIBUTE TO JOHN FRANKLIN THAMES

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. CLYBURN. Mr. Speaker, I stand today to pay tribute to a constituent who has dedicated his professional career to coaching high school basketball and—over the past half century—has developed generations of successful young women while breaking and setting winning records for women's basketball in South Carolina. I commend Coach John Franklin Thames for his 50 years of coaching women's basketball in the Palmetto State. It is very fitting that a scholarship for gifted athletes will be established in his honor at his alma mater, Manning High School.

John Thames grew up in Alcolu, SC and graduated from Manning High School in 1953. At that time, America was at war with Korea. He spent six months as Executive Officer of Training Company at Fort Jackson, and served 13 months in Korea as an Army Tank Platoon Commander. Following his military service, he matriculated at Presbyterian College in Clinton, South Carolina, graduated in 1958, and returned home to serve his alma mater for the next half century.

Over his 44-year career as the Lady Monarchs head coach, Coach Thames' teams amassed two State Championships, three State runner-ups, 15 Regional Championships, and seven Regional Tournament Championships. He was named Region Coach of the Year 14 times and the Sumter Item Area Coach of the year three times. In 1969, he was selected as the Pee Dee North-South All-Star South head coach. He served as head coach in the South Carolina Athletic Coaches Association North-South Girls All-Star Game in 1984 and 2000. He was also one of two South Carolina coaches chosen to coach the South Carolina All-Star Girls against the North Carolina All-Star Girls at Winthrop University.

Coach Thames was nominated in 1991–92 as the Converse High School Coach of the Year and the National High School Athletic Coaches Association Coach of the Year in women's basketball. That same year, he was named Florence Morning News Class AAA Girls Coach of the Year. He has been a South

Carolina Coaches Association of Women Sports MVP Honoree, and a 2000 High School Sports Report State Coach of the Year in AAA Girls Basketball. He was a 2009 Inaugural Inductee into the South Carolina Basketball Coaches Hall of Fame, and a 2011 Inaugural Inductee into the Clarendon County Athletic Hall of Fame.

Coach Thames has also had great success in other sports. He served as the Manning High School baseball coach for 14 years and as an assistant football coach for 36 years.

In 1993, his high school alma mater—and 50-year employer—named its gymnasium in his honor for “his lifetime of contributions to Manning High School.” Presbyterian College also honored their esteemed graduate by recognizing Coach Thames as the 2011 recipient of the Bob Waters Award. This honor was given for his outstanding leadership and service to society and the profession of athletic coaching and for personifying those values and qualities of excellence and integrity held dear by his college alma mater.

Despite all the accolades he has accrued over his career, Coach Thames will be remembered most for his generosity and love of his players and all students. Since 2004, Coach Thames has conducted a free one-week basketball camp for girls. He is committed to ensuring that the inability to pay is not an obstacle for any girl to participate in the sport. For years, Coach Thames has used his personal funds to buy shoes for all of his players. He has done so because he doesn't want to single out the ones who cannot afford new shoes. He provides transportation and other clothing for many of his students who have limited resources. Coach Thames is also dedicated to helping students get into higher education institutions so they can pursue their dreams. “Coach,” as he's lovingly known to everyone including non-athletes, is a mentor and father figure.

In addition to his coaching accolades, Coach Thames has twice been named the Manning High School Teacher of the Year. He received the 2008 Outstanding South Carolina Teacher of U.S. History by the Daughters of the American Revolution. He was inducted into the Kappa Alpha Order Court of Honor in 2009. Coach Thames is a recipient of the Silver Crescent, the highest civilian recognition awarded by the State of South Carolina for outstanding dedication to a local community, and has been inducted into the Clarendon County Education Hall of Fame. Coach Thames is currently a member of the South Carolina Athletic Coaches Association, the South Carolina Women's Basketball Coaches Association, the Coaches of Women's Sports and the National Basketball Coaches Association.

He is a longtime member of First Baptist Church in Manning, where he serves as a Junior Department Sunday School Teacher.

Mr. Speaker, I ask you to join me in congratulating Coach John Franklin Thames for his remarkable career at Manning High School. He has set a tremendous example both on and off the court. It is my honor to pay tribute to such a distinguished Southern gentleman who, I believe, has earned the gratitude of his community, his state and his nation.

## RECOGNIZING THE 50TH ANNIVERSARY OF DUNEDIN HIGH SCHOOL

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise today to honor the 50th anniversary of Dunedin High School, which first opened its doors in 1961. That year, 767 students and 44 teachers walked the halls for the first time. Half a century later the school serves more than twice that number of students, working to prepare them for their future while creating an environment that encourages students to explore their potential.

From the beginning, the school embraced the rich Scottish traditions that have characterized the city of Dunedin since its founding in 1870. The school selected a Falcon as the mascot, harkening back to the sport of falconry, a favorite Scottish pastime consisting of training and hunting with falcons. However, the Dunedin Highlander Marching Band is perhaps the most unique aspect of the school. This band not only wears the Dress Stewart Tartan plaid as their uniform, they are one of the few high school bands in the country that features bagpipes.

Since its establishment, Dunedin High School has sought to foster academic achievement, community pride and school spirit. Over the years, the students at the school have won numerous awards and state championships for academic, athletic and extracurricular activities. The students are not the school's only source of pride, as the dedicated teachers and administrative staff also have an award winning tradition, receiving many state and national awards for the high-quality education they provide.

Students who have graduated from Dunedin have gone on to achieve great success, with many staying in the area to raise their children and enrich the local community. This community support extends to the high school, with volunteers putting in over 28,000 hours at Dunedin High School last year alone. Notable alumni include local politicians, famous musicians, professional athletes, and Hollywood actors and directors.

I am honored to represent the students, teachers, and faculty who currently attend Dunedin High School as well as many of those that have enriched this public school for the last 50 years. I ask my colleagues to join with me today in recognizing this important milestone and to wish the school continued success in the future.

## REMEMBERING BROOKE TUTTLE

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. PENCE. Mr. Speaker, I rise with a heavy heart to remember the exceptional legacy of service of Brooke Tuttle from my hometown of Columbus, Indiana.

Mr. Tuttle was born in Hicksville, Ohio, and received a Bachelor of Science in Industrial

Management from Ohio State University in 1957. The next year he married his wife Barbara, who would become his bride of 52 years. After serving as a Captain in the U.S. Army from 1957–1959, Brooke Tuttle joined Cummins, Inc., headquartered in Columbus, Indiana, and he later earned a Masters in Business Administration from Indiana University in 1964.

During his 29-year career with Cummins, Mr. Tuttle had various responsibilities including: General Manager of the Fleetguard filtration business; leading the \$700 million worldwide parts and services distribution business; opening distribution centers in Asia, Europe, and Central and South America; and serving as Executive Director of Public Policy.

Brooke Tuttle was deeply invested in his local community and was responsible for outstanding growth and prosperity. He served as President of the Columbus Economic Development Board in 1985, and after he retired from Cummins three years later, Mr. Tuttle continued as President of Economic Development. During his 22 years as president, he spearheaded the expansion of 260 existing companies and helped attract 52 new manufacturing and technology companies. As a result of his hard work and dedication to the Columbus community, Columbus gained 10,000 new manufacturing jobs and \$2.2 billion of new investment. Mr. Tuttle retired from the Columbus Economic Development Board in 2007.

After his retirement, Brooke Tuttle served as President of LHP Technologies and continued teaching Economics at Ivy Tech and Indiana University/Purdue University Columbus (IUPUC) as an adjunct professor for twenty years. IUPUC awarded him the “Excellence in Teaching” award in both 1990 and 2010. His accolades also included the Columbus Chamber of Commerce Community Service Award and the distinguished Sagamore of the Wabash Award.

Despite his demanding and successful career, Brooke Tuttle never forgot to give back. He served as president of Rotary Club International, the Columbus Foundation for Youth, and the Columbus Girls Club. He also served as a Moderator for Leadership Bartholomew County, a Big Brother, and as a basketball coach for the Boy's Club. He was also a deacon at the First Presbyterian Church and served on the IUPUC Board of Advisors, as well as the Visitor's Center Board.

My deepest and most heartfelt condolences go out to his beloved wife Barbara, daughter Katherine, son Jeffery, and his nephew Philip. In the midst of this difficult time be encouraged that the innumerable contributions of Brooke Tuttle will not soon be forgotten.

## RECOGNIZING JEFFERY POTTER AS THE 2012 PRESIDENT OF THE AMERICAN INSTITUTE OF ARCHITECTS

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. SESSIONS. Mr. Speaker, on December 9, 2011 Jeffery Potter was duly elected to

serve as President of the American Institute of Architects (AIA). Jeff is the Vice-President of POTTER, a design firm in Dallas, Texas established in 1983. The firm has a broad portfolio but specifically seeks to advance school-house design in the region.

Jeff has been recognized by his peers through numerous regional AIA and trade awards for his design efforts and has juried design awards programs throughout the United States. Over the past 30 years Jeff has worked to elevate professional communications between his peers and to educate the public on the importance of design. Additionally, Jeff has worked with his colleagues to help combine traditional architectural journalism with social media and knowledge sharing to promote architecture in the 21st century.

As AIA President, Jeff has stated that he will focus on what he calls the "two spheres of influence": nurturing a grassroots organization of architects and building on the strengths of the organization to promote a professional institute of design leaders.

I urge my colleagues to join me in recognizing Mr. Potter's accomplishments and ask that we acknowledge the important role that architects serve in our economy.

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NATIONAL DEFENSE  
AUTHORIZATION ACT

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. WITTMAN. Mr. Speaker, I rise today to express my concern about the United States Navy's future plan to home port a nuclear powered aircraft carrier aboard Naval Station Mayport. I, along with other members of the Virginia Congressional Delegation, have continued to question the duplication of resources to move the home port of a nuclear aircraft carrier, when current resources in Norfolk, Virginia, meet these needs.

This nation is in very challenging and uncharted waters with respect to the Department of Defense budget. Every effort must be made to ensure efficient and thoughtful planning, procurement, and budgeting is conducted to support our national security strategy for the 21st century. While the budget may be getting smaller, the request for power projection and forward presence around the globe to protect our interests and ensure a peaceful future is only growing. Sequestration and the very real possibility of cutting \$1 billion out of the Department of Defense budget over the next ten years puts our carrier force in jeopardy.

With these major defense cuts coming we are forced to address the proposal by the United States Navy to move a nuclear powered aircraft carrier to Naval Station Mayport. While strategic dispersal of forces is important, what is more important is that we maintain a capable level of forces to disperse.

An iconic symbol of American freedom domestically and abroad and a potential item for the sequestration chopping block, the aircraft carrier could face detrimental cuts to her fleet and capability because of a flawed defense strategy driven by looming budget cuts. The

Navy has 11 nuclear-powered aircraft carriers in her fleet. While six remain deployed across the world, supporting operations, others are in rotation, utilized for training or remain in the shipyard for necessary maintenance.

On September 23, 2011, I wrote the Chief of Naval Operations, Admiral Jonathan Greenert arguing that at a time when the nation's historic fiscal challenges will require drastic cuts in federal spending, it is fiscally irresponsible and strategically unnecessary to build expensive and redundant nuclear-support infrastructure for CVN homeporting when there are more cost-effective alternatives to sustain Mayport's future as an operational base.

Admiral Greenert's response to the letter indicated concerns raised about the movement of an aircraft carrier to Mayport would be included in the Navy's strategic calculus. He stated that "the size of fiscal adjustments compels us to take a comprehensive strategic review, examining every program element, including the funding required to homeport a CVN in Mayport".

The conference report for the National Defense Authorization Act, H.R. 1540, addressed the issue of military construction funding for a road improvement project at Mayport. It states, "The conferees determined that the Massey Avenue Corridor Improvements Project had merit to support requirements at the Naval Station Mayport, Florida, whether or not a nuclear powered aircraft carrier was home ported there."

The proposed home port shift of an aircraft carrier, especially in this challenging budget environment, is unaffordable and unnecessary and I encourage this Congress and the United States Navy to carefully consider a better utilization of taxpayer resources to fund our men and women in uniform.

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OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300-132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,051,286,197,149.79. We've added \$10,249,881,021,855.51 to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

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RETIREMENT OF MR. T.J.  
PREJEAN, JR.

**HON. CHARLES W. BOUSTANY, JR.**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. BOUSTANY. Mr. Speaker, I rise today to congratulate T.J. Prejean, Jr. on his retirement from the Vermilion Parish Policy Jury.

For 31 years, T.J. proudly served District 13 as police juror, twice being the Vice President of the jury. Having attended 3,000 meetings during his career, T.J.'s commitment to ensuring the well-being of Vermilion Parish is clear.

Formerly an oil rig worker and farmer, T.J. began his service in office in 1980 and served eight consecutive terms. Opposition often stood in his way, but T.J.'s door-to-door campaign style reinforced his personal connection to the community.

During his time as police juror, T.J. made every effort to be accessible to the residents of District 13. He provided assistance during the several major hurricanes our region experienced in the past decade. In doing so, he demonstrated himself a concerned and dependable leader. His final police jury meeting will be Monday, December 19, 2011.

I offer my sincerest appreciation to T.J. Hebert for his dedication to the people of Vermilion Parish and congratulate him on his retirement. I am honored to be his representative in Congress.

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BEN COLE

**HON. JACK KINGSTON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 15, 2011*

Mr. KINGSTON. Mr. Speaker, every town has a few heroes, and lucky is the man whose life crosses the path of one. I have had that good fortune in getting to know Ben Cole of Savannah.

Ben runs the Chain Baseball Academy. For nearly two decades, he had trained thousands of boys in the competitive art of "America's Favorite Pastime." Ben takes youngsters of various walks of life and teaches them the fundamentals of hitting, pitching, and catching. Many go on to become star high school, college, and professional baseball players. It is no surprise that Chain Baseball has produced over 300 college level athletes and 44 professional, including two World Series pitchers!

However it is not just about baseball. It's about character building, teamwork, and excelling on and off the field. Ben's most important lesson for the parents is that if the kid doesn't want to be a baseball player: Don't force him. In today's society, sometimes parents can push their children too much. That takes the fun out of it for them and can hurt their confidence. Instead, parents should let them enjoy being kids. If they want to play baseball, fine, and if they don't, that's fine too. They have to want it for themselves, not their Moms and Dads.

Because of the amount of traveling required, playing baseball can be expensive. Not all families can afford the time and money involved. That's why Ben and Chain owner Buddy Meyer work hard to find financial aid for kids in need. The term "elite athlete" doesn't mean financially elite. They want the door to be open to all.

Ben also works patiently with Moms and Dads. He has a special place for women whose husbands are deployed. Chain Academy is less than a mile from Hunter Army Airfield, home of the 3rd ID. Often, Moms walk



through the door with a boy whose dad is in Afghanistan or Iraq. Mom doesn't know much about baseball, but she's come to the right place. Ben makes sure her son, who has often just moved to town, is treated like family.

Finally, Ben leads by example. At 81 years old, he doesn't sit at the desk barking out instructions. He gets in the cage, picks up a bat, and shows his students how to swing, catch, or throw. And when the time allows, he puts on a batter's helmet and takes a few swings himself. With his perfect form he drives the ball hard and strong, proving to all he knows what he's doing.

Ben likes the great athlete but no more than the earnest athlete. No matter what the age, if a kid tries his best, Ben's there to help make him a better player. I can attest to that. I've seen him patiently spend hours coaching a fifty-six-year-old congressman. Even if there's little improvement, year by year, he's ready to help! His enthusiasm is contagious.

Ben's an optimist. He loves his country, his family, his favorite sport of baseball and the kids of all ages who play it. Star athletes come to the Chain all the time but nothing lights up his face as much as a grandchild.

In today's society, we have widespread obesity. In the Agriculture Appropriations Subcommittee, we spend as much time talking about obesity and exercise as hunger. We need more people like Ben who have kept themselves in shape. We need people to stay active physically, mentally, and spiritually. Think of the billions we could save in health care costs if more people took Ben's example. Finally, think how much more fun we'd have as a country if instead of just watching America's favorite pastime we would all play it.

May Ben and the Chain Baseball Academy keep up the good work and continue to inspire the rest of us for many years to come.

#### TRIBUTE TO THE UNITED STATES ARMED FORCES AND INTEL- LIGENCE SERVICES

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to the United States Armed Forces and Intelligence Services on the occasion of the successful completion of Operation Iraqi Freedom.

Nine years ago our country embarked on a military campaign to end the tyrannical rule of Saddam Hussein, bring the Iraqi people freedom and make the world a safer place. The road has not been an easy one to travel but through it all our U.S. service members have persevered. From the insurgency in the al Anbar Province to the violence in Baghdad, to the ultimate success of the surge, our troops did not lose sight of the goal. As the enemy changed their tactics, our military, with the help of our intelligence community, adapted and overcame. While there have been many that have questioned America's ability to commit to a long war, a decade later proves our determination as well as assures our Iraqi friends that they have a lasting ally in the United States.

While we commemorate the successful completion of Operation Iraqi Freedom, the challenges remain for Iraq just as it would for any nascent democracy. Today, let us recommit ourselves diplomatically to Iraq and ensure that as the country experiences the growing pains of a new democratic state, they can turn to the U.S. for guidance and help.

Today also serves as the successful completion of Operation Iraqi Freedom which will be remembered in history, along with the almost 4,500 service members that were killed in action in Iraq. Today we also reaffirm a solemn promise that we will always remember their sacrifice and that they gave up the most precious of all things—life. We acknowledge that the death and eternal absence of a soldier, sailor, airman, Coast Guardsman or Marine does not exist in a vacuum—it is a wound that will never truly heal in the hearts of all those who loved them. We honor them as individuals—they are people who cannot be replaced but whose memory lives on whenever their story is told. So as we close this chapter, let us promise to honor our war dead every day, tell their stories and remember their sacrifice. In honor of all those who died in service to our country in Operation Iraqi Freedom, I would like to read the names of those killed from my congressional district.

Gunnery Sgt Jeffrey Bohr, United States Marine Corps

First Lieutenant Todd Bryant, United States Army

Sergeant Ryan Young, United States Army  
Private First Class Brian Cutter, United States Marine Corps

Sergeant Eliu Miersandoval, United States Army

Lance Corporal Rafael Suarez, United States Marine Corps

Corporal Billy Gomez, United States Army  
Specialist Jonathan Castro, United States Army

Corporal Jason Morrow, United States Marine Corps

Private First Class Jason Franco, United States Marine Corps

Sergeant Rhys Klasno, California National Guard

Sergeant Thomas McFall, United States Army

Specialist Cameron Payne, United States Army

Specialist Joshua Modgling, United States Army

Specialist Eric Holke, California National Guard

Staff Sergeant Eric Cottrell, United States Army

Staff Sergeant Alejandro Ayala, United States Air Force

Specialist Armando A. De La Paz, United States Army

Private Grant Cotting, United States Army

Lance Corporal David James Hogan, United States Marine Corps

Staff Sergeant Michael Cardenaz, United States Army

Senior Airman Michael Hinkle, United States Air Force

Sergeant Aaron Blasjo, United States Army  
Sergeant Andrew Tobin, United States Army

God Bless our Troops and God Bless America.

#### CONGRATULATING MS. MADIE TILLMAN

#### HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. TURNER of Ohio. Mr. Speaker, I am proud to recognize a distinguished member of the General Daniel "Chappie" James American Legion Auxiliary Post 776, located in my congressional district, for the service she has given to her community.

Ms. Madie Tillman received the Member of the Year Award for the Department of Ohio during the American Legion Auxiliary 2011 Department Convention, for her exceptional contributions to the American Legion Auxiliary. She is a long-time volunteer at the Dayton VA Medical Center. Last year, she raised \$500 for a Christmas party for veterans and their families.

As the widow of a veteran, Ms. Tillman has been a dedicated, generous and unselfish advocate for veterans and their families. After learning that veterans in the Homeless Program at the Dayton VA were in need of book bags for their classes at Sinclair Community College, she collected bags for the veterans from local charitable organizations.

In January, she collected over one hundred 2011 calendars after learning that our troops deployed overseas wanted them so they could mark off the days until they could return home. The calendars were shipped to our troops by the Blue Star Mothers. An associate member of the Blue Star Mothers of America, she also donates to their "Trick or Treat for Troops" program, and other activities.

I appreciate this opportunity to recognize a good and compassionate citizen, Ms. Madie Tillman, for her service to our community and our Nation's veterans.

#### IN HONOR OF THE RETURN OF OUR WOUNDED WARRIORS TO AMERICA

#### HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. BOUSTANY. Mr. Speaker, I rise today in honor of our wounded warriors returning home from abroad. Several times a week, wounded American soldiers return to the United States, landing at Andrews Air Force Base. Some have short layovers before going to their homes or medical facilities around the country. Others remain in the Washington, DC, region to get care and recover. Whatever their final destination, I ask that our thoughts and prayers go out to the members of our Armed Forces and their families.

Their sacrifices to our nation will never be forgotten. In honor of their service and in hopes for their recovery I ask that this poem penned by Albert Caswell be placed in the RECORD.

IN HONOR NOW

In . . .  
In Honor Now!



As here we stand so very proud!  
 So very proud of all of you so now . . .  
 With open arms, as here we stand with  
 hearts so very warm . . . All in our  
 hearts of love, so very full . . . beating  
 loud!  
 Waiting all for you!  
 Welcome Home!  
 As you come down into view . . .  
 All as America's most brilliant of all hues!  
 Her Armed Forces so very tried and true!  
 As all of our hearts so run to you . . .  
 Oh can you but not so hear them now!  
 Welcome Home!  
 With open arms, all in our hearts of love for  
 you so very warm!  
 Our most precious of all daughters and sons  
 . . .  
 Who are but honor bound, as are all of these  
 ones!  
 Who all so stood, for what was good and true!  
 While, all in that face . . . of deep dark death  
 and war, as did you!  
 Welcome Home!  
 As all for God and Country Tis of Thee, you  
 would so die and bleed!  
 As you so cried, as they so laid your brothers  
 and sisters down to rest!  
 All into that soft cold quiet ground, were but  
 lain all of America's Best so down!  
 All in your tears, as we so saw what your  
 love for each other so said!  
 And That Blood That Binds You, so ran red!  
 All In Such Honor Now, as here we so stand  
 so very proud!  
 All in how your fine lives have so read!  
 Can you but not so hear all of our hearts for  
 you so pound?  
 Welcome Home, now to where you so belong!  
 With Open Arms, as here we stand with our  
 love for you so very warm . . .  
 So very strong!  
 Back home again, with your families as the  
 tears begin . . .  
 Whose, fine hearts have so cried . . . and so  
 worried all of the time!  
 We pray to end their most restless sleep, and  
 so let them all so find peace!  
 For they are but America's Quiet Heroes,  
 The Families as so are all of these!  
 Because, all of you and your families' fine  
 lives . . . have but been a song!  
 A song of such Faith and Courage!  
 One of such Strength In Honor, who this our  
 Nation has so nourished!  
 With Open Arms we now so cry, Welcome  
 Home!  
 Far from all of that darkness of most dread-  
 ed war, and all its grave harm!  
 As now, you all can so rest!  
 As a time to so rebuild . . . to so replenish,  
 and once again your courage to test!  
 As you rebuild with what you have left . . .  
 As all our hearts are now so filled, with such  
 love and respect . . . it's now time to  
 heal America's Best!  
 For all of you and your families, may our  
 Lord God So Bless . . .  
 For you have a new battle now to begin!  
 And oh yes, American's finest ones . . . you  
 shall win!  
 Welcome Home, for this our Nation you have  
 so blessed!

As now you wear that most noblest title of  
 them all!  
 As an American Hero, whose magnificent  
 hearts upon a battlefield of honor stood  
 tall!  
 With . . .  
 With Open Arms . . .  
 Welcome Home! As to all of you, our hearts  
 so roam!  
 In Honor Now, Here We So Stand With Open  
 Arms!  
 Welcome Home . . . In Honor Now!  
 (By Albert Caswell)

JOHN TILLITSKI

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 15, 2011

Mr. KINGSTON. Mr. Speaker, when I was in 10th grade history class, the teacher caught me chewing gum. I don't know why it's so hard to chew gum without being noticed, but there I was caught and on my way to the Principal's office. I had never personally met him. He was a no-nonsense man named John Tillitski.

He asked me why I was sent to him. There weren't any official forms so when asked, you were expected to give a full report of your crime without equivocation.

"I was chewing gum, sir."

"Oh," He looked me in the eye and added, "Do you want to stay in school?"

"Yes, sir."

"Fine, bend over." With that, he pulled a 12" rubber sole of a shoe out of his desk, popped me on the hindquarters, and said, "go back to class."

That was it, verdict, sentence, and punishment. It was over in 5 minutes. Then I was back in class, sitting quietly, taking notes, and learning American history. No more chewing gum.

That's the way John Tillitski handled things. Clear. Concise. Fair. Without drama, without red tape, just old fashion, even-handed, blind justice.

It was 1971. He was a man suited for the time. We were the first white class to attend what had previously been the all black Burney Harris High School. The courts had spoken. The town was nervous, the administration tentative and the teachers incredibly challenged by the change set in front of them. Not Mr. Tillitski. He saw black and white not in skin color but in justice, fairness, and common sense. He could bridge the unsettled times with confidence.

The fear was that every fight, skirmish, or incident could accelerate into a race riot. In this atmosphere he became the "go to" guy. Everyone knew he was a straight shooter. If

the issue could be resolved quietly he could do it.

A few years later, his son Chris and I decided to live up the day by driving a motorcycle down the hall of the school. I should do the right thing and say it was a joint decision, but in the style of Washington politics I'll blame the whole idea on Chris, who in turn claimed his brothers Steve and Mike had pulled similar stunts. Down the hall we roared loudly as a jet plane. Soon, hundreds of students and teachers poured out of their classes trying to find out what had happened. We were surrounded by a mob of teachers and students, some laughing, some screaming, most in bewilderment. The principal was beet red in anger and unable to complete a sentence in his fury. Finally, Mr. Tillitski re-emerged from the throng. As the sea parted for his entrance, he simply said, "Turn the damn thing off and get it out of here." We pushed it outside, order was restored, and we were duly punished.

He was a man's man. Strong, gruff, and competitive. As the father of boys, he knew boys needed discipline, love, and nourishment. Once, Chris and I found an old canoe in the river. Its seaworthiness had been beaten out of it by a series of rapids. We took it home to restore it, a long shot at best but Mr. Tillitski supported our effort. When we finally got it to float, he was the first to give us boat paddles.

Another time, Chris and I hopped a train and tried to make it to Myrtle Beach, S.C. We didn't disclose the details of our mode of transportation to our parents. We made it to Morehead City but ran out of track and trains headed in the right direction. Hitchhiking home, we informed our parents where we had been and announced that we'd try again soon. Rather than fighting about it, telling us we were stupid and how dangerous it was, Mr. Tillitski quietly let us borrow his prize green 1967 Mustang. Practically a sports car. Not a prettier sight was seen driving down the Myrtle Beach strip. He knew boys had to push an envelope but he also knew how to rein them in without killing our youthful spirit.

As with so many influential men there was a great family structure to go along with them. John's wife, Joan, was a wonderful partner standing by him, raising the boys and making sure the family bond stayed strong. As a trained nurse she knew when one of the boys needed a trip to the hospital, a bandage or a good hug. They are an ideal couple.

I was blessed to have people and educators such as John and Joan Tillitski in my life. In today's world with its confusion and uncertainty, we need more people with firm ideals and gentle hands to guide them. The world would be a better place.

**SENATE—Friday, December 16, 2011**

The Senate met at 10 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the world and all that is in it belong to You. You lay its foundations in the ocean depths by the power of Your voice. Through Your redemptive work You brought peace on Earth and goodwill to humankind.

Lord, we need Your peace today on Capitol Hill. Release Your peace so that our lawmakers will find purity of motives, integrity of actions, and unity of purpose. Teach our Senators Your ways. Make yourself known to them today.

Lord, we place our reliance squarely on Your reliability as we pray in Your merciful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MARK R. WARNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 16, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. WARNER thereupon assumed the Chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Following leader remarks, the Senate will be in a period of morn-

ing business. The majority will control the first 30 minutes and the Republicans will control the next 30 minutes.

We expect to consider the omnibus spending bill within the next 24 hours or 36 hours. We also continue to work on an agreement to consider the payroll tax compromise. The Senate will be notified when votes are scheduled.

As a reminder to all Senators, cloture was filed on the motion to proceed to H.R. 3630, the House Republican payroll tax bill. Unless an agreement is reached, that vote will occur tomorrow morning.

**MEASURE PLACED ON THE CALENDAR—H.R. 3094**

Mr. REID. Mr. President, H.R. 3094 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for a second time.

The assistant bill clerk read as follows:

A bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

Mr. REID. I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under rule XIV.

Mr. REID. Would the Chair announce morning business, please.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. The Senate will be in a period of morning business until 12 p.m. with Senators permitted to speak therein up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**UNRESOLVED ISSUES**

Mr. DURBIN. Mr. President, I hope we are drawing to a close. We are not certain; there are still some unresolved issues. But the Omnibus appropriations bill is moving forward, and it will fund our government for the remainder of this fiscal year. It has been a long and arduous process.

We started by passing three appropriations bills in the Senate, then when we tried to call the next three we ran into opposition. So the Appropriations Committee, on which I serve, had to sit down and try to craft nine separate spending bills and put them together into one. It was a long and involved and difficult process with the Financial Services Subcommittee which I chair.

Included in that committee jurisdiction are the Securities and Exchange Commission and the Commodity Futures Trading Commission. These are the two government agencies responsible for watching Wall Street and the major financial institutions markets across America. We are doing our best to not only restore America's confidence in some of these institutions that have been shaken by the recession but also to make certain it never happens again. There is resistance, primarily from the banking community and some financial institutions that don't want regulation even after the embarrassing failures of the last recession and the need for a Federal Government bailout.

We need to make certain that at the Securities and Exchange Commission and the Commodity Futures Trading Commission there are adequate funds for them to do the job. I will tell my colleagues honestly that the underfunding of the Commodity Futures Trading Commission is a serious mistake—serious. MFA Global has been the subject of repeated hearings on Capitol Hill as to what went wrong that led to the eighth largest bankruptcy in the history of the United States. Innocent people across America and the world have lost money. Some of them have lost their savings because of wrongdoing by someone—we still don't know who. But the agency responsible for monitoring this activity, the Commodity Futures Trading Commission, is facing a modest—almost immodest—increase in appropriations this year when they desperately need more.

This is an agency which had a budget of about \$200 million in the last year.

The administration had asked for \$300 million for this year. We will be lucky to come up with anything in the range of \$215 million. That is a 7- or 8-percent increase in an agency which desperately needs more not just for personnel—and they need the best professionals—but also for computer technology to keep up with the volume of trades taking place and to monitor activity so as to avoid embarrassment and exploitation.

This notion by many on the other side of the aisle that we can starve these agencies and somehow end up with a stronger economy is completely upside down. The strength of the American economy, whether we are talking about Wall Street or the Chicago Mercantile Exchange or the Chicago Board of Options Exchange, is in the fact that we are guided by the rule of law. We encourage and put into law standards of transparency, and we have oversight that is adequate to the job. This year's appropriations bill falls short of that mark.

I am also troubled by other provisions in this bill again this year considered by my subcommittee. Too many Members of Congress, especially in the House of Representatives, clearly have missed their real calling in life. What they wanted to be was not a Member of Congress but a mayor. So in their frustration they decided they will be a Congressman from their district back home and a surrogate mayor for the District of Columbia.

Over 800,000 American citizens and taxpayers live in this great city. They have nominally had home rule for decades. Yet time and again, year after year, they are subjected to those would-be mayors from all around America who impose standards on this city that they would never suggest in their own hometowns. It becomes a social experiment, primarily for the rightwing.

One of the programs each year that becomes a source of controversy is the needle exchange program. This program of exchanging needles and syringes is the bridge to those who are addicted to bring them out of their addiction into a healthy situation. Why would we do this in the District of Columbia? Because the incidence of HIV/AIDS infection in this city is the highest in the United States of America. That is the reality of life on the streets of Washington—a reality which those who have opposed this program refuse to acknowledge.

The medical professionals step forward and say: Do this. We can help make this a cleaner, healthier, safer city if you do it. Time and time again, some folks stand in the House and say: Oh, we are just going to get rid of this and show that we are opposed to intravenous drug use.

Well, I am opposed to it too, but I know that in addition to strong laws

we need thoughtful, commonsense solutions such as the needle exchange program that is supported by medical organizations. The fact that this is not taking place in the way it should is an embarrassment, and I am sorry this will be included in one part of this appropriations bill.

Before we leave, we need to do two things in addition to funding our government. We need to make certain the payroll tax cut which benefits 160 million Americans continues after December 31. This is a lifeline to many struggling families, and it is a way to insert into our economy the spending power of 160 million families buying goods and services that plays out into even more economic activity—more jobs and profitability. That is a must. The President insists on it. He has crossed America making that case. We cannot leave town without doing it. We are working on the final details today, and we should close that as quickly as possible to make certain there is no gap in this coverage of this payroll tax cut.

Secondly, the maintaining of unemployment insurance benefits is absolutely essential for millions of Americans who are out of work.

The amount of money they receive in UI benefits will allow them to keep their families together not just during this holiday season but for the months to come, so that while they are searching for a job they are able to make basic payments so they do not lose their homes—at least have a roof over their heads—and provide for the basic necessities of life for their struggling families.

I cannot believe this has become a political football. I can still recall a time—not that long ago—when Republican and Democratic Presidents would renew unemployment benefits without question, without demand that it be paid for, because they knew it was essential. It was as caring and needy as disaster aid is, and now it has become a political football.

We need to extend these unemployment benefits before we leave town. We have to get that done. The President has insisted on it, and he is right. We know now, with our high unemployment rate coming down slowly, that we still need to provide this assistance to families. Were we to cut off these unemployment benefits, in my home State of Illinois, 148,000 people would lose their benefits—148,000 people. What a happy holiday they would have, knowing that on January 1, the benefits would no longer continue.

Let's get this job done. Let's go home at least with the clear mind that we have met our obligation to this economy and to the unemployed people across America, that we have funded our government, and that we will return next year and, I hope, find a more congenial and bipartisan environment to work in.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, I thank the Presiding Officer for taking a few moments so I can make my statement. I also thank my friend, the Senator from Illinois, for his comments.

#### TRIBUTE TO FEDERAL WORKERS

JOHN MERLINO

Mr. WARNER. Mr. President, I was heartened to hear the comments the majority leader made, that we are close to an agreement to make sure we do not put the American people or the great Federal workers through another one of these eleventh-hour fire drills, where we get to the brink of the precipice of shutting down our Federal Government.

It is in that spirit that I rise because, as many know, over the last year and a half or so I have come regularly to the floor of the Senate to continue a tradition that was started by Senator Kaufman from Delaware, where we recognize the contributions of great Federal employees.

Today, I am pleased to honor another exceptional—exceptional—Federal worker, Mr. John Merlino.

Mr. Merlino is the Senate assistant legislative clerk, working on the legislative team of the Office of the Secretary of the Senate.

Mr. Merlino began his Senate career in 1994 as a Senate doorkeeper. He then joined the Secretary's legislative staff and has performed many of its functions, including the constitutional task—the constitutional task—of maintaining the Senate Journal.

Another of Mr. Merlino's main responsibilities is to call the roll during votes and quorum calls. More important, he is also one of those special workers on the dais who have been known at times to actually keep new Members, as they preside over the Senate, awake during long stretches in the chair.

He is always ready with a good sports quip and is known as a person who goes above and beyond the call of duty. As a matter of fact, I know it was his birthday yesterday and I have been planning this speech for some time and I wanted to make sure it coincided with that important date for him.

The Secretary of the Senate, Nancy Erickson, noted that in addition to his hard work and attention to detail—this is a quote—“It is his great sense of humor that helps many of us keep smiling, especially during the Senate's late [night] legislative sessions.”

A small cog in the greater legislative process, Mr. Merlino is a member of an often unrecognized but dedicated team that keeps the Senate running smoothly and one that is charged with ensuring continuity of operations no matter what the situation.

In fact, Mr. Merlino recently entered the history books. During a pro forma session held at the Postal Square Building immediately following the earthquake in August, Mr. Merlino, unknowingly, became one of only two people, along with Senator COONS, to have spoken during the only official session of the Senate convened outside the Capitol Building since 1814. The last time the Senate met outside the Capitol Building for such a session was when the British troops burned the Capitol during the War of 1812. So again, Mr. Merlino took his role in the history books of this great institution.

I hope my colleagues—and I know the Presiding Officer, again, by expelling me from the chair this morning to allow me to make this statement—will join me in honoring Mr. Merlino, a fellow Virginian, for the excellent work he and the legislative team do each and every day and for their commitment to public service.

It is in that sense of Mr. Merlino's commitment to public service that I know the Presiding Officer joins me in this and that we get our work done today, so we can give this team—and the literally couple other million Federal workers across the country—the sense that we are not going to shut down the government, that they are going to be able to go into the holiday season with the recognition that the government will continue operating, but, more important, that so many of us recognize the great work they do to keep this country moving forward.

With that, Mr. President, I yield the floor and again thank my good friend, Mr. Merlino, for his good work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk (Mr. Merlino) proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Could I ask my friend to yield for a colloquy between the Republican leader and myself?

Mr. GRASSLEY. I will yield and ask unanimous consent that I reclaim the floor when the leader is done.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The majority leader.

#### GOOD PROGRESS

Mr. REID. Mr. President, Senator MCCONNELL and I have just finished a meeting. We are making good progress on being able to handle the issues that everyone knows are outstanding. We are not there yet, but we are very close.

There will be votes tomorrow. There could be votes this afternoon also. I would also say, because this is a question that people will ask, the House is going to pass their bill around 3 o'clock—that is the omnibus, around 3 o'clock. Time is not always exact. There is a ruling from this White House and its predecessors that if one House passes a spending bill, as we are doing here, and there is a presumption that it will pass in the other body, the time is extended for 24 hours. So everyone does not have the worry about the government closing tonight.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, let me echo the remarks of the majority leader. As he has indicated, the administration takes a view that if the final appropriations bills pass one House this afternoon—we could have that vote today or it could be tomorrow—but the administration, I am told by the majority leader, takes the view that it has passed one House, there would not be a government shutdown. So I think everybody should be reassured that that is not going to happen. The conference report has been signed and we are moving toward completing the basic work of government through next September 30 very shortly.

On the second issue, the majority leader and I are making significant progress in reaching an agreement on a package that will have bipartisan support, I hope. I think we are going to get to that place. And I share his view that good progress is being made.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

#### CHAPTER 12 BANKRUPTCIES

Mr. GRASSLEY. Mr. President, I wish to take a few minutes to discuss a case that was argued a few weeks ago before the Supreme Court, *Hall v. the United States*. This case involves a specific provision that I authored which is contained in the 2005 bankruptcy reform law. Throughout the litigation in this case, my statements supporting the provision—in other words, the statements that were said here on the floor of the Senate and in committee report were discussed in these cases at length.

I want to take a few minutes and walk through the history and intent of this provision so people hear it straight from this author's mouth, meaning from this Senator.

At its core, the case *Hall v. the United States* is about statutory interpretation. The statute at issue is 11 U.S.C. (a)(2)(A), which was a farm bankruptcy provision added to the Bankruptcy Code in 2005.

Before I get into the discussion about the case, I wish to explain what this particular provision does and why it needed to be added to the Bankruptcy

Code. Congress enacted Chapter 12 of the Bankruptcy Code in 1986, which was subsequently made permanent in 2005. Chapter 12 allows family farmers to use a bankruptcy process to reorganize their finances and operations. It is a proven success as a leverage tool for farmers and their lenders. It helps a farmer and the banker sit down and work out alternatives for debt repayment. Not long after it became law in 1986, we began to hear about what worked and what did not work for farmers who were reorganizing in bankruptcy.

One problem we learned arose when a debtor farmer needed to sell assets in order to generate cash for reorganization. A farmer may need to sell portions of the farm to raise cash to fund a plan and pay off his creditors. However, in this situation, we are usually dealing with land that has been in the family's hands for a long time. This means the cost basis is probably very low. So once a farmer filed bankruptcy and then tried to sell a portion or all of the land, he would be hit with a substantial capital gains tax. This creates problems, because as originally drafted, Chapter 12 required full payment of all priority claims under Section 507 of the Bankruptcy Code. The only way to avoid this requirement was if the holder of the claim agreed that its claim could be treated differently.

Thus, when a farmer sold his land which resulted in large capital gains, the IRS would have a priority claim against the bankruptcy estate. I wish to take a moment to explain the concept of bankrupt estates, which may be a bit confusing. When an individual or corporation files for bankruptcy, an estate is created. The estate consists of property that is liquidated for the purpose of paying creditors. So in the case of farmers filing a bankruptcy petition under Chapter 12, the farm assets are the property of the estate.

According to section 541(a)(6) of the Bankruptcy Code, the proceeds of the sales of those assets are also property of the estate. So the situation farmers faced was that the IRS held a large priority claim against the bankruptcy estate.

Let me take a minute to talk about claims against the estate to understand how we got to where we are today. In this situation, we are dealing with a claim that is based on taxes owed. The Bankruptcy Code says that taxes incurred by the estate are administrative expenses. An administrative expense essentially receives top priority when determining who gets paid what. Thus, the effect this had was that the IRS with its priority claim could object to any reorganization plan that did not provide for full payment of its tax claim. The IRS essentially held veto authority over a family farmer's plan confirmation. In some instances then, a farmer who sought to sell a portion of his farm to reorganize, pay

creditors, and become profitable again was prohibited completely from doing so.

After learning of this problem, I started working on a way to fix it. Simply put, I wanted to make sure that family farmers in a Chapter 12 case could, in fact, sell portions of their farm to effectively reorganize without the capital gains taxes jeopardizing the reorganization. The very purpose of Chapter 12 and bankruptcy in general is to allow for a fresh start. Unfortunately, this was not happening because of the IRS priority.

In 1999, I introduced the Safeguarding America's Farms Entering the Year 2000 Act. This bill, among other things, sought to fix the capital gains tax issue. When I introduced the bill, I said it would "help farmers to reorganize by keeping tax collectors at bay." I also explained:

Under current law, farmers often face a crushing tax liability if they need to sell livestock or land in order to reorganize their business affairs . . . High taxes have caused farmers to lose their farms. Under the Bankruptcy Code, the IRS must be paid in full for any tax liabilities generated during a bankruptcy reorganization. If the farmer can't pay the IRS in full, then he can't keep his farm. This is not sound policy. Why should the IRS be allowed to veto a farmer's reorganization plan?

But let me go back to a portion of what I quoted, these words, "then he can't keep his farm." Simply put, if you are a farmer in a farming operation, and you can continue to farm, and reorganization is keeping you from farming, well, obviously you do not have a business of farming and you cannot farm. Family farms are very important to the economic viability of rural America.

The language I proposed ultimately was enacted in the 2005 bankruptcy reform law. Since the Bankruptcy Code, the courts, and the IRS treated the tax liability as an administrative expense, the new provision created a very narrow exception to that administrative expense. Basically, only in Chapter 12 cases, if a farmer sold farmland that resulted in a capital gains liability, then the IRS's claim would not receive priority status. That is the benefit of the legislation I got passed to reorganization of a family farm. But it is what is in dispute in these particular cases I am referring to. Instead the government would have an unsecured claim, which means they may get paid something but not necessarily the entire amount. Also, the IRS would no longer be able to veto a plan's confirmation, thus the farmer debtor would be allowed to reorganize.

From a bankruptcy point of view, this approach makes complete sense. As I have discussed already, filing a petition creates a bankruptcy estate. The bankruptcy estate then sells the lands post petition, and that results in capital gains that are owed to the IRS.

Those taxes incurred by the estate post petition are administrative expenses which receive priority status.

My language, enacted into law in 2005, stripped the priority claims owed to the government in this very specific instance and made them generally unsecured claims. However, since the passage of this legislation, the IRS has made an about-face. The government now argues, despite the way it treated this situation for all of these years, that the tax liability created is the responsibility of the individual and not the bankruptcy estate. Yet the entire reason we created this new provision was because of the way the IRS treated the tax liability.

The IRS's new position has been argued in Federal courts and has received mixed results, so now there is a dispute whether my provision accomplishes what it was designed to do. In 2009 the Eighth Circuit case *Knudsen v. IRS* held the provision applies to post-petition sales of farm assets, which is what we are discussing here. Specifically, the Eighth Circuit rejected the IRS's position that the Internal Revenue Code does not recognize a separate taxable entity being created when a debtor files a Chapter 12 petition.

Put another way, the IRS is claiming the individual debtor is responsible for tax liability that arises out of a bankruptcy estate action. The Eighth Circuit disagreed and said there is now an exception preventing the IRS from having a priority claim for capital gains.

But in the Ninth Circuit, the court there held that there was no exception for post-petition capital gains. In *Hall v. the United States*, now before the Supreme Court, the Ninth Circuit said the Halls were responsible for the capital gains tax from selling part of their farm during bankruptcy. This holding means that my provision did not create a narrow exception even though that is what I intended.

Unfortunately, the IRS, under the Obama administration, is taking a position today that is antifarmer and the exact opposite of what it said 6 years ago. This about-face on the part of the IRS came only after we made the change in the law, and it became clear that in very narrow circumstances the IRS would lose its priority position. I respect the IRS's interest in pursuing tax dollars, but it exhibited a heck of a lot of chutzpah in taking this position. Our policy reasons for this new exception were very simple. The farmers didn't have enough money to pay everyone. We decided it would be better to let them sell some assets, which would generate cash and help them to reorganize, keep farming, and pay their creditors.

In making this decision, we realized someone would have to make a sacrifice. We decided to give farmers a break from government taxes in a very narrow set of circumstances. Now,

though, the government is trying to figure out a way to jump back ahead of other creditors and get more money. These creditors the IRS is trying to break in front of are small businesses, suppliers, and small local banks that extend credit and supplies to farmers. This is not what we expected would happen when we passed the 2005 bankruptcy law.

This is an important issue and an important case that the Supreme Court will decide in the coming months. The Supreme Court will decide whether this provision accomplishes my goal, which I have stated. I look forward to seeing how the case is resolved. Rest assured, I will work to ensure that this policy of protecting family farmers is followed as that was our clear intent in having this law enacted. Chapter 12 has proven successful as a leverage tool for farmers and their lenders. It helps the farmer and banker to sit down and work out alternatives for debt repayment. Should the Court rule that the Internal Revenue Code is inconsistent with the Bankruptcy Code and rule against my intent as the author, I will obviously have to work to remedy that inconsistency because what we did in 2005 is the right thing. I hope the Supreme Court realizes the history and intent behind the legislation and follows the congressional intent.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FEEDING THE HUNGRY

Mr. BOOZMAN. Mr. President, as Arkansans and all Americans do last minute errands in preparation for Christmas, one stop on the list almost always includes the grocery store.

Like many other families our Christmas traditions include baking cookies. On Christmas Eve we get together with extended family for lunch. Many holiday memories are centered around the time spent sitting at the table with family and friends.

The unfortunate reality for more and more people, is that those memories are becoming more distant as more Americans than ever are having difficulty putting food on the table. In fact, recent studies show one in six Americans are food deprived.

Despite Arkansas's reputation as a leader in agriculture production, Arkansans are struggling to provide nutritious, healthy meals for their families.

What is most concerning is that nearly 25 percent of Arkansas kids go

to bed hungry. That gives Arkansas the unfortunate distinction of having the worst rate of childhood hunger in the country.

While I believe Congress should be working identifying a range of legislative improvements or reforms that can be made in Federal policy to help fight hunger, Washington can't help solve this problem alone.

This requires community involvement. Fortunately, we are blessed to have help at the local level from a wide variety of organizations in Arkansas, and nationwide, that make it their mission to fight hunger.

As a co-chair of the Senate Hunger Caucus, Senators DURBIN, LUGAR, CASEY, MORAN, BROWN of Ohio, and myself put politics aside to raise awareness and recognize the great work underway in our states addressing food insecurity.

We call this effort the Hour for Hunger. Our initiative encourages all Members of Congress to dedicate one hour during this holiday season to highlight the commitments of national, state and local organizations to fight hunger.

Last Friday, I had the opportunity to visit the Samaritan Community Center in Rogers, Arkansas. For more than 20 years, this organization has lent a helping hand to the hungry through soup kitchens, food pantries, "Snackpacks for Kids" and a variety of other initiatives.

This help is needed now more than ever. The economy is forcing more people to rely on the services of Samaritan Community Center. In just three years, there has been more than a 50 percent increase in clients.

This is the story with similar organizations throughout Arkansas. In a segment that aired last month, CNN focused on the extent of the hunger problem in Arkansas's second largest city, Fort Smith. Ken Kupchick, marketing director for the River Valley Regional Food Bank in Fort Smith, told CNN some heart-wrenching stories encountered while helping those in need.

Ken spoke of a mother who used to volunteer at a food pantry and is now in need of the organization's services due to mounting medical bills for her children. He recounted a story of an elderly lady who went from financial security to sorting through the dumpster garbage at the local grocery store after her husband passed away and her monthly income disappeared.

Unfortunately, similar stories can be heard throughout our State. Community-based efforts like those in Fort Smith are making a difference to address hunger and malnourishment.

We are seeing it across the state of Arkansas. Last week, the NBC affiliate KARK in Little Rock spent the week urging viewers to donate to the Arkansas Food Bank. The Greater Good Week of Giving donation drive will undoubtedly

provide many blessings to many families this holiday season.

It's painfully clear that our current economic environment is intensifying our hunger issues in Arkansas and across the country. The fact is, we don't have to look far to see how hunger hurts.

I believe hunger is a solvable problem but it requires us all working together. Please consider what you can do to help neighbors in need, not just during this holiday season, but all year long.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

#### THE ECONOMY

Mr. SESSIONS. Mr. President, we are, as a nation, facing difficult financial times, and I for one believe it is true that the middle class in America is suffering economically to a degree that is unusual. It needs to be thought about, it needs to be addressed.

I have a number of ideas about what we should do, and they don't include raising taxes and spreading the money around. I don't believe that is the right direction for the country to go. That is essentially the view of President Obama. As he says he is for the middle class, he taxes people at even higher levels and would do those kinds of government programs that he believes will work.

At a most fundamental level, I am convinced the greatest thing we can do to strengthen America—strengthen us financially, strengthen job creation for the middle class—would be to do the things that allow growth in the private sector. There are a lot of things we can do that will not cost this Treasury a dime.

Indeed, one of the greatest threats to the American economy is the debt that hangs over us like a cloud. It is inhibiting growth and investment and prosperity. We have to get this Nation on a sustainable path, not the unsustainable path we are on. I have been disappointed, frankly, at the leadership of the President. He has not understood this. He believes that the way to do it is through governmental borrowing, taxing, and spending. That is not the way to get out of this fix.

One of the most dramatic things that are coming up before us today is the Keystone Pipeline. This is precisely the kind of project this Congress could take action on to ensure that it occurs because it will create lots of jobs, create wealth, make us more secure as a nation, and help bring down the cost of energy. Low-cost energy is the best possible way to create even more jobs in America. We compete in a global marketplace, and the extent to which our industries can have cheaper energy, they can hire more people, make more widgets, and pay more taxes to the U.S. Government and to States, cities, and counties.

The construction of the Keystone Pipeline would run from Alberta, Canada, to Texas refineries along the gulf coast. It adds a number of miles of pipeline, although it will also use existing pipelines that are in place now. We have thousands of miles of pipelines around the United States. Building a pipeline is not unusual. We build them over and over again. Many pipelines run through our State, and they provide the low-cost energy that helps us to be competitive and create jobs.

This construction project alone would add 20,000 American workers, high-paid American workers, jobs not funded by additional debt that we borrow to try to artificially create jobs. They are real construction jobs. Experts tell us it would likely lead to the creation of more than 100,000 jobs overall. This is a significant number.

In addition, as I said, it would make us more energy secure and make us more able to contain the growth in the price of fuel because it would provide a large, competitive source of fuel for America. When fully operational, the pipeline will transport 700,000 barrels a day. That is almost half of the amount of oil the United States currently imports from the entire Middle East. Mr. President, 700,000 barrels a day is almost exactly the amount of oil we import from Venezuela, and that is not a friendly country to us. Hugo Chavez and his team there are a dangerous threat to the hemisphere. Much of their wealth comes from the oil they sell to the United States. I am not saying that we cannot buy on the world market and that we should not buy from Venezuela, but why in the world would we deny ourselves the right to purchase 700,000 barrels a day from our friend, our fine trading partner, Canada, our neighbor?

There is a strategic political interest of significance here too. How will the Canadians feel if we reject this pipeline when great effort, time, and years of investment and study have gone into it?

This plan to build a pipeline is supported by a bipartisan coalition, Democrats and Republicans, including many Democratic Governors, such as Montana Governor Brian Schweitzer, along with a number of Democratic Senators and Congressmen. It is not a partisan issue. Seven Governors of States that will house the pipeline have come out to voice their support. Each State through which the pipeline will pass is supportive of the pipeline. Those encouraging the pipeline also include labor unions, such as the Teamsters, that together represent about 25 million workers. Remember, this is a jobs program that will create high-paying jobs, and many will be for union workers. Yet the President has blocked the pipeline construction for some time, deferring a decision now until after the next election. Many argue that it is

not hard to conclude that this is a political decision and an attempt to avoid alienating the liberal anti-energy environmentalists or those who favor the pipeline, such as his union supporters.

I don't know the politics of it. All I know is that I cannot find a single sound reason not to proceed. I know it would be tremendously economically beneficial to America. We must address the true, structural, long-term problems that are hammering our economy and middle-class workers in America, robbing them of opportunity.

We had before the environmental committee a couple of days ago a witness from Alabama—Van Richey, the CEO at ACIPCO. This is a 100-year-old company where the CEO/owner a number of years ago turned it over to the employees. Mr. Richey testified their number of employees has gone from 4,600 to 2,900, and that the pipe industry in America is down 30 percent—the entire pipe industry. Think about that. These are real jobs. These are people who built their lives around good-paying work at ACIPCO, and over a thousand of them are now not working. I don't know what they are doing. Hopefully, they found something, but it is unlikely to be the kind of solid manufacturing job they had. We must pursue reforms that make our economy stronger and more productive, restoring confidence and allowing for sustained economic job growth.

Consider a few of the biggest challenges we face. One of them is the health care law. Promises were made. The President insisted it would reduce health care costs, but health insurance premiums have increased \$2,200 per family since 2008. The Congressional Budget Office warned us this health care bill was not going to bring down costs, and, in fact, the bill has brought costs up. That is money out of the pockets of American families that they do not have now to spend in the marketplace because it has to be spent on their health insurance. We need to get the government out of dominating and regulating areas of the economy for which they have no experience or ability to operate in an effective way.

Instead of allowing the production of American energy—energy from this country—the President has blocked commonsense energy production while sending stimulus dollars to favored green corporations that are not producing and are going bankrupt in serious numbers. A recent study found that almost 190,000 new jobs could be created next year if energy production in the Gulf of Mexico, where I live, returned to pre-moratorium levels. Think about that. If we went back to the pre-moratorium levels on production, it would add 190,000 jobs and bring in more American wealth. Instead of having to buy our oil from Canada or Venezuela, it would be our own, keep-

ing our wealth at home and creating jobs at home.

The moratorium was imposed after the oil spill. We had expert testimony in the environment committee there is a new device that has been prepared and is now ready to go that could be put over a blown-out well, such as the one we had, so that in a matter of days it would stop the leak. They eventually did that, using a cap. Instead of 90 or 100 days, within a few days you could cut off a leak like that. It should have been there to begin with, in my opinion. It was a very significant failure of management not to have such a safety device. But it is now available.

I also believe the permitorium—the inability to get permits—has cost us a lot of jobs. Now that the complete ban is over, you can get permits, but they have been slowed down dramatically, and huge rigs, capable of drilling in the deep gulf, have been moved to other places in the world and are not producing. It would have cost United States taxpayers virtually nothing to put an intensive effort into reviewing the dangers in the gulf, doing it quickly, and putting this industry back on track before so many of those production rigs moved abroad.

Also burdensome, intrusive regulations have undermined job creation and hurt small businesses. The average number of rules costing the economy over \$100 million pending during 2001 to 2006 was about 72. Under this administration, the average number is 130. In fact, over 180,000 jobs will be lost each year from 2012 to 2020 as a result of four EPA rules that impact the regulatory structure of the electric industry. These are dramatic events.

It would cost the Treasury of the United States not a dime to not follow through on these dramatic rules, one of which is the boiler MACT rule. I have never heard so much concern from my constituents over that rule. Hopefully, it will be part of the legislation that moves the payroll tax holiday. That legislation would also change the boiler MACT rule. That would be a tremendous relief for the American economy.

The point is, these rules cost the economy, cost jobs, drive up our cost of production, and make it more difficult to be competitive in the world marketplace. We don't need that. Every single rule that is effective needs to be maintained; every single rule that is unnecessary and drives up cost should be eliminated. Yet we are still adding rule after rule, and it is costing jobs.

President Obama has continued to ignore China's abusive currency devaluation process which undermines the rule of law and is decimating American manufacturing. I was pleased to work with my Democratic colleagues in the Senate to pass legislation that would require the government to respond to legitimate complaints of businesses that can prove they have been damaged

by the deliberate manipulation of China's currency. You can't have a good trading relationship with a country that is cheating you; that is not playing by the rules. Are we going to sit by year after year and allow factory after factory to be closed because we are unwilling to confront this on some sort of religious, economic, free-trade theory because they sell us cheaper products? If they cause our businesses to lay off thousands of workers or to close down, should we thank them because we get a cheaper product? But how long will it be cheaper?

I don't go for that. I think we need real leadership here. It wouldn't cost the Treasury a dime if we stood up and protected our workers on the world competitive stage; if we backed them up and ensured our businesses have fair trade. We would create jobs without adding to the debt. We would create jobs that pay more taxes and reduce the debt. This trade manipulation and unfairness does enormous damage to the middle class.

The number of U.S. manufacturing sites fell from 397,000 in 2001 to 344,000 in June of 2010. That is a real manufacturing decline. It is not inevitable. In fact, I am convinced we have a chance to have a renaissance in manufacturing in America. If we keep our energy costs down, if we don't have unnecessary regulations, and we create a tax policy that is good, I think we might surprise ourselves on how well we can bounce back. Because the cost of manufacturing in other countries is going up dramatically—and we now have, with our technology, our infrastructure, and our high machinery utilization—we can be competitive in areas we haven't been competitive in before.

Manufacturing employment peaked at 19 million in 1979, with 11.7 million in February of 2011. I don't think this country can be healthy and strong economically, I don't think it can have an effective presence strategically and militarily around the world if we don't have a manufacturing base. I don't see how it can happen. What are people going to do?

They say we will go into the service industry. Well, how many people can make a computer? As a matter of fact, most of these technological advancements, such as our super TVs and computers, are made abroad. It is a competitive world, but we can be more competitive. We can take back some of that manufacturing, I am convinced.

I also believe at a time of high unemployment we need to be sure the immigration laws of this country are enforced. The very idea we should relax our laws and shouldn't insist they be enforced at a time when we have almost 9 percent unemployment makes no sense to me. We need to get American workers working, not imported workers taking jobs from Americans. It is that simple.



We have to protect our legitimate national interest. If you want to have open borders, I am willing to discuss that and say we should have totally open borders. But if you don't—and no nation in the world does, to my knowledge—then you must create an immigration system that serves your national interest and creates jobs for American citizens wherever possible.

America's \$15 trillion debt is destroying jobs and confidence in the economy. The debt itself is the largest we have ever seen. The annual deficit is the largest we have ever seen. It dwarfs any deficits we have ever had before, and it is continuing year after year.

President Bush, in his last year in office, had the biggest deficit he ever had—\$450 billion. It was one of the largest deficits in the history of the Republic. President Obama's first year in office saw a \$1.4 trillion deficit. It has been \$1.3 trillion or more for the last 3 years.

This year, CBO was predicting the deficit would come in at a tad under \$1 trillion—\$970 billion. But if we pass this tax holiday, we will add \$200 billion to the debt just like that. So next year, we will be at \$1.1-plus trillion, if the Congressional Budget Office's projections are true.

This is a serious matter. The debt is a threat to us. We have to quit running up the debt. We have to quit borrowing so we can spend. That is all this tax holiday is—the government borrowing the money so people don't pay into their pension plan—Social Security. I am uneasy about that. It weakens the moral component of Social Security and it clearly adds to our debt. Social Security is on an unsustainable course. This bill would do nothing to fix the unsustainable course of Social Security. It says we don't put in the money we have been putting in every year for the last 60 years, I suppose. How can that do anything but weaken Social Security? And it absolutely increases our debt and will show up on the score by the Congressional Budget Office.

I am the ranking Republican on the Budget Committee. It is so painful; I would love to be able to support—and I won't say I won't support—this tax holiday. But it is not sound policy in the long run for America. We can't keep chasing after and borrowing money to spend, because the debt is so large. We now have a debt equal to 100 percent of GDP, our gross debt. We have never had anything like this before.

So it is time, indeed, for a middle-class agenda, an agenda that helps and strengthens this country. We don't need more dishonest spending, politicians promising favor, promising to give people something the government doesn't have to give, spending money we don't have, to try to buy votes with it. We don't need any more of that. The net beneficiary of all this seems to have been the political class, not the middle class.

So what do we need to do? A good, sound program means creating jobs through the private sector, putting a stop to crony capitalism and favoritism, producing more American energy, and making our government leaner and more productive. That is good for the economy: creating a long-term debt reduction plan so that every investor and businessperson and American citizen will say, well, we are on a path now that is sustainable, not on a path that is unsustainable—as every economist has told us; adopting a globally competitive Tax Code, a Tax Code that enhances investment in America, enhances expansion in job creation, not one that inhibits growth and job creation.

We need to confront illegal immigration at the border and at the workplace and serve the national interests. We need to uphold the rules of law in trade and quit acquiescing to those who cheat and manipulate trade rules to their advantage. I don't believe we can sustain that over a long period of time. I do believe that has hammered jobs and manufacturing in America.

We need to eliminate unwise and damaging regulations. Any burden placed on individual Americans or businesses in America that does not pay for itself in benefits should never be imposed. We have too much in that category. Finally, delivering to the good people of this country the honest and responsible government and budget they deserve.

The sad fact is, we have now gone 961 days without a budget. I think that shows the irresponsibility of this Congress. I was disappointed when the Democratic leader in the Senate said it would be foolish to even attempt to bring up a budget this year, and he was not going to do it for the second year. This is really, really dangerous; a country that is suffering the greatest debt and deficits we have ever had, to not have a budget is utterly and totally unacceptable.

I can't imagine a party wanting to be the leader of the Senate that will not even bring to the floor a budget, as required by statute, required by law. The House passed one. They passed a historic budget, a budget that would have altered the debt course of America, put us on a sound path. The Republican leadership in the House summoned their courage and produced a budget that would reduce spending, alter the taxes in America in a way that would create more growth, and brought it forward.

So Senator REID thought he was clever. He knew Democrats wouldn't vote for it because it would actually cut spending, and he brought it up so it could be voted down. But over 40 people voted for it.

I brought up at the same time President Obama's budget—the most irresponsible budget ever submitted, one

that would increase taxes but increase spending more and increase debt more than if we didn't have that budget. So I brought it up and said: Well, let's vote on the President's budget. Zero votes, 97 to 0, against that budget.

We need to be sure the people who run this country understand that the American people are not happy with us. How can they be happy? We are borrowing 40 cents of every dollar we spend. We are on an unsustainable debt course, and we don't even have a budget and refuse to bring up one. It is just unthinkable.

We will end up in the last of this session heading into Christmas with some conglomerated-together, massive omnibus bill, a last-minute tax holiday bill, and somehow we will muddle forward and continue spending for the government so it will not close down. But all of this should have been done months ago. There is no reason it has to be held to the last minute except it gives the leader more power to manipulate, and it gives Members of Congress less opportunity to know what is in it. It gives the American people less opportunity to know what is in it.

So I am not happy. I don't think the American people are. I think they are rightfully disappointed with us. Somehow we have to get this country on the right track. It will require tightening our belts. We cannot continue to borrow and spend at this rate.

A lot of people are going to be disappointed that things they hoped to receive they will no longer be able to receive. But the country will not sink into the ocean. It will not. This country is strong. All we have to do is do what they are doing in New Jersey and doing in Alabama, beginning to do in some of the other States that have been deeply in debt, do what Senator WARNER did as Governor of Virginia: manage the economy and balance the budget. I appreciate his leadership in the Senate to try to produce something worthwhile for the Nation.

So we can do better, and we have to do better, and the American people are entitled to it.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AGRICULTURE

Mr. MORAN. Mr. President, I know we are all anxious to reach a conclusion on significant legislation that is pending. It determines many things important to Americans and it creates



the opportunity for Members of the Senate and the House to spend a little time at home during the holiday season. I am reminded how blessed I am this holiday season to return home to a rural State, where family values and community traditions run deep. There is no tradition more important to us than how we pass on, from one generation to the next, the workings on a family farm.

I am worried these rural traditions are under attack by Washington, DC. In September, our Department of Labor proposed new rules that would ban youth under the age of 16 from participating in what are many common farm-related tasks such as rounding up cattle on horseback, operating a tractor or cleaning out stalls with a shovel and wheelbarrow. I am sure there are many 15- and 16-year-olds who would be happy not to do that work, but it is important work, and it is a way fathers and sons, mothers and daughters, grandparents, work side by side with family members.

One of the things I care a lot about is agriculture. That matters to us in places such as Kansas because that is the economy of our communities. But I also know it is important for other reasons as well, not just dollars and cents. It is important because it is how, historically, in this country, we passed on our values from one generation to the next. Working side by side with moms and dads and grandparents is the way we pass on character and values and integrity from one generation to the next. It is something that throughout the history of our country has been important across our Nation when every place was a rural part of our Nation.

To most young people growing up on that family farm, jobs are routine, it is a part of their lives. These Department of Labor regulations are going to intrude significantly in that ability. According to the American Farm Bureau Federation, about 98 percent of our country's 2 million farms are family owned. By working alongside those parents and grandparents, important skills and values are learned. The problem we face now is that agriculture is a way of life and the Department of Labor wants to change that.

Until recently, farms jointly owned and operated by multiple family members had discretion over the responsibilities they gave their children on the farm. But this new rule would do away with that freedom. The Department of Labor is proposing to tell farmers and ranchers: We know what is best for your children and what they should and should not be doing.

The Department of Labor is also trying to do away with successful farm safety and training certification programs. In our part of the country and around the Nation, 4-H and FFA county extension offices are very important. They play a critical role in train-

ing and certifying young people to safely carry on farm activities. That happens today. But the Department has ignored research that shows such programs improve safety habits of young people and instead criticizes these training programs for being too locally driven and lacking Federal direction.

One would assume, before making such a drastic change to farm labor rules, the Department would identify reliable evidence and data that show the need for changes, but it is quite the opposite. In fact, the Department of Labor admits it lacks data to justify many of its suggested changes. Furthermore, according to the National Farm Medicine Center, youth-related injuries from farm accidents have declined by nearly 60 percent from 1998 to 2009.

If you ask any farmer or rancher about the importance of safety, they would tell you safety is at the top of their list. It is their children. It is their neighbor's children. They care greatly. But they would also tell you it is critical for the rural way of life to be able to train and encourage the next generation to safely and successfully begin careers in agriculture. If today's young people are not given the chance to learn at a young age what it takes to operate a farm, we put at risk the future of agriculture in our Nation.

If these changes go into effect, not only will the shrinking rural workforce be further reduced and our Nation's youth be deprived of valuable career training opportunities but, most important, a way of life begins to disappear. Our country cannot afford to lose the next generation of farmers and ranchers.

I shared my concerns with the Secretary of Labor several weeks ago, in which we asked for a delay, a longer comment period. The comment period was running through fall harvest across most of the country. The Department of Labor granted a 30-day extension, but that expired December 1, about 2 weeks ago. Parents and communities should be allowed to look after the best interests of their families and citizens. Now that comment period has run. I hope the Department of Labor will take into account the serious concerns by farmers and ranchers, their families, and agribusiness across the country. But just a delay and longer comment period is insufficient. In fact, I am circulating a letter among my colleagues in the Senate that I am asking them to sign, requesting the Department of Labor not proceed to implement these rules. I ask my colleagues to take a look at that letter and please join me.

Local experts should be the ones conducting safety training programs to educate our Nation's young people. The future of agriculture depends on stopping this vast overreach of Executive authority, protecting individual rights.

We know rural America's values are not always the values held in Washington, DC. In the weeks ahead, I will continue to work with my colleagues to make certain this destructive rule does not move forward so we can protect and preserve our values for the next generation of American farmers and ranchers, values our country so desperately needs.

#### TRIBUTE TO AARON POPELKA

Mr. MORAN. One of the beneficiaries of growing up on a family farm in Kansas is somebody I would also like to mention briefly this morning. As Members of Congress, we surround ourselves with bright minds and fellow natives of our home States. I have had the privilege of working alongside a young man, Aaron Popelka, as a member of my staff for 6 years. In those years, Aaron has proven himself to be a thoughtful voice in a chaotic Capitol Hill culture. With a bright policy mind, Aaron has advised me on agriculture and energy and trade policy while also serving as my chief council.

A native of Munden, KS, Aaron brought with him a commonsense approach to the way he conducted his duties on behalf of our State. Aaron will continue his duties on behalf of Kansans but in a different fashion. Aaron has accepted a position back home in Kansas and will leave my staff at the end of the year. The lure of returning home to Kansas is powerful. Over the years, I have lost valued members of my staff, much like the rest of you. However, I appreciate the fact that while their departure from Washington DC is not pleasing to me, more often than not they return home to Kansas and the result is a benefit to our home State.

I am thankful for having had Aaron as a member of my staff. I am thankful for the faithful service he has provided to my fellow citizens in our home State. But I am most thankful for his friendship and I look forward to our paths crossing again back home.

Aaron, best of luck to you and God bless you and your family.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COATS. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## HINDERING JOB CREATION

Mr. COATS. Mr. President, the holiday season is coming upon us, a period of celebration and joy. But as we prepare to spend time with our friends and our families in the coming weeks, it is important to remember during this holiday season there are many families out there across this country who are hurting.

As I visit with Hoosiers, I hear concern in the voices of parents trying to make their mortgage payment, the manufacturer trying to find work, and a business owner trying to make payroll. Too many Hoosier families have a parent unemployed or underemployed, some working two or three jobs just to scrape by. For nearly 3 years we have been hearing the President talk about how this Nation needs good-paying jobs for people. The President has spoken on this on numerous occasions. In his inaugural address in 2009, he said:

There is work to be done. The state of our economy calls for action, bold and swift. And we will act, not only to create new jobs, but to lay a new foundation for growth.

More than a year later in June 2010, the President said: "Our top priority is to recover and rebuild from a recession that has touched the lives of nearly every American." Two months ago, the President said: "Everywhere I go, they tell me they want action on jobs."

Despite the rhetoric, what we have and what we are dealing with is a series of regulations and policies coming out of the White House that are denying Americans the opportunity to have jobs and preventing job creators from hiring. This is a result of regulations that are hampering businesses as well as policies here that we have or have not enacted that would encourage job growth and economic opportunities.

For nearly 34 consecutive months unemployment has been hovering around the 9-percent level although we all know the real unemployment number is much higher than that. There are people who have given up looking and they're no longer counted. There are people who are working at pay levels and talent levels far below their abilities. And so the underemployment number, combined with the unemployment number, is very significant and much higher than the official number reflects.

For months I have been on this floor talking about a whole number of initiatives I thought was necessary to spur our economy and get us moving forward again. Comprehensive tax reform is something Senator WYDEN and I have engaged in on a bipartisan basis and we've been talking about it all year, yet here we are at the end of the session and we are not going to be able to accomplish that this year. We'll give it a run next year, and hopefully we can make some progress on that. There is almost a unanimous consensus that comprehensive tax reform needs to

take place. Yet we have now spent a year talking about it but not doing it. We also know that issues such as entitlement reform and reducing the out-of-control spending here are necessary to put us on more solid footing, and despite the valiant efforts and hard work of many in this Chamber, Republicans and Democrats, we've been unable to accomplish and succeed. Much of this difficulty, frankly, has been because the White House refusing to demonstrate leadership. The President has not stepped up and engaged in fulfilling the very things he said are the most important things we need to do.

Let me cite two examples. The first one is still under discussion and, hopefully, will be part of what we are able to accomplish before we finish here either late this weekend or into next week, and that is the Keystone XL Pipeline. By delaying a decision for a year, the President essentially is saying we are denying 20,000 or more individuals from gaining work. The president is blocking jobs and preventing Americans from building this much-needed pipeline which is so important for the future of this country. We talk about our dependence on Middle East oil and the blood and treasure we have had to spend to keep those sea lanes open and that oil flowing to the United States, and yet the President denies us the opportunity to mine our own domestic energy sources and to use sources that come from Canada or off our shores.

The Keystone XL Pipeline is a project that if constructed will bring a minimum of about 750 million barrels of oil to this country for refining purposes. It will provide an estimated 20,000 new jobs directly and support hundreds of thousands of jobs in coming years indirectly. My State alone, Indiana, has indicated that at least 100 Indiana companies would benefit from the pipeline. This project has bipartisan support as well.

Twenty-two House Democrats wrote a letter to President Obama and said that it is in our national interests to have a Presidential permit issued for Keystone as soon as possible. That's supported by Republicans, but the President has said that if we send him a yearend bill that includes this, he plans to veto it. It makes no sense what-so-ever. It is irrational—to say that the No. 1 priority for this country is to get people back to work and to provide jobs, and here we have a ready-made job creator that is being postponed to pacify some extreme environmentalists who don't want one drop of oil or one piece of coal mined in this country or used in this country to provide energy resources. They think all we need to do is switch to electric—which, by the way, is only produced through burning coal and oil—to provide electricity to plug in our cars and make them work or they want wind

and solar. Well, if we look outside the window here in Washington and across most of the country the last few days you are going to see a lot of clouds and very little sun. And you are not going to see much wind. We cannot run factories, we cannot run businesses, we can't even light this Senate based solely on this alternative energy as it currently exists, and it is costing the taxpayer a lot of money.

The Keystone XL Pipeline also has the support of labor groups and unions. These are the entities that will be providing jobs for the project.

Mark Ayers of the AFL-CIO wrote:

For America's skilled craft construction professionals, any discussion of the Keystone XL project begins and ends with one word: Jobs . . . Throughout America's heartland, the Keystone Pipeline represents the prospect for 20,000 immediate jobs, and as many as 500,000 indirect jobs via a strong economic multiplier effect . . . without one single dollar of government assistance.

That is right. This is totally paid for by the private sector. We can provide 20,000 jobs immediately without taxpayer dollars. That is why this is supported by Republicans, supported by Democrats, supported by Unions, supported by right-to-work States, supported across the board by those who feel we need more energy independence. Yet, after assuring us that his top priority is creating jobs, the President says, no. Instead, he chooses to yield to some extreme voices on the environmental left who basically say, no more oil, no more pipelines, no more coal, fossil fuels are out. It is wind, solar, batteries, or nothing—despite how many jobs it costs.

So I am asking the President of the United States to reconsider his decision especially at a time when people are struggling in this country. The commonsense solution to one of our problems is right here before us. Yet we hear from the President, no, he is going to postpone the decision for a year to get past the 2012 election. This is political decision is denying a lot of people work at a time when it is desperately needed. At the same time the President is asking the Congress to extend unemployment benefits, primarily because of his own failed economic policies, the White House is blocking this incredible job creating opportunity.

Another immediate action the administration can take would be to accept a modest provision to provide a reasonable delay on two costly Environmental Protection Agency regulations that will deal another devastating blow to our already fragile economy. In the next few days, the Environmental Protection Agency is expected to finalize a rule that could threaten over 20 percent of the coal-fired powerplant generation in the Midwest and in the Southeast. We've now learned it also has a dramatic adverse effect on powerplants in the States of

Kansas, Oklahoma, and Texas. So a major part of our country will be affected by this rule. Known as Utility MACT, this regulation will force most of our country's 1,100 coal-fired plants to retrofit their facilities or close their doors. The Partnership for Affordable Clean Energy reported that closures of U.S. coal-fired powerplants will accelerate sharply during the next 10 years because of this utility rule.

The EPA's expected announcement on the utility rule comes just after they issued another major rule that will cost additional American jobs because starting on January 1 the EPA will begin requiring utilities to reduce powerplant emissions that may cause air quality complications in neighboring States. That regulation, called the Cross State Air Pollution Rule, is also one of the most expensive policies ever imposed on coal-fired plants. Under this rule, the EPA will require plants to install costly control technologies in exchange for minimal environmental gains.

The combined economic impact of the two regulations I have just mentioned is alarming. The Indiana Energy Association estimates that the cost of these rules will be between \$6.5 billion and \$7.3 billion just in my home State of Indiana. And when we add the entire eastern half of the country, from Mississippi River on to the Atlantic Ocean, that number goes up exponentially.

The National Economic Research Associates estimates employment losses of 1.4 million across the country as a result of the current EPA rules and deadlines. By 2016, NERA reports that American ratepayers will see an average increase of up to 23.5 percent—and in some places rates will be even higher.

Now, I want to say this: Cleaning our air is a worthy goal. Hundreds of billions of dollars have been spent under the Clean Air Act, which I supported in the 1980s and early 1990s because, as Americans, we all want to clean our air. Hundreds of billions of dollars have been spent by our utilities on clean air, consumers have been paying for it through our electricity bills to clean the air. The progress we have made has been astounding.

Provisions that were offered in a bill Senator JOE MANCHIN—a Democrat from West Virginia—and I offered together on a bipartisan basis do not turn back or unwind the progress we have made. They simply extend the compliance date for a 3-year period of time and coordinate that compliance date so that utilities can accomplish both of these goals laid out by the EPA in a reasonable time frame. This rule will take effect on January 1 of 2012. So we're asking for a little more time.

Earlier this year I voted to eliminate these rules. That vote, led by Senator RAND PAUL, was defeated. So we move now to the next stage which is to give

utilities more time to meet EPA deadlines.

I urge the President to consider the Manchin-Coats legislation called the Fair Compliance Act, which is bipartisan legislation to delay the implementation of these harmful EPA rules. Otherwise, our utilities will not have the time needed to adequately prepare. The EPA will be shutting them down. Without extra compliance time, there are predictions of blackouts or rolling blackouts and substantial increases in utility rates at a time when the economy is struggling and our manufacturers need every competitive advantage they can get in order to compete around the world and get people back to work.

Having said that, let me just say one more thing. It is disappointing from my perspective in the lack of progress in addressing our dire fiscal situation. We've tried just about everything and every process and every procedure people can think up, and each one of those has achieved either minimal results or failed completely. So after evaluating and looking at the extraordinary effort, energy and time put into the process this year, there have been very few results. It has become clear to me and reaffirmed something I believed from day one when I first got into politics—that unless we put in place a balanced budget amendment to the Constitution that will require Members to come down to this well and, before the President of the Senate, put their left hand on the Bible and their right hand in the air and swear to uphold a Constitution that incorporates a balanced budget requirement, we are never going to get there.

There is always a reason why something statutorily—all the efforts of the Gang of 6, the committee of 12; the rush to prevent crises by raising the debt limit; the cliff hangers: are we going to pass this or not, and are we going to extend the debt limit or not extend it—all the provisions through the appropriations process to cut spending and reduce government involvement and so forth have essentially failed.

What we need to do is what most States in this country do, what every business has to do, what every family has to do; that is, commit to balancing our budget, not spending more than we take in, and having a sworn, constitutional agreement that this is what we will do before we adjourn during every session. My State of Indiana has to do this, and many States across the country have to do this. They do because it produces transparency and honesty and Members going before their constituents and saying: That program is a great idea, but we can't afford it. Unless you're willing to support Congress raising your taxes or cuts in other places, we can't put that new program in place.

I think my time is running out. I ask unanimous consent for 2 more minutes, and I will wrap it up.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. COATS. Thank you, Mr. President. I thank my colleagues.

If we don't have this ultimate enforcement mechanism, I fear we will just continue to do what we have been doing for years and years and years; that is, falling far short of where we need to go. I think where most of us know we need to make the tough decisions, to be honest with our constituents, to go forward and basically say this is what our sworn obligation is, and we are going to have to fulfill this obligation. Nothing else has succeeded in forcing this body to come together and in a bipartisan way—or even on a partisan basis—do what is necessary to get our fiscal house in order.

During this holiday season, the people who are without work and struggling to pay their mortgages or struggling to save money so their kids can go to school, struggling to pay bills, wondering what the future is going to hold, those working two or three jobs, they are all out there saying we have to get this together, we have to get this country moving again. We cannot do that if we are plunging into debt or the policies coming out of this administration are denying our citizens the right to work in jobs that are available, such as the Keystone Pipeline. I can't even pay the utility cost now they say and if you are going to raise my rates 20 to 30 percent because of these regulations it is not going to be the kind of joyful, happy celebration at Christmas we would all wish for all our families across America.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I have a number of consents I will offer.

#### EXTENSION OF MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the period for morning business be extended until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INSULAR AREAS ACT OF 2011

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate

proceed to the consideration of S. 2009, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2009) to improve the administration of programs in the insular areas, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BINGAMAN. Mr. President, I am pleased to be joined by my colleague from Alaska, and the ranking member of the Committee on Energy and Natural Resources, LISA MURKOWSKI, in urging passage of the Insular Areas Act of 2011. This legislation would enact three time-sensitive provisions needed to improve the operation of certain Federal programs in the U.S. territory of American Samoa and in the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

First, section 2 of the bill would amend the Compact of Free Association Amendments Act of 2003 to direct the Secretary of Energy, as a part of the Department's Marshall Islands radiation monitoring program, to also periodically monitor the containment structure on Runit Island where nuclear cleanup wastes are buried. This new monitoring would include a visual inspection of the containment structure and a radiochemical analysis of groundwater surrounding and in the structure. This section of the bill further requires the Secretary to submit a report to Congress with the results of the monitoring. Finally, the section requires that the Secretary of the Interior shall make available to DOE, from existing technical assistance funds, the funding needed to conduct the chemical analysis of groundwater.

This section was requested by the Government of the Marshall Islands because of continuing concerns about radiation contamination among the people living and fishing near Runit Island. Officials from the Department of Energy regularly visit the islands near Runit as a part of DOE's ongoing Marshall Islands monitoring activities, and it is reasonable to direct that those officials periodically monitor the Runit Island containment structure to assure the community that the surrounding waters are not being contaminated and do not pose a health risk to persons living and fishing nearby.

Second, section 3 of the bill would amend current law which authorizes U.S. judges to serve temporarily, on a reimbursable basis, on the courts of the freely associated states. These island nations were formerly administered by the United States under a U.N. trusteeship, and the practice of providing temporary judges on a reimbursable and time-available basis to assist local courts has existed for several decades. This section was requested by the Gov-

ernment of the Republic of the Marshall Islands, which has few judges of its own and seeks to have additional U.S. judges available to assist, particularly when multijudge panels are needed to hear appeals. This authority is used by the Ninth Circuit Court only a few days per year when such temporary assignments do not interfere with the caseload of the assigned judges. The section would expand the pool of eligible judges from circuit and district judges, to include magistrate and territorial judges. On March 31, 2011, I received a letter from the Judicial Conference of the United States stating its support for this provision.

Finally, section 4 of this bill would amend the Fair Minimum Wage Act of 2007 to delay the 50-cent increase in the minimum wage of American Samoa that is scheduled for September 30, 2011, until September 30, 2015. It would also delay future periodic minimum wage increases and the periodic GAO report on the impact of prior wage increases from a 2-year to a 3-year, cycle.

American Samoa is a small, remote, unincorporated and unorganized U.S. territory—the only U.S. territory in the Southern Hemisphere. Its economy more closely resembles that of the nearby island-nation of Samoa than it does the U.S. economy. It has a large subsistence sector, as indicated by a 30 percent unemployment rate, and an average per capita income of about \$7,000 year—less than a quarter of the poorest State. The wage economy is concentrated in the government sector and fish processing. In recent years, however, trade globalization and rising costs have contributed to a severe economic downturn. GAO recently reported—GAO-11-427—that one of two tuna canneries closed in 2009 and the other cannery significantly reduced operations. Employment in this key sector fell by 55 percent from 2009 to 2010. The U.S. minimum wage was extended to American Samoa in 2007, with annual increases of 50 cents starting in 2008. But, because of the severe downturn, Congress delayed the 2010 wage increase until 2012. The Government of American Samoa is requesting this further delay because of the unique and continuing challenges it faces along with other South Pacific island economies.

Mr. President, there are no authorizations in the bill, and any additional costs associated with its enactment would be funded from existing sources. These are time-sensitive provisions of interest to these remote U.S.-affiliated island communities, and I urge the support of my colleagues in passing this bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2009) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:  
S. 2009

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Insular Areas Act of 2011".

#### SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.

Section 103(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(A) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(B) CONTINUED MONITORING ON RUNIT ISLAND.—

"(i) CACTUS CRATER CONTAINMENT AND GROUNDWATER MONITORING.—Effective beginning January 1, 2012, the Secretary of Energy shall, as a part of the Marshall Islands program conducted under subparagraph (A), periodically (but not less frequently than every 4 years) conduct—

"(I) a visual study of the concrete exterior of the Cactus Crater containment structure on Runit Island; and

"(II) a radiochemical analysis of the groundwater surrounding and in the Cactus Crater containment structure on Runit Island.

"(ii) REPORT.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report that contains—

"(I) a description of—

"(aa) the results of each visual survey conducted under clause (i)(I); and

"(bb) the results of the radiochemical analysis conducted under clause (i)(II); and

"(II) a determination on whether the surveys and analyses indicate any significant change in the health risks to the people of Enewetak from the contaminants within the Cactus Crater containment structure.

"(iii) FUNDING FOR GROUNDWATER MONITORING.—The Secretary of the Interior shall make available to the Department of Energy, Marshall Islands Program, from funds available for the Technical Assistance Program of the Office of Insular Affairs, the amounts necessary to conduct the radiochemical analysis of groundwater under clause (i)(II)."

#### SEC. 3. CLARIFYING THE TEMPORARY ASSIGNMENT OF JUDGES TO COURTS OF THE FREELY ASSOCIATED STATES.

Section 297(a) of title 28, United States Code, is amended by striking "circuit or district judge" and inserting "circuit, district, magistrate, or territorial judge of a court".

#### SEC. 4. DELAY OF SCHEDULED MINIMUM WAGE INCREASE IN AMERICAN SAMOA.

(a) DELAYED INCREASE PENDING GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Section 8103(b)(2)(C) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note; Public Law 110-28) is amended—

(1) by striking "each year thereafter until" and inserting "on September 30 of every third year thereafter until"; and

(2) by striking "except that" and all that follows through "September 30" and inserting "except that there shall be no such increase in 2012, 2013, and 2014 pending the triennial report required under section 8104(a)".

(b) TRIENNIAL GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Section 8104(a) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note; Public Law 110-28) is amended by striking “April 1, 2013, and every 2 years” and inserting “April 1, 2014, and every 3 years”.

Mr. CASEY. Mr. President, I ask unanimous consent that following my remarks, Senator HUTCHISON be recognized for floor remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PAYROLL TAX CUT

Mr. CASEY. Mr. President, I rise to speak about the payroll tax cut we have been debating and considering these many weeks and which we seem to be making some progress on today. I know we will hear more about that later today. I wish to make a couple points—first about the issue itself and then a few points about what is happening in Pennsylvania. I wish to highlight some of the constituent mail we have received about this issue and about the state of the economy and people's lives.

But first and foremost, by way of review, we have had a number of weeks now of debate about the payroll tax and putting in place an agreement where both parties can come together to make sure we put in place the payroll tax cut we agreed to last year. Many who have been watching this debate know what that means. Instead of having an individual worker or employee pay 6.2 percent as a payroll tax, we reduced that last year to 4.2 percent. I think it is vital, at a minimum, we do that, we extend it.

I had two pieces of legislation—two different versions—to reduce that even more, to cut it in half and also to do the same for businesses. I think that is a good idea, but for whatever reason we have not reached agreement on that. But we seem to have made progress in the last couple days—even in the last couple hours—coming together on an agreement on the payroll tax. We do not have an agreement yet. But we are all working very hard because we all know both the benefits of it and the consequences of not extending the payroll tax cut.

The benefits are plainly evident. If we put in place this payroll tax cut, we can jump-start, kick-start job creation and move the economy forward. I say that in light of some recent numbers we have in Pennsylvania. Pennsylvania's unemployment rate has hovered around 8 percent for a long time. The number of people unemployed in our State, the 8 percent, does not sound as high as in some places, but that meant over half a million people were out of work. It was not too long ago—just a few months ago—when we had roughly 525,000 people out of work. That number reduced to about 513,000. Fortu-

nately, just yesterday, we got news that the number has fallen below 500,000 for the first time in a long time. We are at 499,000—not much below half a million, but that is good news for Pennsylvania. What that meant is, our unemployment rate went from 8.1 percent down to 7.9 percent. So we are below 8 percent.

As many people know, the national rate went below 9 percent to 8.6 percent. So we are seeing the unemployment rate nationally and in a number of States, including Pennsylvania, going in the right direction, meaning it is going down. The unemployment rate is going down. The number of people out of work, fortunately, is shrinking a little bit.

We have a long way to go to completely dig out of this economic ditch our economy has been in for a long time. One of the best ways to continue that progress is to pass a cut in the payroll tax again, as we did last year. It was the right thing to do last year. It is the right thing to do this year, to continue the progress. We want to make sure we are doing everything possible so our month-to-month job creation number is much higher than it has been.

We have been averaging in the roughly 150,000 range of private sector job growth. That is not enough. We need that above 200,000, and we need it even above 250,000. If we take this step—it is not the only step—there is no magic wand to any policy we pass. Cutting the payroll tax will not solve all our economic challenges. But it is one of the most constructive, one of the most effective steps we can take.

If we do not do it, here is the consequence, at least as it relates to Pennsylvania—a big State that has a lot of the economic challenges many States have. Mark Zandi, a respected economist, did some analysis just on Pennsylvania. If we do not extend the payroll tax cut, which, as we know, has the potential to benefit 160 million American workers—in my home State of Pennsylvania last year that meant more than 6.5 million workers had a cut in their payroll tax, a tremendous benefit for a State such as Pennsylvania. We grew in the last year about 50,000 jobs. That is the good news. The bad news could be, if we do not pass a payroll tax cut, for Pennsylvania—for the country, which, obviously, would have an impact in Pennsylvania—the job loss number, according to Mark Zandi, would be just shy of 20,000 jobs lost in the State of Pennsylvania in 2012.

So it is vitally important for the Commonwealth of Pennsylvania. I think that applies for the Nation as a whole. It is one of the steps, and, frankly, one of the few steps Congress can take that will have a direct impact not just on the economy overall but to directly put dollars in people's pock-

ets—take-home pay. That is what this whole issue is about for employees—what is going to be their take-home pay in 2012. If we pass the tax cut, it will be about \$1,000. If we do not pass a tax cut, it will be zero in terms of an extra benefit.

Working Americans who have been struggling through this economy and suffering should have the right to expect we take the action they are telling us to take to cut the payroll tax.

Let me cite two examples of what people are asking us to do, from two constituents, and then I will conclude my remarks.

Here is a letter from a woman in Pennsylvania, central Pennsylvania. I will not give her name. We do not have the authority to do that. But I wish to read some of her words. Here is what she says about how she perceives Washington and what is happening here. I will just read about two sentences from her letter:

Please make sure something is done in Washington before the end of the year. I feel that no one should be able to have a break—

Talking about us in Congress—

before taking action on the tax breaks that will expire at the end of this year. If you all cannot do this then you should all leave office and let someone in there who can work together and get things done. Stay and do your job. Period!!

She has two exclamation points after the word “period.” What she is telling us is what so many Americans are telling us: that we have work to do here, to come together, to agree not just on a budget for the next year but especially on something as fundamental as this payroll tax cut. So she said it very well, and she encapsulated a lot of what people are feeling.

I am going to read an excerpt from a second letter, one from a woman from the eastern side of our State, in the so-called Lehigh Valley of Pennsylvania. I will not read the whole letter. It is about her family and some of the economic challenges they have had. I wish to read just two excerpts. She says:

Now I find myself questioning whether or not anyone has an answer and if they do, will it be too late.

You see, over the last 2 years, all four members of my family, myself included, have lost our jobs.

This is a woman from one family in one part of Pennsylvania talking about how many members of her family have lost their jobs. She expects us to get our job done—to come together and to work together to pass a cut in the payroll tax.

Later in the letter she says this—and I will conclude with this quotation:

We need to put people back to work. Only then can the economy get turned around. I don't care who comes up with the plan, but the parties need to work together if this country is going to survive. My family is only one example. I know of SO many others who are struggling and in an even worse position than we are.

She is talking about other people being in a worse circumstance, and she has all four members, including herself, of her family who have lost their jobs in the course of the last year or so. So if she can demonstrate—this woman from the Lehigh Valley in Pennsylvania—if she can demonstrate that kind of empathy and compassion and understanding of what others are going through, when she herself and her family have suffered so substantially in this economy, the least we can do in the Senate, in Washington—the very least we can do—is come together and work together to get this job done.

The leading indicator of that, I would argue, is making sure we put in place a cut in the payroll tax so at a minimum—as people are still doing holiday shopping and still wanting to have a bright and happy holiday and want to have some measure of peace of mind, some measure of security about next year—at least know we came together and made sure this payroll tax cut was in place.

It is vital for the people of Pennsylvania, and I think it is essential for economic growth across the country. We need to come together and get this done.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPROPRIATIONS

Mrs. HUTCHISON. Mr. President, we seem to be heading to an agreement today. At this point, the House appears to be ready to vote on the conference report on the appropriations bills for the rest of the fiscal year, which would be until the end of September of next year. I think this is good. We came to an agreement in August called the Budget Control Act. It was a 10-year commitment to lower spending, lower our deficits. It required a cap in each of the next 10 years that would be a down payment on our debt, would lower the deficit and lower the debt.

The Omnibus appropriations bill, obviously, because it has so many different agencies in it, rather than each separate agency bill going forward as we have done normally in the past in the Senate—because it has so many, there are people who are going to disagree with parts of it. There is no getting around that. The military construction, of which I am on the subcommittee and have chaired it in the past, is part of this bill. So are many of the other bills that are very important for the functioning of our government.

However, the appropriations bill sticks with the agreement we all made. In August, there was a lot of negotiation on how we deal with the debt. To be honest, I did not think it was enough. Many of us did not think it was enough. But we have not been able to come to terms between the two Houses of Congress and with the President on how we can do more and get the votes to do it and get the President to sign the bill.

So I am not saying we are going to agree with everything in this Omnibus appropriations bill. But every one of these bills did go through the committee, and they have been vetted. They did keep the agreement. We have lowered the spending across the board. We set the final fiscal year 2012 funding at \$1.043 trillion. This is \$7 billion less than last year's level, and it is almost \$100 billion less than the President's request.

Now, it is not enough for many people in this body, but we all voted in the majority; 74 separate Members voted in favor of the Budget Control Act, and the appropriations bills all have met those caps. That is something I do not hear said very often in this body, that we have met the caps.

I was vice chairman, the ranking member, of one of the very important appropriations committees that funded NASA, the Department of Commerce, the Department of Justice. We met these caps. It was hard. Each one of the subcommittees of the Appropriations Committees on the Senate side met the caps, even though we had to cut and balance and set priorities and not fund some of the important areas that we would like to have funded. But that is what choosing and prioritizing are about. That is why we made the agreement, and we stuck to it. So when all of these appropriations bills are complete, we will have cut discretionary spending for 2 years in a row for the first time in modern history, frankly, really cut.

So now we are working toward cutting the deficits over a 10-year period as we agreed we would do. In the next few days, I hope we are going to take fiscal year 2012 off the books and immediately focus our attention on long-term deficit reduction and, hopefully, comprehensive tax reform because the real issue is how we are going to get the debt down more.

We are talking about a \$15 trillion debt. If we cut the debt \$1 trillion, it is a down payment. But I think we need to do more in a responsible way. But we cannot do it all in discretionary spending. If we are going to do what the taxpayers elected us to do, then we are going to have to deal with entitlements. We are going to have to deal with Social Security reform and Medicare reform.

Everyone knows, common sense tells us, Social Security has changed since

the time it was passed and today when people are living longer and retiring later. But we have not accommodated those changes. We have not set the actuarial tables that would sustain Social Security for the next 75 years. We could do it by just very gradually, 3 months a year only, increasing the age of retirement; put a cap on it at 68 or 69. We could bring Social Security into balance.

We would also have to make adjustments in the cost of living increases. But we would not have to raise taxes, and we would not have to cut the core benefits in any reduction. So we can do this and make significant deficit reductions so the \$15 trillion starts coming down. That is our debt.

We have to deal with Social Security reform. I have introduced legislation, the Defend and Save Social Security Act, with Senator KYL as my cosponsor that has done exactly that. Other Senators have introduced legislation. Senator PAUL introduced legislation that would gradually bring down the Social Security deficit, which would also bring down the debt of our country. This is responsible. I am going to push next year to try to get this Social Security reform.

But in the next 2 days we are going to deal with discretionary spending because that is all we have on the table to deal with, and we are going to keep the agreements we made in the Budget Control Act, which 74 Members of the Senate supported. The appropriators have kept their word. Every single bill has had a cap on spending. Where we have the capability to deal with discretionary spending—and that is all we have, we cannot deal with entitlements until we have entitlement reform. But in discretionary spending, the appropriators have kept their word. That is what we will be voting on, to keep the word that 74 Senators agreed was the right approach.

We are going to vote on a bill that will be passed by the House today and, hopefully, be passed by the Senate tonight or tomorrow as our leader has said we will. I hope we can pass that bill.

We also have to deal with the long term. We are not going to be able to do it in the next 2 days, but surely when we come back next year we can pick up tax reform. We can put our Tax Code in a better structure so our corporations will bring their businesses that are now overseas back to America. Those are going to be jobs in America. That is how we want to create revenue in this country, not by taxing the people who would hire people but by having an equitable Tax Code that will make corporations do their business here so people will have jobs, and they will increase their revenue and the economy of our country.

That is the way we need to deal with the long term. We need to deal with entitlement reform and Tax Code reform.



We do not have a revenue problem in this country. We do not have a problem with people paying too little in taxes. We have a spending problem that has given us a \$15 trillion debt.

So I hope as all of those families in America are settling in for the holidays that we would be doing the work in Washington that would assure a long-term future for these families, which means we are going to have to cut spending from the government, that we are not going to increase taxes on the working people of our country, and that we would have regulatory reform that would allow our small businesses to grow without the heavy hand of government putting a blanket on their ability to grow.

When there is a blanket on the ability to grow, they are not going to hire more people. That is the problem we have in this country right now. So we are making, in the next 2 days, I hope—I hope my colleagues will support the agreement we made in August to start the down payment on the spending in this country, lowering it, lowering it from what the President sent over, a budget from which we have cut almost \$100 billion.

Even in the face of this crisis in this country on spending, the President sent us a budget that was almost \$100 billion more than we are going to pass in the House and Senate because we made an agreement in August to cut spending. The House is also going to send disaster relief, which I will certainly support, and they are going to send a bill that would pay for it with a 1.83-percent across-the-board cut in discretionary base spending, excluding the Department of Defense, military construction, and veterans affairs. I think that is a responsible approach.

I think with the budget that we are putting forward with the appropriations, with a 1.83-percent across-the-board cut to fund disaster relief that we know is going to happen and be necessary in the next 9 months of next year, that we should pay for that. We should have disaster relief in our budgets in the future, and we should try to accommodate it right now.

We are not going to withhold it for people who are in need. We do not know if it is going to be wildfires or droughts or hurricanes or tornados. We are not going to deny that help. But it should be budgeted just like everything we do. We should have some sense that we have prepared for it. Preparing for disasters should be part of our budget. There is not a business in this country that does not prepare for disasters. The government should do it too.

I hope we will be on a trajectory to lower the spending, keeping our agreement of August with the Omnibus appropriations bill that is going to be passed by the House this afternoon and will come to the Senate. I hope we will be able to act by tomorrow on that

piece of legislation that keeps the agreements we made.

It is a down payment. It is not what all of us wanted, but I think we ought to put in disaster relief. I think we ought to pay for that with another 1.83-percent cut across the board. I think that would be the responsible approach, and then we can start next year on the long term. That would be regulatory reform, Social Security reform—to make it solvent for 75 years, at least—and Medicare reform. Those are the things that will give us a long-term, hopefully, solvent government that will be the model for the world because, is there any question that we need a model in the world right now for fiscal discipline and responsible governing? I hope America can provide it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### KEYSTONE XL PIPELINE

Mr. MCCONNELL. Mr. President, I rise to make some observations about the Keystone Pipeline. President Obama has said his first priority is jobs. Here is an opportunity for the President to show it, a pipeline provision that, according to some estimates, would create thousands of jobs right away. In fact, those are all the estimates I have seen, that this is a project that is ready to go.

Here is an opportunity for the President to say he is not going to let a few radical environmentalists stand in the way of a project that will create thousands of jobs and make America more secure at the same time. The labor unions support the pipeline, the Chamber of Commerce supports the pipeline, out-of-work Americans support it, and a growing number of Democrats are expressing their support as well.

Here are a few of the comments we heard from Democrats just this very week. Senator KENT CONRAD of North Dakota said:

I personally think the pipeline is absolutely in the national interest. It'll help us reduce our dependence on foreign energy, at least foreign sources that are hostile to our interests.

Senator CONRAD further said:

I, for one, on this side hope that this could be part of a final package and I hope that this is something we could work through in the coming hours.

Senator MCCASKILL:

If States rights are being protected and if this is going to be something maybe, that we can try to jump start the approval process, make it go more quickly.

Representative CLYBURN, one of the leaders of the Democratic conference in the House:

I'm very much for the pipeline. There is no question about that.

Congress should do something, not just assist people who are struggling in a down economy or out of work, but help incentivize job creation for them at the same time. In other words, let's not just pass a bill that helps people on the benefits side; let's also include something that actually helps the private sector create the jobs Americans need for the long term. This is the balanced approach Americans want, one that extends help but also offers hope.

This is just the kind of thing we should be doing around here. Both parties like it, the labor unions like it, why in the world wouldn't we want to put it in the package?

The only reason the White House has given for opposing the pipeline provision is they would rather vote on it alone, which makes absolutely no sense. You are either for the provision or you are not. So I suggest here is a rare opportunity to do something truly positive together on a bipartisan basis at the end of the year. Let's finish this year on a truly cooperative, bipartisan note. Let's strengthen our Nation's energy security, decrease the energy we import from overseas, create American jobs right now, and let's do it all on a bipartisan basis.

As I said, there is bipartisan support for this project. We need to get it done, and we need to get it done now. The House of Representatives has been quite clear that they are not going to support a package that does not include the pipeline. Frankly, I would not be able to support a package that doesn't include the pipeline. I think this is something we could all be proud of at the end of the year, demonstrating to the American people that we can work together not only to help those who are struggling, through a continuation of the payroll tax holiday and an unemployment benefits package, but also create jobs at the same time in the private sector without a penny of the Federal Government's money by moving this pipeline along.

After all, it has undergone years of environmental studies. It is ready to go. The company is ready to hire the people just as soon as we give them the signoff.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

Mr. RUBIO. I ask unanimous consent that I be recognized to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONFRONTING THE ISSUES

Mr. RUBIO. Mr. President, I thank those who have listened to our e-mails back in Florida that we just sent out alerting them I will be speaking on the Senate floor, maybe the last time I will speak this year.

I want to take a few minutes to update everyone on what this first year in the Senate has been like. First of all, it has been a tremendous privilege and honor. There is not a day goes by that I do not come to this building early in the morning, when I can get to the gym—I probably should do that more than I do—and see this building lit up in the darkness. It takes my breath away that I actually get to work here in this building on behalf of the people of the State of Florida.

I recognize what an honor and privilege it is to have this position, not just in this unique institution—which is different, perhaps, than any legislative body in all of history—but this Republic that stands out in the history of mankind. As Americans, we should always take a moment to recognize that in America, on this floor, we debate and sometimes solve issues other countries fight wars with each other about. That is a real blessing and a real opportunity to be an example for the world. I am grateful and feel blessed to be a part of it, and I thank the people of Florida for the opportunity to do it.

I want to share two observations as this year comes to an end—and, hopefully, today or tomorrow, sometime this week, we will wrap up our work in this body for 2011—observations I have after my first year. I think I am 3 weeks from having been sworn in for the first time. There are a couple of things that concern me.

First is a real lack of urgency. There are some major issues that confront America. These have to be confronted. We need look no further than Europe to see what our future holds, unfortunately, if some of the issues that now confront us are not confronted. That is not hyperbole, it is not partisanship, it is reality—it is math. This country borrows more money than it needs to or should. This is a country that is now spending more money than it takes in at an alarming pace, and there is no plan in place to prevent that.

That is not a partisan observation; that is not a Republican concern or a Democratic concern; that is the concern of every person who is grounded in reality, that we cannot continue doing what we are doing now.

There are specific programs that are in trouble that we should be very concerned about. Medicare is one example.

I have a very special place in my heart for Medicare. No. 1, there are a lot of people in Florida who are on Medicare; and, No. 2, in my own life, both in my father's illness last year before he passed away and this year when my mother suffered some setbacks in her health, I have seen firsthand how important Medicare is.

There are two things that worry me about Medicare. The first is that it will not be there when my generation and future generations retire. The other is just as important: that somehow, if we fail to act in a timely manner, people like my mother, who are currently on Medicare, may at some point in their lifetime see their benefits change dramatically or see the program and quality of access decline.

We need to do everything we can to save Medicare. We know for a fact, and no one can dispute, if we leave Medicare the way it is right now, that program is going to be in a lot of trouble. I hope there is a sense of urgency about that. Also, the fact that our economy is now smaller than our debt—\$15 trillion is a lot of money we owe, that our children and our grandchildren will owe. That is a lot of money. That is a big deal. The national security threats we face are significant and have to be confronted.

The sense that somehow the major issues can wait until another election or another moment concern me because these issues have a tendency to sneak up on us and a problem becomes a crisis. It is a lot harder to solve a crisis than it is to solve a problem, so I hope we have a sense of urgency with regard to these issues in the coming year.

There is another issue I would like to talk about, which is a troubling emergence in the last year in politics. It is this rhetoric that, in my opinion, seeks to divide Americans against each other, basically pits Americans against each other.

The way the rhetoric basically goes is, there is a reason there are Americans who are struggling, hurting; a reason that people have lost their jobs; that people are working twice as hard and are making half as much; that people have lost their homes, and people have graduated from college but cannot find a job. And there is a theme by some, including, frankly, many in our political leadership and from time to time even the White House, saying to people the reason they are doing worse is because there is a handful of people out there doing too well. The reason they have lost their jobs is because someone else is being too greedy. The reason they are losing their homes is because someone else owns too many homes. The reason they are making less money is because someone else is making too much money.

I am troubled by that rhetoric that pits people against each other because

the second part of that argument is give the government more power; give us, government, more power so we can step in and right this wrong, so we can take away from the people who have too much and give to the people who do not have enough.

Let me tell you why I am troubled by that. The first reason I am troubled by that is because it is absolutely not the kind of country we have been for 220-some-odd years. It is not in our nature. Americans have never been a people to drive through a nice neighborhood and say: Oh, I hate the people who live in these nice houses. Americans are people who drive through a nice neighborhood and say: Congratulations on your nice house. Guess what. We will be joining you soon.

We have never been people who go around and confront people or look at people who have been financially successful and say: We hate you. We envy you because of how well you are doing. Americans have celebrated their success, and they say: Guess what. We are going to be successful soon as well.

I remember growing up, I always tell people I am a child of privilege because I have the privilege and the honor of being born in the greatest country in human history and of having a mother and a father who were married, loved each other and lived in our home. These are two of the most important benefits anyone could have. But my parents were working-class folks. My dad was a bartender for most of his life. My mom was a maid and cashier and stock clerk at K-Mart. We were not people of financial means in terms of significant financial wealth.

I tell them I always had what I needed. I didn't always have what I wanted, but I always had what I needed. My parents always provided that. I don't remember them telling us or teaching us the only way we could be more successful was if other people were less successful. They never inculcated in us the belief that somehow in order for us to climb the ladder, other people had to come down from the ladder.

On the contrary, they would hold up these examples of success to inspire in us the hope that someday we could be there as well—financially, in our careers, what have you. We are people who have always celebrated other people's success so long as we always had the opportunity to meet that success ourselves. That is the American nature. That is the American character. That is what makes us different from the rest of the world.

I am afraid we could lose that or are on the verge of losing that. I am concerned that there are those in America's political leadership who are advocating that we abandon that in favor of something else. I think it is wrong because it does not work. That thought process that somehow other people have to be worse off in order for us to



be better off does not work. People get on boats, people jump fences to get away from that kind of thought process. People flee countries that do that because it does not work. It never has.

It will not work here. The proof is in the numbers. Let's put aside partisan political rhetoric for a moment and look at the numbers. In January of 2009, when the President was sworn in, he inherited a very bad economy. He inherited a bad economy. He inherited an economy, for example, that had 12 million people out of a job, an economy where gas was \$1.85 a gallon, where the debt was at \$10.6 trillion, where we were 39 million Americans living in poverty in January of 2009. He inherited a bad economy.

But for the first years of his Presidency, at least one of the first 2 years, he had 60 votes in the Senate which I quickly learned is the way everything seems to happen around here, by 60 votes. He had a majority in the House. He could have anything he wanted, and he said: This is what I want. This is what the President said: He wanted a stimulus package, and he got it. He wanted his health care package, and he got it. He wanted financial services reform, and he got it. So what happened? Let's look at the numbers.

He became President, bad economy, got everything he wanted. What has happened since? Now there are 13.3 million people unemployed, gas is now at \$3.27 a gallon on average, the debt is now up to \$15 trillion, and people in poverty—39 million when he took office, 46 million people now.

Put aside the partisan rhetoric for a moment—just the numbers. He became President, got everything he wanted, and everything got worse. Those are the facts.

Is that because he is a bad person? Of course not. It is ridiculous. It is because his view of government and politics is wrong and those who share it are wrong. They are not un-American, they are not bad people, but the proof is it doesn't work. It has not worked anywhere else in the world to approach it this way, and it is not going to work here. I hope in this new year we will reverse course on these things and instead embrace and take up that which does work in America.

What makes America become more prosperous? It is not that complicated. It is not Fortune 500 companies or big corporations. Every country in the world has rich people. Every country in the world has billionaires and millionaires. What makes us different is that here a worker can become an owner, an employee can become an employer. It happens all the time. You cannot walk two blocks anywhere in this country and not bump into somebody who didn't start a business out of the spare bedroom of their home, who didn't take their credit card or their lifesavings and risked it all behind a great idea

and today 20 people work for them. That is 20 families being fed, 20 families sending kids to college because somebody had the audacity to take their lifesavings and pursue their dream. So they opened a business out of the spare bedroom of their home; they opened a business out of a corner in their garage; and nowadays you can start a business with a laptop and an empty table at a Starbucks, and it works. We have to get back to that.

What stands in the way of that are three things, above everything else. The first is a Tax Code that is crazy. It is not complicated, it is not burdensome, it is crazy. It is the craziest thing you have ever seen in your life. First of all, it is full of loopholes and exemptions built in. That doesn't hurt the big guys. It doesn't hurt billionaires and millionaires and big corporations. These guys can handle this stuff. They may not like it, but they can hire lawyers, accountants, and lobbyists. They can figure this stuff out. You know who a complicated Tax Code kills? The guy or gal trying to start a business out of the spare bedroom of their home. We have to simplify our Tax Code. It has to be reformed. If there is stuff in it that is the result of good lobbying as opposed to good policy, take it out. I hope we will work on that. Everybody here says they are for tax reform, so do it. Let's have urgency. Let's have some urgency behind that.

The second is regulations. Look, we need to have regulations. Here is a glass of water. I don't want this to have poison in it. I want our air to be clean. Government has a role to play in those things. Let me tell you what happens when regulations go too far, when they seem to exist only for the purpose of justifying the existence of a regulator. You don't hurt the guys who have made it; you don't hurt the big corporations or the billionaires. These guys can hire lawyers to deal with that stuff, and they can hire lobbyists to change all that stuff. It kills the people trying to start a business out of the spare bedroom of their home. So we have to simplify the regulatory system we have in this country as well.

Finally, this debt. The debt is a problem. There is no plan in place to do anything about it. People are afraid, concerned, worried—and rightfully so—about investing money in an economy that doesn't have a plan to pay its bills. I hope we reverse course on all of these issues. If we do, it will lead to prosperity.

Let me tell you what prosperity will lead to. It will lead to more jobs, more jobs will lead to more taxpayers, more taxpayers will lead to more revenue, and more revenue means we will have money to pay down our debt and do what government should do, such as our national defense, invest in infrastructure and in our people, and pro-

vide a safety net to help those who cannot help themselves.

To do that, it all starts with embracing the fundamental principle of America's prosperity. We have never been a nation of haves and have-nots. We are a nation of haves and soon-to-haves, of people who have made it and people who will make it. That is who we need to remain if we desire to provide our children with what we had, an American century, which is what the 21st century can be, should be, and will be. If in 2012 this body and our leadership reverse course from the direction we are headed, it will place us on a path that is true to our heritage as a people and embrace for our children and grandchildren a future they deserve, a prosperous and growing America where all things are possible, where anyone from anywhere can accomplish anything, where the son of a bartender and a maid can be a U.S. Senator, and where anyone watching, no matter where you start out in life, can accomplish and be anything you want to accomplish if you are willing to work hard, play by the rules and have the ability to do it.

With that, I want to wish all of my colleagues and the people of Florida and the people of the United States a merry Christmas, a happy Hanukkah, and a happy New Year. May God always bless our country and may 2012 bring us the safety and prosperity for our Nation and for the world.

I thank the Chair.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DISASTERS IN 2011

Ms. LANDRIEU. Mr. President, I will take the opportunity while the floor is relatively quiet to come and explain one of the votes we are going to be asked to cast tomorrow. In fact, it is very timely that I am here on the Senate floor at 2 o'clock in the afternoon because the House, I understand, just passed H. Con. Res. 94, and I am going to ask the Senate to reject that resolution when it comes here tomorrow for our vote. I am asking Democrats and Republicans to join with me in voting no on that resolution. I would like to take a few minutes to explain why. I think pictures are worth a thousand words, so let me just use four to save time.

This is about disasters in 2011. This whole issue is about how we should

budget for disasters. It is an important debate that has been one of the many debates Congress has had over this last year, and we are wrapping up that debate in the next 48 hours. So this is a part of that debate.

I think pictures speak louder than words. This is a picture of Joplin, MO, a town that was virtually wrecked by a massive and monster tornado and tornadoes.

This is a picture of the Mississippi River flooding in Cairo, IL. This year, the Mississippi River was at one of its highest levels in some places in over a century. We received our own share of that flooding in Louisiana, which sits at the base of this great Mississippi River basin. So our people, as well as people along the entire Mississippi River Valley, experienced unprecedented flooding.

The lonely and distraught couple sitting in what looks like the middle of an ocean is actually in Nags Head, NC. This is what happened to their beach home as water virtually surrounded them and destroyed that community. Again, this happened this year with Hurricane Irene.

Down here on the far right is a picture of the fires that raged and devastated parts of Texas, which experienced one of the worst droughts in the recorded history of Texas.

What is sad about this debate is I could show picture after picture after picture of communities in our country devastated by tornadoes, fires, hurricanes—disasters that strike without warning and whose impact is virtually impossible to measure until months afterward because of the extraordinary damage. In fact, the Weather Service just this month did a recalculation of 2011 and declared it to be one of the worst disaster years since records have been kept, saying they have now concluded, as enough evidence has come in, that we had over 12 disasters in 1 year—in this year of 2011—over \$1 billion each.

So this year was a real outlier, but sadly—and the Presiding Officer has heard it in his State, and we have heard it in my State of Louisiana, and we have heard it around the world—these pictures may not be an aberration. These pictures may show what is to come. And while 2011 was a very bad year, people are starting to think that as a result of the changes in temperature and climate change—and whatever people think the reasons are for that, no one should disagree with the consequences of changing temperature, which are violent weather episodes. The question is, What are we going to do about it and what is the right way to move forward? Let me show my colleagues what the wrong way is before I explain the right way.

This picture depicts the wrong way to respond. This has been suggested by some of my Republican colleagues.

They suggest that when the water rises on your home or when the tornado rips you out of your bed and the roof falls on you and your family or when the river water rises and you look out of your second-floor window over your 100- or 200-acre farm and you can't see anything and your cows are swimming and your horses are swimming as well, that what you should do is climb on your roof, call Washington, call the hotline, and identify the offset in the Federal budget to provide the cost of your rescue. It is laughable. It is supposed to be funny. It is a funny cartoon. But when we think about it, it is really not funny to tell the American people that in order to be rescued, you need to call the budget office of the Federal Government, identify an offset, and then we will send a rescue unit to respond to your emergency. It is not funny. The American people aren't laughing.

So I am going to ask my colleagues to vote no on H. Con. Res. 94 tomorrow because that is exactly what H. Con. Res. 94 does. I should get a big pen and write, "If you think that grandma here with a cat and the phone is what you want your constituents to look like, then you just go right on and vote for H. Con. Res. 94."

But I am not going to vote for that concurrent resolution because our leaders wisely—both Republican and Democratic leaders, wisely—in August, in anticipation of this issue, already provided for disaster funding in the Budget Control Act. They already provided for it. We don't have to tell our constituents that before we can send money to help them in Joplin or in Nags Head, NC, or Cairo, IL, or San Antonio or Dallas, TX, they have to identify an offset, because we wisely said within the Budget Control Act, within our efforts to close the budget gap, that we are providing for disaster funding, and that is what we have done. But some Members of the House will continue to want to adhere to trying to identify an offset before disasters can be responded to. They say things such as, we should pay for disasters in the year we respond to them.

I am going to present a chart in just a minute, but first I want to try to explain the second reason this is a faulty way forward.

In 2005, which wasn't that many years ago, the Federal Government allocated \$45 billion—actually, I think this number is about \$68 billion, and I will show the chart in a minute—in 1 year, and that year was the year of Katrina and Rita, which were the No. 1 and No. 3 most violent and disastrous and costly hurricanes in the history of our country. They happened in the same year to the same State—or to the same area, which was Mississippi, Louisiana, and Texas. We got the brunt of two of the worst storms that literally flooded a metropolitan area or flooded

an area greater than the size of Great Britain. And that amount was \$68 billion.

If we followed the poor logic of some on the Republican side that we had to pay for this disaster in that year in the budget, I think we would have probably had to eliminate half of the discretionary budget of the United States of America. I am going to get that exact number. But it is ludicrous to think we would be able to find \$68 billion in the budget in that one year. In fact, the whole homeland security budget—it wouldn't be half—the whole homeland security budget is \$42 billion. So let me repeat: Instead of half, we would have had to completely eliminate the entire homeland security budget of the United States of America, plus another couple of smaller budgets, to meet the \$68 billion requirement. It doesn't make any sense, and it is not right. It is not the right way to budget. It violates the Budget Control Act, and it is so hypocritical that some on the other side are requiring this for domestic expenses when they don't require the same thing for foreign expenses or international expenses.

I would like to put up the next chart. To pour salt on the wound—and I don't quite understand the politics. I don't understand the math. I don't understand the budgetary consequences, and I don't understand the politics. They are wrong on all three counts because this is what those who voted for H. Con. Res. 94 have to go home and explain to their constituents. They are going to have to go home and say: When I was in Congress, I allocated \$823 billion for the war in Iraq and required no pay-for. Then I went back to Congress and spent \$557 billion in Afghanistan and didn't say a word about that. Then I went back and added a Medicare drug benefit for \$180 billion, and we didn't pay for that. Then I went back and sent checks to everyone when George Bush was the President, and those checks cost \$124 billion, and we didn't require any offset or budget implication for that. But when Americans had their homes destroyed, their farms flooded, their businesses ruined by disasters, I can't send a dime unless we take it out of health, transportation, or education.

So they said no to this little \$8.1 billion—after spending a grand total of \$1.68 trillion on all these items. So I do not understand the math. I do not understand their position as to the budget. I most certainly do not understand the politics, and I do not agree with it because I think the American people should come first. Their needs from disasters should come first. We cannot possibly, because of the erratic nature of disasters themselves—we might think we are powerful in the Senate, but we are not more powerful than God, and we are not more powerful than nature; and I am not saying that

God causes these storms, but nature has a way—we are not that powerful and we do not know and cannot predict when these will happen. All we can do is respond.

We have responded appropriately in the Senate version of this bill. Our bill will provide funding for FEMA, for the Corps of Engineers, within the budgetary control structure. It will allow us to pay for this over time in future negotiations, which is the wise way to do it. But it will not force us to use disasters that occur in this country as an excuse to continue to ring out costs from health, transportation, and education.

As my colleagues know, I feel very strongly about this issue, and I am proud to say I think many Democrats and, hopefully, some Republicans feel strongly that their constituents at home should come first, that the budget should provide for an immediate response when people are victims of floods or tornadoes or hurricanes or other disasters.

I think most people in the Senate understand 2011 was a tough year. It was a historic year. But the sad thing is, I think we also understand it could repeat itself. Using these disasters, when it was not the case for the war in Iraq, was not the case for the war in Afghanistan, was not the case for Medicare, was not the case for the rebate checks—but when it comes to disasters we cannot seem to find \$8.1 billion within the budget control structure. I do not, as I said, understand it.

We have seen this cartoon I have in the Chamber before. I will not go into it. But I think it says beautifully why this is the wrong approach. Again, these pictures speak a thousand words. This other chart shows what a disaster looks like. I wish I had something to show what it feels like to lose everything, and then, when you have lost everything, trying to provide confidence to your own family, to your own children, and to your neighbors, to then listen to the debate in Congress that says: We write a blank check to Iraq, a blank check to Afghanistan, a blank check here, and yet, when it comes to funding for disasters, we have to have this argument.

I am going to ask my colleagues to vote no on H. Con. Res. 94 tomorrow. In voting no, we will reject to the find-the-offset-now requirement. We will honor the agreement made between Republican and Democratic leaders back in August to include this in the Budget Control Act. We will send a powerful signal to our constituents that they come first; that disaster victims should come first in the budget, not last; that we understand how difficult it is for them to rebuild their communities, and the Federal Government wants to be and will be a reliable partner they can depend on in their time of need.

With this ill-advised resolution, we return to an issue that consumed this Chamber for weeks this past fall.

That issue is how we pay for disaster funding—money used by communities destroyed by disasters that are struggling to clean up, rebuild, and move on with their lives after a tragic act of Mother Nature.

We have seen many such events over the past few years—from historic floods in the Midwest, to deadly tornadoes in the South, to the wreckage inflicted on a huge swath of the country earlier this year by Hurricane Irene and Tropical Storm Lee.

Back in September, Republicans in the House stood in the way of this critical recovery money, arguing that no funds should be sent to disaster victims until Congress had figured out how to pay for it through other cuts.

That is bad enough on its face. But what made it even more ridiculous is that this Congress had already agreed on a method for funding disasters. That agreement came over the summer when we passed the Budget Control Act—a measure that received significant support from Democrats and Republicans in both Chambers of Congress.

That act included two contingency funds—funds that could be spent above and beyond the established cap on Federal spending. One of those funds was for overseas contingencies like the wars and rebuilding in Iraq and Afghanistan that allows for \$126 billion in spending above the cap. The other was for disaster relief and included an \$11.3 billion cap adjustment for additional spending beyond the regular level.

We made this agreement because we recognized that there is a real cost associated with disaster recovery—a cost that can't always be anticipated because natural disasters, by their very nature, are highly unpredictable.

The stand-alone disaster funding bill we consider today, when combined with the minibus passed last month, will account for \$10.4 billion of that \$11.3 billion disaster funding cap—an amount completely within the requirements laid out in the bipartisan Budget Control Act.

But now, House Republicans are once again trying to go back on that agreement by requiring that agreed-upon funding be offset with additional across-the-board cuts to discretionary spending.

There are two reasons this is wrong-headed.

Reason No. 1: The House Republicans are creating a double standard regarding offsets—one for defense spending and another for domestic disaster relief.

That is because, in this proposal, they only require an additional offset for domestic disaster spending. They have sent over no such language for the additional funding provided in the bill we just voted on for overseas contingencies.

Let's get to the heart of what that means. It means that House Republicans are saying: No, we don't have to pay for wars in places like Afghanistan or Iraq. But we do have to offset spending for domestic disaster recovery.

Why is that? Why is it that the House Republicans say we are able to rebuild Iraq or Afghanistan without a single word of protest, but we won't rebuild Vermont or New Jersey or Missouri or Louisiana in a similar way?

The omnibus bill has \$126 billion in it for the costs of the wars. If we followed the same pay-for standard that the House Republicans are insisting on for disaster relief on the costs of the war, we would have to impose a 24-percent across-the-board cut on the Defense budget or a 12-percent cut on the entire discretionary budget.

This double standard makes no sense. I remind my colleagues that when Hurricanes Katrina and Rita struck the gulf coast, it required appropriations of more than \$62 billion in fiscal year 2005 alone. If we applied the House Republican requirement to pay for a disaster of a similar size, we would have to cut domestic spending by 12 percent.

During the 112th Congress, we have not cut defense. We have not increased taxes on individuals who make more than \$1 million a year. But the House Republicans want to keep going back to this one small part of the budget to find savings.

So, let's be clear. Here is what the Republicans do not require payment for: Iraq war, \$823 billion; Afghanistan war, \$557 billion; Medicare drug benefit, \$180 billion; and Bush rebate checks, \$124 billion.

Now, you ask, what do they require payment for? Community disaster relief, \$8.1 billion.

Reason No. 2 of why the House Republicans' plan should be firmly rejected: The House Republicans' plan wouldn't require true across-the-board cuts to pay for disaster spending. It would only require cuts to domestic discretionary spending—a portion of the government that makes up only 14 percent of total expenditures.

In April, we cut domestic discretionary spending for fiscal year 2011 by 7 percent. And the omnibus legislation before the Senate, consistent with the Budget Control Act, cuts it by an additional 1 percent.

This proposal—the one we are currently considering—would pile on to that by cutting another 1.8 percent to domestic programs.

I think we need to be clear about exactly what this would mean. There are consequences to these cuts—real consequences that the American people would feel immediately.

Among them, it means that Title I education funding would be cut by \$265 million. That means that almost 1,000 schools serving more than 350,000 disadvantaged students could lose funding, and about 3,700 teachers and aides could lose their jobs.

It means that special education funding would be cut by \$199 million. That could lead to the loss of 2,600 education staff serving special needs students.

It means a \$146 million cut to Head Start funding, which would eliminate 11,000 low-income students and their families from this critical program.

It would mean a reduction of 400 Border Patrol agents—nearly half the number that we hired and trained since Congress enacted the border security supplemental 16 months ago.

It would mean that 161,000 fewer women, infants, and children would receive food assistance under the WIC program.

It would hurt our efforts to combat terrorism and crime, with more than 5,500 Department of Justice positions becoming vacant through a hiring freeze and furloughs.

It would mean a cut to the IRS enforcement mission, resulting in lost revenues of approximately \$4 billion annually. That would increase the deficit by at least six times the magnitude of the proposed reduction.

It would mean a \$15 million cut to the senior nutrition program, which means 2 million fewer meals to needy seniors.

The House Republicans would like you to think that these cuts are nothing more than reducing bureaucracy. I beg to differ. These cuts have consequences in the everyday lives of Americans across our Nation.

Here is the bottom line: Instead of being really serious about closing the budget gap and putting new revenues on the table or saying across-the-board cuts for everything, House Republicans continue to use everything, even disasters that strike home, as an excuse to cut health, education, and transportation.

Well, I stand here today and say to them: Enough is enough.

I urge my colleagues to vote against this resolution. This Congress made an agreement months ago on how to fund unanticipated disasters. We should stick with that agreement.

There are times and there are places for politics. Aid for disaster victims is not one of them. Victims of natural disasters should not be victimized twice—first by Mother Nature and then by politics in Washington.

There may be another expression of a different side of this argument. I have not heard a good one yet. But I look forward—if any of my colleagues want to come down and take the opposite side of this argument, I am around. I am not going anywhere. I will be here today. I will be here tomorrow. I will be happy to debate them on the floor on this subject. But as the chair of the Homeland Security Appropriations Subcommittee, I have to take a strong stand on this issue because our budget is the one that basically gets called on to fund these disasters.

Again, if I have to follow the requirement to fund them in the year the money is spent—1 year—I am going to have to come to this floor and tell everyone: We are not going to have a homeland security bill this year because we just had a category 5 strike Miami, and the bill—as they said last night on the Weather Channel—will exceed \$40 billion. So I am going to have to give up our whole bill, and we will have no security for the United States to pay for the disaster in 1 year.

This is the chart I wanted to show. This is how erratic funding can be, as shown on this chart. This shows funding from 2003 to 2012. In 2003, we spent basically a little over \$1.7 billion. Then it jumped up to a little over \$6 billion. Then, Katrina, Rita, and Wilma—which was in Florida—moved us all the way up to \$45 billion in 2005, and then we fell back again to about \$7.8 billion. We can see the erratic nature of these storms. It is impossible for us to even get a good average. So the only thing we can do is put a baseline in our bill, and then if disaster strikes, to respond and put it in the Budget Control Act over our 302(b) allocations.

If we do not do it that way, we are going to end up having to scramble every year to quickly calculate what the disasters were last year and jam it against some budget. It is either going to be education that gets gutted or health that gets gutted or agriculture that gets gutted or homeland security. I do not want to have to be the one to call the thousands of Border Patrol agents whom I have helped to fund in my budget or have to call Senator JOHN MCCAIN or Senator KYL and say: I am sorry. We have to lay off all the Border Patrol agents along the border in Arizona for a year or two because we had a big storm in Miami, and I have to send the money to Miami.

Whoever heard of such a thing. That is what the Republicans in the House have sent to us. It should be rejected on its face. There is a better way to move forward, and the way is in the Budget Control Act that our leaders wisely have already agreed to.

So we will have this vote tomorrow. Again, I think I have raised three excellent points about why the House approach is wrong and why our approach is correct. If someone wants to come and debate it, I will be happy to maybe try to explain it a little bit more.

I can understand some on the other side who say: We have to find a way to pay for it, even if we have already negotiated, et cetera, but when the other side refuses to put even a new penny on the table to help with some of these things, it makes it even harder to achieve what we are trying to achieve.

I thank the Presiding Officer. I hope my colleagues will hear these arguments and let me know if there is anything further we can explain on it. But I think the picture says a thousand words.

I will close with this again: No American should have to sit on their roof, while the water rises, and identify an offset to finance their own rescue. We are a stronger nation than that. We are a bigger nation than that. We most certainly can provide the funding for FEMA, for the Corps of Engineers, and other funding in the way our Budget Control Act stipulates in this budget.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LIHEAP FUNDING

Mrs. SHAHEEN. Mr. President, I am here to urge that my colleagues in Congress and the Obama administration provide the funding for the Low-Income Home Energy Assistance Program or LIHEAP. As you know, in Connecticut, LIHEAP provides immediate critical heating assistance for families and seniors in need during these freezing cold winter months.

Last year, more than 45,000 New Hampshire households received LIHEAP funds. That is more than 106,000 individuals. But unfortunately this year, many of those families have been on waiting lists. Funding for the program has been in limbo at a time when temperatures are dropping.

The Department of Health and Human Services here in Washington has released \$1.7 billion, but so much more is needed. Making matters worse, the Energy Information Administration projects a 10-percent increase in the price of heating oil this winter. That is the highest average winter price ever predicted.

In New Hampshire, more than half our homes rely on home heating oil. It is one of the highest percentages in the country, and the number of families who need assistance is growing every day. State offices are being forced to change eligibility levels for funding as they grapple with uncertainty over future funds.

There are two things that can be done in order to immediately address this situation before it escalates into an even more serious crisis. First, Congress needs to pass an Omnibus appropriations bill as soon as possible. I am very pleased to see the positive progress on this issue; that there has been an agreement announced on an Omnibus appropriations measure.

Hopefully, we are on track to pass that bill either today or tomorrow. The omnibus includes nearly \$3.5 billion in funding for LIHEAP. But we need to

get that money out the door. Once Congress has spoken, is that the administration needs to release additional LIHEAP funds as quickly as possible.

The \$1.7 billion that has already been released is not enough. But the knowledge that additional LIHEAP funds are pending in the omnibus bill we are about to pass should give President Obama the assurance he needs to release more money. I hope once the budget is passed the administration will release these additional funds as soon as possible, because at this holiday season, what better gift could we provide to those families in need than to make sure they have the funds to keep their houses warm this season.

I know it is difficult to argue for more funding these days because of our deficit. Its challenges are clear. In fact, in the Senate, we have already voted, and I was one of those votes, for more than \$1 trillion in cuts to Federal spending this year.

I have continued to call for a comprehensive, balanced, bipartisan plan that looks at both revenue flows and spending. I have been part of the working group, a bipartisan working group, that now has over 40 Senators calling for a \$4 trillion deficit reduction proposal over the next 10 years. But when we cut our budget, we need to look at wasteful spending, at duplicative programs, and at subsidies to industries that no longer need our help.

LIHEAP energy assistance for low-income families does not fall under any of those categories. It is not a frivolous program. It is a program that ensures that vulnerable citizens in New Hampshire and across this country are not forgotten and left in the cold this winter.

I have been hearing from people across New Hampshire about the difficulties they are going to face if this funding is not available and available soon. I wish to just share one of those stories. It is the story of Kim Brandolini of Nashua. In 2010, Kim suffered a series of strokes that left her disabled and unable to work. LIHEAP funds covered nearly all her monthly fuel costs last year.

But this year, because of the cuts, she is on the waiting list. She does not know how she is going to pay to heat her home. She already owes the oil company \$600, and last year she had to pay \$6,000 to replace a broken boiler. Kim is only 44 years old. She is raising a son all by herself. Previously, she served for 14 years in the Army Reserve. Kim does not deserve to be in this situation.

In Nashua, which is one of the warmest parts of New Hampshire, the average nightly low is below freezing for nearly half the year.

If we don't find a way to fund LIHEAP now, Kim and thousands like her will have no way to keep their families safe and warm. We need to act,

and we need to act quickly. Already, the delay in funding LIHEAP has prevented States such as New Hampshire from taking advantage of more affordable bulk purchases of home heating oil. The bottom line is, now that we have a budget agreement, we need to release additional funds so that thousands of New Hampshire families stay warm and don't have to make impossible choices between their basic needs this winter. We can't leave families such as Kim Brandolini's out in the cold this winter. I hope we can get this budget passed as soon as possible and that the Obama administration will release additional LIHEAP funds before Christmas and the end of the year.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

The Senator from Texas.

#### KEYSTONE XL PIPELINE

Mr. CORNYN. Mr. President, I would like to address the Senate on the subject of the Keystone XL Pipeline, which has been reported to be part of the proposed package that would contain the extension of the payroll tax holiday and the expiring unemployment insurance benefits.

There have been some who have raised questions about the pipeline and some who have said they object to it being included in the package, but I would like to hopefully shed a little light—maybe not so much heat—on the subject, coming from a State such as mine, which is an energy-producing state. We are very familiar with the oil and gas pipelines and the safety measures that need to be undertaken to keep them safe and to keep them from contaminating the environment. This is not some sort of alien technology or something the industry does not have the expertise to deal with in a safe and secure and appropriate manner.

The legislation that is being proposed in the payroll tax holiday would require the Secretary of State to issue a Presidential permit within 60 days of enactment—and this does not take the President out of the equation—unless the President publicly determines this project is not in the national interest. So if for some reason—really beyond my comprehension—President Obama were to determine that building this pipeline was not in the public's interest, he could, under the terms of this legislation, essentially veto it. But once the permit is approved, TransCanada would be able to start con-

struction on parts of the project outside of Nebraska.

Now, why outside of Nebraska? As you may recall, Mr. President, a number of people in Nebraska, including their leadership here in the Senate, had concerns about the route of the TransCanada pipeline, the Keystone XL Pipeline within Nebraska itself, but Nebraska's leaders have taken it upon themselves to come up with a new route, which they will do in order to satisfy concerns about contamination of the aquifer in that State.

The one point I would like to emphasize is that we have been talking for a long time—since the financial crisis in September of 2008—about what we need to do to get our economy back on track and to create jobs. Indeed, there was a lot of discussion back during the passage of the stimulus that we needed shovel-ready jobs. But, as you will recall, there were a lot of things that went into the stimulus that did not include infrastructure development. In fact, infrastructure was comprised only of a very small fraction of what the spending on the stimulus actually did.

First of all, let me make clear what we are talking about. This chart demonstrates the existing Keystone Pipeline. In other words, there is already a Keystone Pipeline, but it goes from Alberta, Canada, and terminates in Illinois. That is the orange line. So what we are really talking about is an extension and expansion of the Keystone Pipeline, and it terminates in Port Arthur and Houston, TX, where we have the refinery capacity to make it into gasoline, jet fuel, and the like. So this is the proposed route, as you can see, of the expansion. It hooks up in Steele City, NE, with the existing pipeline going down to Cushing, OK, but then the expansion would be down into Houston and Port Arthur.

I think this is another educational document. These actually are the crude oil and refined product pipelines that currently exist in the United States. So lest anybody feel as if we are doing something new and novel that has never been done, let me try to disabuse them of that notion.

As you can see, this is a huge spider's web of oil and gas and refined product pipelines throughout the United States. Not surprisingly, you see a lot of them concentrated down in my State of Texas but, importantly, a good portion of that pipeline traffic emanates from our No. 1 trading partner in the world, Canada, which is a friend and an ally and a safe source of oil and gas into the United States. As to some people who perhaps wonder about this pipeline and wonder what it all means, this will help allay any concerns or some concerns they might have that we are somehow doing something novel or risky or that we have not done in the past.

Pipelines are simply one mode of transporting oil and gas. You can do it

other ways. You can put it on a tanker truck and drive it down our highways. I happen to think this is a better and safer way to do it than loading up a bunch of tanker trucks to drive down our highways. You can do it through barges, through our inland waterways. But the pipeline is simply the most efficient and safest way of doing it.

Of course, as we all know, these pipelines are by and large buried and more or less unseen. So this is a transportation network for our Nation's oil and gas that most people probably are not even aware of, and I guess that is a good thing, but it is important that people understand what we are talking about.

These pipelines move crude oil from oilfields on land and offshore to refineries, where it is turned into fuels and other products.

You can see down here in the Gulf of Mexico, for example, where we have tremendous reserves of oil and gas. You can see how the pipelines extend even beneath the water out into the Gulf of Mexico.

These pipelines move crude oil to refineries, where it is turned into fuels and other products, and then from the refineries to terminals, where fuels are trucked to retail outlets. One amazing thing about this is this literally happens 24 hours a day, 7 days a week, out of sight and out of mind to most Americans.

Let's talk a minute about safety because this is something on which no one has an exclusive claim when it comes to our environmental and safety concerns. Under the law, any spill associated with one of these pipelines has to be reported—a spill of 5 gallons or more—to the Department of Transportation. There are already a number of Federal agencies that regulate this industry, including the U.S. Pipeline and Hazardous Materials Safety Administration, the U.S. Environmental Protection Agency, and the U.S. Federal Energy Regulatory Commission.

Once this oil gets to the refineries, the U.S. refining sector has invested a lot of money upgrades throughout the country to adapt to the world's changing oil supply, including the increasing percentage of the world's oil that is so-called heavy crude. My understanding is that what comes out of the oil sands in Canada is heavy crude which requires a little different refining capability. But refineries in the U.S. gulf region have long received heavy crude from other countries and are well-positioned to receive and to handle these supplies from Canada.

I think it is important for us to also contemplate not just the economic aspects of this source of oil to be consumed here in America but also that it is not dependent, for example, on imported oil from the Middle East and subject to weather conditions or hostile environments that might other-

wise cause economic and national security concerns here in America.

We hear from time to time that Iran, which we know has growing aspirations for regional influence in the Middle East—and now, with the end of America's involvement in the Iraq war, we know Iran is going to rush in to try to fill some of that vacuum there, and I am concerned about it. But more to the point today is that 90 percent of the Persian Gulf's oil exports and 40 percent of the global seaborne oil trade goes through the Straits of Hormuz, which would be a logical first place for the Iranian Government to choke off—should they decide to create havoc—the oil supply through that vital area. The Straits of Hormuz, of course, is very important in a geopolitical sense.

The point I am simply trying to make is that this is not only a matter of jobs—but it is a matter of jobs in America with the construction of this pipeline—it is not just a matter of how we protect our environment, which is very important—how do we regulate this industry in a way that protects the health, safety, and welfare of the American people—but this is a national security issue as well.

It is also very important in terms of simply the price of gasoline. I am not an economist by training, but I do understand that when there is more of something and given that there is stable demand, you will be able to lower the price when there is a greater supply. It is purely a matter of supply and demand.

I looked online at the price of gasoline a year ago. It was \$2.98 for the price of a gallon of regular gasoline. Today it is about 27 cents higher. Of course, it has been much higher, as you know. But my point is that this is a stable and secure source of oil used to make gasoline and other refined petroleum products that will help bring down or at least stabilize the price of gasoline for consumers.

We all know that in the current economic environment, people are living under much more constrained circumstances. They are having to make choices that I wish the Federal Government would make more often; that is, what things you have to have today, what things you would like to have but you can put off until tomorrow, and what things you maybe would like to have but you are going to have to end up doing without because you simply cannot afford it.

Well, gasoline is something people need in order to drive their kids to school or drive to work, and the increased price of gasoline because of geopolitical uncertainty, because of concerns about supply, disasters such as we had in the Gulf of Mexico—all of those cause disruptions or concerns about disruptions in supply that cause gas prices to go up. So this is another good reason why I believe we need a

stable source of additional oil and, again, from a friendly nation, our No. 1 trading partner, which is Canada.

Let me just quickly go over a few other little factoids that people might find interesting. This is a \$7 billion project. As I said, it is the largest shovel-ready infrastructure project in the United States currently. It has been under review by the Federal Government for 3 years. This is not some knee-jerk or impulsive decision we are asking to be made here; this is something that has been carefully reviewed for its environmental impact.

The good news at a time when unemployment remains unacceptably high is that this project is estimated to cause the creation of about 20,000 jobs. We all know that the No. 1 problem in America today is that too many people are out of work, the No. 2 problem in America today is that too many people are out of work, and the No. 3 problem in America today is that too many people are out of work. This would create jobs at a time when we sorely need them, and that is why this project has gained the kind of bipartisan support that gives me great hope that we will somehow knock down the impediments to building this pipeline so we can get people back to work and we can get that stable oil supply and create economic development in the private sector when we need it most. It is estimated this pipeline would ultimately generate about \$20.9 billion in new private sector spending. We all know that with the Federal Government revenue down around 15 percent of our GDP because of the recession and slow economy, while spending is up around 25 percent of GDP, we need to do two things: We need to cut Federal spending, and we also need to increase growth in the private sector which will produce additional revenue to the Treasury and help us close that deficit gap and begin to chip away at the debt. This pipeline and the jobs it would create and the tax revenues that would be generated will help do that.

This is also important to our relationship with our trading partner Canada. As the Presiding Officer knows, the North American Free Trade Agreement is a big deal in my State of Texas because of the trade agreements between Canada and the United States and Mexico. But this recognizes that our trading relationship with Canada is literally the most important one in the United States. There is something in it for us as well in that for every dollar the United States spends on Canadian products, 91 cents is returned to the United States. There is a close economic security relationship between the United States and Canada.

This pipeline would also encourage development of additional oil resources in the northern part of the United States. North Dakota currently has I believe somewhere on the order of 3 or



4 percent unemployment. One reason why it does is because they have discovered—I can get a confirmation from Senator HOEVEN, perhaps, but one reason why North Dakota has been booming, in addition to great leadership, has been the fact that the Bakken formation there has been the source of a huge supply of oil. Of course, building this pipeline would help further enhance the ability to develop domestic oil and gas resources and put them in the pipeline and get them to the refineries and get them to market.

This is one of the big dangers I think we also need to highlight: In a world where we are so interconnected and where there are so many options available to our trading partners such as Canada, the fact is if we don't create this pipeline expansion for markets where these products come into the United States, then Canada is going to sell it to China or other parts of the world.

The PRESIDING OFFICER. May I remind the Senator that we are operating under a 10-minute time limit. The Senator has consumed 17 minutes and there is now another Senator on the floor.

Mr. CORNYN. I ask unanimous consent to speak for another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. This is as close to a no-brainer as I think we can identify. But this also particularly benefits my State of Texas, which I am honored to represent. TransCanada's direct investment of about \$1.6 million in Texas for the construction and development of the pipeline will lead to gains in business activity in the State of Texas of an estimated \$2.3 billion in total expenditures and \$2 billion in output. The increased economic activity stimulated by the TransCanadian investment in Texas will generate tax receipts in construction of an estimated \$41.1 million to the State and \$7.7 million to local taxing entities. Once these facilities are completed, they will have a useful life estimated at not less than 100 years. Using reasonable assumptions regarding valuation and tax rates, these assets are estimated to yield more than \$1.1 billion in property taxes to local governments in the State, which are the primary source of funds for public education, among other things.

I recognize the distinguished Senator from North Dakota is here on the floor and I wish to yield to him. I appreciate the opportunity to address this issue. I would point out that this project has strong bipartisan support. I invite my colleagues—who perhaps are not as familiar with the importance of this pipeline project to the economy of the United States and job creation and who may not be aware that this is nothing new; this is something we have done before in a safe and environmentally

responsible way—to join us and perhaps reconsider their view so we can get this done and help get 20,000 Americans back to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to speak on the subject of the Keystone Pipeline. I am pleased to follow my esteemed colleague from the great State of Texas. I think it is only appropriate that I follow him, both because I agree absolutely with his remarks and I think it shows the importance of this project to North Dakota and Texas and across this country. This is an incredibly important project, so I am pleased to be here again today to address it.

RUSSELL EVENMO

First of all, let me say it is nice to welcome Russell Evenmo to the floor on his last day. He has done an outstanding job working for me. He also has my chart, so I am glad we are able to get him on the floor.

The legislation we have authored on the Keystone Pipeline is included in the House package that provides an extension for the payroll tax cut. It is very appropriate that it is in that package, so I come today to talk about some misperceptions I am hearing out there in regard to this legislation. The first is that somehow this is an add-on to the payroll tax holiday extension legislation which some think shouldn't be there. I wish to address that, because it is absolutely where it should be. It is a jobs bill. The extension of the payroll tax cut, the payroll tax holiday, is about helping to create more jobs in this country. It is about helping people who are out there working hard every day. It is about stimulating economic activity. It is a tax reduction to help get this economy going and to help get people back to work.

Keystone is a jobs bill. It belongs in a jobs package. This is a jobs package. This is about creating jobs. It creates jobs without the Federal Government spending 1 penny. In fact, this will generate hundreds of millions of dollars of State and local tax revenues. It will generate private investment, but it will create jobs. This is a jobs package. So I wish to address that misperception I have heard from time to time and respond that this does belong as part of a jobs package. Of course it does. This is how we create jobs.

I appreciate greatly the esteemed Senator from Texas speaking about some of the things that are going on in North Dakota, and he is absolutely right; Texas has a long history with the energy industry. North Dakota is increasingly becoming a stronger and stronger energy player in all types of energy. We have wind; we have hydro; we have biofuels; we have biomass; we have solar. We are now the fourth largest oil-producing State in the country. Next year we will be the third largest

oil-producing State in the country behind only Alaska and, of course, No. 1, Texas. But to do that, we need infrastructure. We need to be able to transport our oil—oil that we produce—to the refineries around the country. We will put 100,000 barrels of oil a day that we produce in North Dakota into this pipeline and get it down into the gulf refineries. So this isn't just about moving Canadian crude into the U.S.; this is about moving our own domestic product as well.

As the Senator from Texas may have explained, there is a backlog of oil in Cushing right now, which is a hub for oil. But we need to move that oil from Cushing, in Oklahoma, down to the refineries in Texas and Louisiana. This pipeline will move that product to these refineries. So, again, it is not just about moving Canadian crude into the United States; this is about moving product throughout the United States as well where we have serious bottlenecks. When we have those bottlenecks, our producers in North Dakota get less. They face a discount. If the product has to move by rail or by truck, we suffer a discount. That affects not only the oil companies themselves but it also affects the individual producers, the mineral owners who get royalty payments. This is about truly creating economic activity.

The first point I want to emphasize is that this is absolutely—is and should be—part of this jobs package.

The second point I want to talk about for a minute is that the concern has been expressed that somehow we are rushing this process. Somehow we are not taking enough time in terms of approving this pipeline, so maybe that could create an environmental concern. Nothing could be further from the truth. We are taking more time than we did for almost the exact same project that has already been approved.

This red line here on this chart is the Keystone Pipeline. The Keystone Pipeline runs from Alberta, Canada, down to Patoka, IL. It brings product down to refineries in the United States. That pipeline has not only been approved but it has been built. It moves 590,000 barrels a day of oil from the Alberta, Canada area down to our refineries. That has been approved and built, and we are moving almost 600,000 barrels of oil today. This is the Keystone XL project, right next to it—a very similar project.

I want to talk a little bit about the timeline on this as well. I was formerly the Governor of North Dakota. While I was Governor, TransCanada built the Keystone Pipeline and now they are working to build the Keystone XL Pipeline. Let's walk through that timeline for a minute. First let's start with the Keystone Pipeline. That project initially applied for a permit on April 19, 2006. The final environmental impact statement was issued 2 years

later—actually less than 2 years later. It was issued on January 11, 2008. So in less than 2 years, this project, very similar—in less than 2 years they got a final environmental impact statement. And amazingly enough, within 60 days after that final environmental impact statement it was signed off on and approved by the State Department. It had final approval. So it all happened within a 2-year process for that project.

Now let's talk about the Keystone XL project. Keystone XL: Trans-Canada, the same company, is building it. The same company is building both projects. They filed for a State Department Presidential permit in September 2008. That is when they filed for their permit. They went through the whole process. They got a final environmental impact statement on August 26, 2011—3 years.

The first project, the whole project was approved in less than 2 years. This project, we have already been at it for 3 years. So people are saying this is rushing—somehow rushing the project. Almost an identical project, fully approved from start to finish in 2 years, and we are sitting here 3 years later, and we don't even have approval yet, and we are rushing the process somehow.

Furthermore, the Department of State indicated that after all this environmental work—after 3 years of environmental work the State Department said, We are going to have a decision out before year end, meaning now. Before the end of this year, the State Department says, we are going to have a decision.

So myself and others who have been working on this say: Well, that is great. Finally, we are going to get a decision. Then all of a sudden the administration says: No, no, we are not going to have a decision. We are going to need another 18 months. We are going to need another 18 months somehow because there is concern about the route through Nebraska. That was the concern.

So the State of Nebraska then—let's make sure I have my dates right—then said: OK, we are concerned in Nebraska. But we are going to address the problem. We are going to solve the problem. The State of Nebraska had a special session on November 1 of this year, which concluded on November 22. In their special session, they agreed that they would reroute the Keystone XL Pipeline as to the route in Nebraska. The concern was that it went through western Nebraska, what is called the Ogallala Aquifer or the sandhills region. There is a lot of irrigation there. Even though there are other pipelines there, they said: We do not want it in that part, so we will agree to reroute the pipeline in Nebraska.

All this legislation provides, the legislation we have written—and there

have been other bills on this—but the legislation included in the House package we are working to get passed in the Senate, here is what it says: 60 days after the bill is passed, the President, through the Department of State, has to make a determination on whether this project is in the national interest. They do not have to say yes. They can say yes or they can say no, but they have to determine whether it is in the national interest—60 days after the bill is passed.

But as to the Nebraska piece, we say, Nebraska's Department of Environmental Quality will work with EPA and the State Department and take the time they need to reroute in Nebraska. Because that was the concern. It does not set a timeline on how fast they have to do it. It says: You have the time you need to reroute and address the concern that was raised.

This legislation is all about solving the concern that was raised so this project can go forward. It does not set a timeline on it. Again, where is this rush that it could somehow create an environmental issue? It is not there.

The point is this: If we do not pursue this project, this oil will still be produced—700,000 barrels a day—700,000 barrels a day of Canadian crude. It will still be produced. But instead of coming down to our refineries in the United States, instead of creating jobs in the United States, instead of reducing our dependence on oil from the Middle East, the oil is going to China. That pipeline, instead of going south, will go west. The product will be put on oil tankers and it will go to Chinese refineries. In the Chinese refineries there will be higher emissions, lower environmental standards. So you are going to have more emissions, more environmental impacts.

Again, I come back to the point: Are we going to create more energy independence for ourselves, are we going to create more jobs here, or are we going to send that product to China? Because that is the choice. That is the real choice. Do you want to deal with reality, real terms? That is the choice we face.

Look, this project is about creating jobs. It belongs in a bill that is about creating jobs. This—and I will wrap up, Mr. President—legislation is about reducing our dependence on oil from the Middle East—700,000 barrels a day—not to mention the product it helps my State of North Dakota, Montana, and others move down to our refineries in Texas and Louisiana.

With this pipeline, we will have better environmental stewardship, not worse. This is a project on which we need to move forward. We have drafted this legislation. We have worked on a bipartisan basis to get legislation that addresses the concerns. It is time to move forward. I urge my colleagues to support the legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I want to talk on a number of issues, but I would tell my friend from North Dakota, I very strongly disagree with him about this Keystone XL Pipeline. For those of us who are concerned about global warming, and all of the destruction that is currently taking place because of global warming, and will increase in years to come, this Keystone XL project is exactly what we should not be doing.

#### EXTENSION OF MORNING BUSINESS

Mr. SANDERS. Mr. President, I ask unanimous consent that the period for morning business be extended until 7 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OMNIBUS APPROPRIATIONS BILL

Mr. SANDERS. Mr. President, before I get to the Keystone issue, I want to suggest that at this particular moment, at the very end of the congressional session, before the end of the year's work, it is a strange moment in Congress because you have, behind closed doors, negotiators from the House and the Senate—Republicans and Democrats—trying to put together large and complicated bills, and the concern I have—and I speak only for myself, but I think other Members in the Senate feel the same way—is we are suddenly going to be given a fait accompli, a complicated and long bill with many implications, many very important provisions, and then we are going to be asked to vote on it with not having had much input into the bill or even the ability to digest it fully and know what it means to our constituents.

Let me touch on some of the issues that concern me, and let me also say that what I am going to be referring to are reports in the media. I do not know what will be in the final product. I am not sure anybody does. But here is some of what the media is reporting that might be in the payroll holiday tax bill—or what might not be in it, for that matter.

One of the issues I believe very strongly about is that at a time when the middle class is disappearing, when poverty is increasing, and when more and more Americans understand that the wealthiest people are doing phenomenally well, and yet their effective tax rate is the lowest in decades—an issue Warren Buffett keeps reminding us about—that it is almost definitely going to be the case that while we continue to cut programs or raise revenue from the middle class and working



families, the wealthiest people in this country will continue to avoid paying anymore in taxes. So we have a situation where the effective tax rates on the wealthiest people in this country are the lowest in decades, and yet, once again, as we talk about deficit reduction we are going to cut this program, we are going to cut that program, and yet the wealthy—millionaires and billionaires—are not going to be asked to pay one nickel more in taxes. I think that is wrong, and people should understand that in all likelihood that is exactly what will happen again.

Furthermore, we have major corporations, companies on Wall Street, oil companies that in recent years have made billions of dollars in profit and yet have, in some cases, believe it or not, not paid one nickel in Federal corporate income tax because of a wide variety of loopholes.

We have a situation where we are losing tens and tens of billions of dollars—a hundred billion dollars—a year because of all kinds of tax havens which exist in the Cayman Islands, Bermuda, other countries. Large corporations, wealthy individuals can shelter their money, not pay taxes, and then the result is revenue declines in the United States, and my friends in the Republican Party suggest: Cut this, cut that, go after Social Security, go after Medicare, go after Medicaid, go after education, go after environmental protection. Yet once again—once again—the wealthiest people in this country will not pay a nickel more in taxes, large corporations will continue to enjoy huge tax loopholes.

Second of all, as somebody who believes it is absolutely imperative this country transform its energy system away from fossil fuel, away from greenhouse gas emissions, and moves to energy efficiency and sustainable energy, I am very concerned that in the legislation we will be dealing with today or tomorrow—or Sunday or whenever—there will not be an extension of important programs for renewable energy.

One of the most important is the 1603 renewable energy extender. This is a Treasury grant program which helps provide financing for renewable energy projects by converting an existing tax credit into a grant.

This one program, which costs barely more than \$1 billion, has leveraged \$23 billion in private investments. It supports 22,000 renewable energy projects in all 50 States of our country. It has created up to 290,000 jobs. If we do not include the 1603 program in legislation, it will expire at the end of this year. What we have seen, time and time again—whether it is wind, whether it is solar—is, if we do not extend these programs, investments in these technologies significantly decline, we lose jobs, we lose our ability to compete internationally in terms of becoming a leader in sustainable energy.

I hope very much what I am hearing in the media and other sources is not correct. I hope, in fact, the 1603 Treasury grant program is included in any legislation that we vote on. That is an issue of major concern to me.

We have today a declining middle class. We have 50 million people who have no health insurance. We have a lot of elderly folks who, despite Medicare, pay a great deal of money out of their own pockets for health care. What I am hearing—again, I do not know what will be in the final package, but what some media reports suggest is, there are proposals out there to increase Medicare income-related premiums by 15 percent, starting in 2017, and also that there are some ideas out there which would decrease the income at which beneficiaries pay these income-related premiums to \$80,000 for an individual and \$160,000 for a couple. What this would mean is that older people will have to pay more for health care. In some cases they cannot afford to do that. I hope very much that does not happen.

When we talk about Medicare in this country, we have to talk about the overall health care crisis, which is not only that 50 million people are uninsured, it is not only that health care costs for all health insurance companies are soaring—or virtually all of them—but we have to ask why it is in the United States of America we end up spending almost twice as much per capita on health care as do the people of any other country.

Yesterday in my office I had a member of the Australian Parliament. In Australia, all people have health care as a right. Prescription drug coverage is largely covered by the government. Their costs for prescription drugs are much lower because their national health care program negotiates prices with the drug companies. Yet in our country the situation is very different.

What we want to do is not ask middle-income people to be paying more for their health care at a time when many of them are paying already more than they can afford. So the changes in Medicare which I have been reading about are something that concern me very much.

There is another area out there which I think will have profound implications for our economy. The House Republican leadership passed a bill recently as part of this conference negotiation going on now to slash unemployment insurance in half and cut up to 40 weeks of unemployment benefits. If this legislation were to become law—and I certainly hope it will not—it could lead to the loss of 140,000 jobs and hundreds of thousands of unemployed workers, who lost their jobs through no fault of their own, losing their benefits.

Here we have a situation where, in real terms, 25 million Americans are unemployed or underemployed, long-

term unemployment is the longest on record, we have more people who are experiencing long-term unemployment than at any other time we can remember, and the solution our Republican friends want to bring about—after fighting to make sure millionaires and billionaires are not asked to pay more in taxes—is to slash unemployment insurance in a very significant way.

Now, there is another issue dealing with employment above and beyond unemployment insurance; that is, that the House Republican bill, the ideas that they are bringing into the conference, would freeze Federal employee pay through 2015, and over a period of years reduce the civilian workforce by 10 percent, cutting some 200,000 decent-paying jobs.

Now, let's be clear. For Federal employees there has already been a pay freeze for the last 2 years. Those are the nurses in our Veterans' Administration hospitals. Those are people who are making \$30,000, \$40,000 a year. There is now a proposal to once again extend the freeze to them.

This is a real cut in real wages because inflation is going up for our Federal employees. But what concerns me equally is not only the impact this freeze would have on Federal employees, it sends a signal to every employer in America who says: Well, yes, I know you guys have not gotten a wage increase in a number of years. I know that I have asked you to pay more for health insurance. Yes, we have cut back on your pensions. But guess what. In Washington, the Congress says they are going to once again, for the third year, freeze Federal pay. In fact, they are going to ask Federal employees to pay more, too, for their pensions, which means a cut for many Federal employees. Well, if the Federal Government can do it, it says to private employers all over America so can they.

One of the points President Obama has been making and why he last fought for a middle-class tax cut is that he wants to put more money into the hands of working families. I understand that. I agree with that concept. But what is the sense of providing tax breaks for the middle class on one hand—a concept which I support—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANDERS. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. What is the sense on one hand in saying, we need to put money in the hands of the middle class through a tax cut, and, on the other hand, send a green light to employers all over this country who will now look at the Federal Government and then say to their employees: Hey, the Federal Government has frozen wages for a

third year, cut back on pension programs, and we are going to do that as well.

Lastly, but not least, for whatever reason, my Republican colleagues in the House have put into this mix of a payroll tax holiday a demand that the Keystone XL tar sands project be completed; that the President be forced, as I understand it, to make a decision on this within the next several months.

The reality is that among many other factors, the inspector general of the State Department is currently investigating whether the State Department acted inappropriately in appointing a particular company to do the environmental study which, amazingly enough, given the fact that I think they had a conflict of interest, ended up in a very positive light.

So the inspector general is now looking at a conflict of interest issue in terms of the environmental study which will take a bit of time. Furthermore, I think many of us understand that at a time when greenhouse gas emissions are rising rapidly in this country and all over the world, at a time when virtually the entire scientific community tells us that global warming is an enormously significant problem for the future of our planet, at a time when we are seeing increased floods and droughts and extreme weather disturbances, anyone who has studied the issue understands that in terms of global warming, the Keystone XL tar sands pipeline is a very dangerous project.

Producing energy-intensive tar sands oil emits 82 percent more carbon pollution and contributes more to global warming than conventional oil, according to the EPA.

With that, let me conclude but just suggest that I think we need to be discussing publicly some of the issues that we may be voting on in a very short period of time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

#### FEDERAL DEFICIT

Mr. SESSIONS. Mr. President, we will be voting, I understand, on three pieces of legislation from the House. One is a massive omnibus bill that would include 9 of the 13 appropriations bills that should be brought up individually and voted on individually, with amendments on each one. They have all been cobbled together now at the end of the year in one giant omnibus bill, with only a few hours for us to review their contents.

In addition, there will be a vote to offset certain emergency expenditures—in other words, pay for these new expenditures with savings elsewhere in the government rather than borrow the money for it—add to our debt for it. A third vote will be, in ef-

fect, to fund and appropriate the money that would be so offset or spend it by borrowing it if it is not offset.

I would just share with my colleagues one particular thing. The Presiding Officer, Senator WHITEHOUSE, is on the Budget Committee, and our staff has looked at these budget numbers. I would just advise my colleagues—I believe they should vote to offset the additional expenditure. This is the reason: The Budget Control Act enacted this summer was part of an effort where Republicans said: We will raise the debt limit, but we want you to cut spending. We need to cut back on spending because we have had a series of deficits the likes of which the Nation has never seen before. We have to do better. We need to reduce spending.

Our Democratic colleagues resisted. So when it was finally done, it was a \$900 billion-plus reduction in spending, which was to occur over 10 years. Plus, the committee of 12 was supposed to find \$1.2 trillion more if they could. If they could not, there would be an automatic cut of that. So it would be about a \$2.1 trillion savings over 10 years.

Experts have told us we need at least \$4 trillion in savings over 10 years, not \$2 trillion. But it was a step in the right direction, and that was the best that could be done under the circumstances. So the bill was passed. What I want to say is that under that legislation, it was discovered that this year—the current fiscal year, that began October 1—we were going to spend \$1.43 trillion instead of the \$1.5 trillion we spent last year. So there was a lot of heartburn and complaining. We are only cutting \$7 billion out of the discretionary portion of our budget, not Social Security and Medicare, but other programs that are going up every year: food stamps, college loans, Pell grants.

So we were going to cut at least the discretionary accounts by \$7 billion, from \$1.50 trillion to 1.43 billion. But I have to say, we are not going to achieve that. Just as has so often been the case, we promise reductions in spending but do not get there. You would think that we could find \$7 billion. You would think that is not too much to ask this government, that has been increasing spending at a substantial rate, to reduce spending a little bit.

In fact, in the first 2 years of President Obama's administration, non-defense discretionary spending went up 24 percent, a dramatic increase. So to reduce spending and try to get this huge deficit under control is not too much to ask, in my opinion. Indeed, we are borrowing 40 percent of every dollar we spend. This year we will spend about \$3.6 trillion and take in about \$2.2 trillion or \$2.3 trillion. That is just not any way to do business.

This will be the third straight year that has happened. So we were looking

for some improvement. I would just say to my colleagues, this is one little offset, \$8 billion in additional spending, and it will determine whether we have any reduction in spending or whether, in fact, contrary to our promises this summer, we will spend more this year than last year.

These are the numbers as we have calculated them from the Budget Committee staff. The regular appropriations would be this year \$1.43 trillion, but they have added to it disaster and other spending of \$11 billion, which would mean we would be spending \$1.54 trillion, more than the \$1.50 trillion we spent last year. We would be spending more, not less.

The House has sent over a bill that would offset \$9 billion of that, which would bring the total spending this year to \$1.45 trillion. That would reduce our spending this year by \$5 billion, not as much as we promised in the Budget Act but at least a modest reduction.

It is a very important vote. It is a symbolic vote. It says: Are we honest with the American people when we go before them with a bill that says we are going to spend less than we spent last year, even if it was a small amount? We cannot even achieve that.

Perhaps that is why people are unhappy with us. We have been promising them that we would do something about the debt situation in this country. But we have not done much. As a matter of fact, we have done almost nothing.

So I would just urge my colleagues to think about that as they cast their votes on this portion of the House legislation, which has not been discussed much among our colleagues, and not particularly well-understood. But I do think it is important. I think it is an important, symbolic vote.

Are we willing to do that? It would amount to about a 1.86-percent, less than 2 percent across-the-board rescission to offset spending on the other spending items, exempting defense and some other items. Defense, of course, has taken dramatic cuts already. They are working on very dramatic cuts, and as a result of the failure of the committee of 12, they will take a huge cut.

The Defense Department has taken, on a percentage basis and a real dollar basis, far more in reductions than any other department. Of course this is not for war spending. War is in a separate overseas contingency account. This is the base defense budget that is taking the cuts. I wanted to share that with my colleagues.

I also appreciated Senator HOEVEN's presentation on the Keystone Pipeline. And I truly believe, and agree with my friend from Vermont, that unemployment is a tremendous problem for us.

What I don't agree with is that it can be fixed by borrowing and spending and taxing. That is what we have seen lately. I suggest that one way to deal with

unemployment is to not spend any government money, get the government bureaucrats busy, examine this pipeline. We have pipelines crossing all over this country. If we bring those under control, approve this pipeline, it will add 20,000 real jobs and 100,000 indirect jobs and make this country more safe and secure from foreign energy exploitation.

I yield the floor.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak for as long as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

#### OMNIBUS APPROPRIATIONS CONFERENCE REPORT

Mr. MCCAIN. Mr. President, I rise to discuss the Omnibus appropriations conference report that I guess will be before this body at the pleasure of the members of the Appropriations Committee.

I call my colleagues' attention to the size of this bill. There are 13 agencies of government, all appropriations bills, and none of this, because of the pressing issues of the calendar, will be open to any amendments—no amendments regarding all these functions of government and a cost of, in this particular bill, it is \$915 billion. These are 9 appropriations bills of the 12. This contains \$915 billion that we will probably be considering, and because of the fact that we all have to get out of town—and I am one of those—we will vote sometime tomorrow, and we will be able to tell our constituents we have completed our task for the year, at least as far as funding the government to continue—as we seem to threaten to do every year, although I am not sure people are as frightened as they used to be.

This bill before me is 1,221 pages long and contains funding for nine of the annual appropriations bills, for a grand total of \$915 billion. If you add the three appropriations bills already enacted, we are going to spend \$1.043 trillion. That is a fantastic improvement because last year it was \$1.1 trillion. So I am glad our constituents, whom we promised, when some of us, such as myself, ran in 2010 for reelection, that we would get this \$15 trillion debt under control—and we go back to Washington and eliminate the reckless and out-of-control spending, I am sure they will be pleased to know that instead of \$1.1 trillion, we are now down to \$1.043 trillion—a reduction of approximately 5 percent. We can get a better deal than that at the Macy's Christmas sale. Of course, not to forget the earmarks—here it is.

I am confident no average Member of the Senate—what I mean by that is not a member of the Appropriations Com-

mittee has had a chance to peruse this hernia-inducing piece of legislation. If it sounds like I am a little cynical and a little angry, it is because I am, and the American people are cynical and angry.

There are 535 Members of Congress. All of us are sent by our constituents to represent them. But I think the American people and our constituents should know this is a report on a bill that is signed by 37 Members of the House and 17 Members of the Senate. There are 535 Members, and these are the ones who put this together. It is full of hundreds of earmarks, pork, unnecessary spending, and projects in the defense portion of the bill, which I will be talking a fair amount about, which are neither requested nor needed by the men and women serving in the military. It is full of things I will talk about later on, such as artifact museums for Guam, medical research—this is in the Defense appropriations bill and has nothing to do with defense.

Then we begin to wonder why the American people have such a low opinion of our performance in our Nation's Capital. I saw a poll that says it is as low as 9 percent. Hopefully, that is not representative—maybe it is a 10-, 11-, 12-percent approval rating. We were debating a bill last year that had \$1.1 trillion and contained 6,488 earmarks that totaled \$8.3 billion. Now we have a bill that is \$915 billion, and this year we have no traditional earmarks, but there is \$3.5 billion in unauthorized spending in the Department of Defense portion of the bill alone—the Defense appropriations part of it is \$3.5 billion, on which there has never been a hearing, and it has never been considered by the Armed Services Committee. If it was, it was rejected. So we have \$3.5 billion just in the defense part of the bill. Nobody wanted it or asked for it, neither the military, nor the services, nor was there a hearing. They added \$3.5 billion in the Department of Defense alone.

I think the men and women in the military deserve better than some of these earmarks that I will talk about. Here we are, we are going to rush and beat the clock, and we haven't even moved to this piece of legislation yet. In case some of our constituents don't know, a call will be made to everybody saying please agree to a few hours' time agreement so we can vote tomorrow and we can all go home, and we will. There will not be a single amendment debated and voted on, on this bill on this floor. I would like to say we didn't see it coming, but the fact is we did see it coming.

In keeping with the regular order and legislating requirements of the Senate, the Armed Services Committee—of which I have been a proud member for many years—scheduled and conducted more than 70 hearings, vetted the President's budget request, and re-

ported a bill out. Seven months later, we moved to the floor of the Senate and we did authorize funding and hundreds of millions of dollars and the appropriators decided they knew better. We have a fundamental problem in the Senate, and we are unable to engage in the process of authorizing prior to the regular appropriations. What is the outcome? A handful of people—all good, honest, decent people, I am sure—and unelected staff disburse hundreds of billions of dollars, often in a manner that directly contradicts the will of the authorizers—those who are entrusted in their Committee assignments to authorize what is necessary to defend this Nation.

So here we are at the eleventh hour ramming through a measure so we can get out of town for the holidays. I will talk about some of the provisions, most of which are in the Defense appropriations portion of this conference report.

Section 8083 of the bill permits the Secretary of Defense to transfer operations and maintenance funds. Operations and maintenance funds are supposed to buy the gas and the spare parts—the things that keep the military machine moving. That is what it is. So \$33 million goes to Guam, and this funding is in direct contradiction of the explicit direction that was in the conference report that prevented this because we knew it was coming.

If this omnibus bill were subject to amendment, I would immediately seek to strip the funding from this bill. Let me be clear. This funding I am talking about for Guam is a “bridge to nowhere.” The money, in part, is to provide the Government of Guam funds to buy 53 civilian schoolbuses. They put money in the Defense bill for 53 schoolbuses and 53 repair kits for the buses for \$10.7 million. That is to buy schoolbuses and repair kits for Guam. Why? Why would we want to do that? Their reasoning is because we are redeploying marines from Japan. But we have paused that redeployment in the authorization bill because we don't know exactly how to do it. So we are pausing the redeployment of marines; meanwhile, the appropriators move forward and put \$10.7 million in to buy civilian schoolbuses, and not one single marine, sailor or airman has been assigned to Guam as part of the intended buildup that would justify in any way using that money.

What else are we buying with this \$33 million? Well, \$12.7 million is intended to be used for a cultural artifacts repository. I am not making that up—\$12.7 million of your tax dollars is buying a cultural artifacts repository in Guam, in the name of the redeployment of the U.S. marines from Japan, which is not taking place. They claim it is related to artifacts that will be dug up during the major military construction projects that have been

planned for Guam as part of the buildup. But with the agreement of the Pentagon, we have put it on hold.

I guess it is important when you are doing a military construction project to preserve the artifacts. The money intended for this cultural artifacts repository is, at best, early, and much less if it were ever needed. So here we are with an investment of at least \$33 million on a "bridge to nowhere" to hold artifacts that will never be dug out of the Earth.

The money in this Defense appropriations bill for this cultural artifacts repository is actually going to be spent to build a 20,000-square-foot museum, most of which will be used for the storage of existing artifacts and existing administration, completely unrelated to the major military construction projects associated with the buildup on Guam.

They get the benefits of \$12.5 million in Federal largess for a new museum, which otherwise they could not get. I would like to say there are many citizens of Arizona who are out of work, whose homes have been lost, and who would benefit from any sort of action by the Federal Government—the holiday season is approaching in my State and all over America where there is not enough money to fund the food banks, and we are going to spend money on schoolbuses and cultural repositories in Guam.

That is not the end of the story. This initial funding grant to Guam of \$33 million includes \$9.6 million for the first phase of a mental health facility. They claim that is somehow related to the proposed military buildup on Guam. I am still trying to sort that one out. Without one additional marine or his family being stationed on Guam, how does a proposed buildup not happening for years help with a mental health facility on Guam?

It might not surprise you to learn this money for a new mental health facility has nothing to do with any marines coming to Guam but is required to satisfy a current Federal injunction that mandates the construction of a new facility. So take it out of Defense. Take it out of the hardware and the operations and maintenance our men and women in the military need.

Our committee did the research for these projects. We reviewed the working papers of the Department of Defense's Economic Adjustment Committee and found this funding would not go to its priorities and decided, as a conference, not to support the authorization.

Mr. President, I ask unanimous consent to have printed in the RECORD the Working Papers Excerpt of DOD's Economic Adjustment Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### ECONOMIC ADJUSTMENT COMMITTEE 2010 GUAM SOCIOECONOMIC NEEDS ASSESSMENT WORKING PAPERS

##### SUMMARY OF PROJECTS ASSESSED

##### PUBLIC HEALTH AND HEALTH CARE—GUAM MENTAL HEALTH AND SUBSTANCE ABUSE FACILITY

Recommendation: Consider for Fiscal Year 2012 budget submission. A Federal injunction mandates Guam Department of Mental Health and Substance Abuse to hire additional staff and construct a new facility to provide for approximately 60 percent of identified and un-served cases. Projected military buildup induced growth could adversely impact the island's mental health and substance abuse system. A new \$34.2 million facility provides enhanced treatment services in counseling, physical training, recreation, daily living assistance, peer support, and speech therapy.

##### CULTURAL—CULTURAL REPOSITORY

Recommendation: Consider for Fiscal Year 2012 budget submission. Federal law requires the U.S. Government to curate and archive cultural artifacts discovered as a result of U.S. Government construction. Guam's existing space to receive, study, and store such unearthed cultural artifacts is inadequate. A \$12.7 million Cultural Repository will provide 20,000 square feet of curatorial and administrative spaces. Currently, the majority of Guam's artifacts reside in foreign museums for archival storage.

##### EDUCATION—BUS FLEET

Recommendation: Consider for Fiscal Year 2012 budget submission. This \$10.7 million project buys 53 school buses and associated spare parts' packages to correct Guam's severe shortage of school buses. Future induced population growth will further strain the busing system.

##### EXCERPTS

##### PROJECT 1: GUAM MENTAL HEALTH AND SUBSTANCE ABUSE FACILITY

GovGuam provided an initial \$34.2 million cost estimate to build a new mental health and substance abuse facility at Oka Point. When completed, this facility would provide enhanced treatment services that include counseling, physical training, recreation, assistance with activities of daily living, peer support, and speech therapy, in addition to other efficiencies gained through close location to other related inpatient and outpatient medical care. Presently, the GovGuam Department of Mental Health and Substance Abuse (DMHSA) program is managed by the court-appointed Guam Federal Management Team (FMT) and the Guam Mental Health Planning Council. DMHSA is currently under permanent Federal injunction and is required to hire additional staff and construct a new facility to address their deficiencies. Due to inadequate staff and facility resources, DMHSA is not able to provide services to approximately 60 percent of 1,400 identified as requesting assistance.

##### PROJECT 2: CULTURAL REPOSITORY

The Federal Team reviewed a \$12.7 million project cost estimate from GovGuam for the design, construction and outfitting of a Cultural Repository that would provide 15,000 square feet to store existing artifacts, artifacts anticipated to be discovered during the buildup of military forces on the island, and an additional 5,000 square feet of space for administrative offices. Presently, GovGuam provides artifacts to foreign museums for exhibitions or stores them in 7,600 square feet of space split between two floors of an office building. This storage space is presently over

capacity and does not meet cultural storage requirements, including environmental controls. The proposed facility would be located on government owned land and be adjacent to the future Guam Institute of Natural History and Cultural Heritage (GINHCH). The present facility would be decommissioned and the artifacts would be transferred to this new facility with the remainder of the space projected to be occupied in 10 years.

##### PROJECT 3: SCHOOL BUS FLEET

GovGuam estimates \$10.7 million is needed to purchase 53 school buses and spare parts packages. The school bus fleet provides transportation services to all non-DoD students on the island for both public and private schools and for extracurricular activities. The bus fleet is also an integral part of the island's emergency response plan and is used for population relocation during large scale events. Currently, the fleet operates only at 47 percent, requiring buses to be triple cycled during the day. Schools also start classes at different times in order to ensure that all children can be bused to school. Daily bus runs begin before 6:00 a.m., resulting in some students arriving well before classes begin. Subsequent morning bus cycles often deliver students to school well after classes have begun. At the end of the school day, students are often delayed by hours in their departure from school due to school bus shortages.

Mr. McCain. Mr. President, this is not the way Congress is supposed to work. Authorizing committees exist to provide specific congressional approval of Federal spending. Appropriations committees and subcommittees exist to take the available Federal dollars and allocate them to programs consistent with the authorizations that have been provided by the authorizing committees. In no way do appropriations committees have the legitimate authority to override the specific direction of authorizing committees when those authorizing committees have spoken to a matter and denied authority for a specific type or level of funding.

This is why the approval rating of Congress is in single digits. The American people have seen through this. They see this kind of abuse and waste and they have had enough of it. If you don't understand the rise of the tea party, you can start by looking right here.

It is not as if this issue was somehow hidden from the leadership of the Appropriations Committee. I wrote to the chairman and ranking member of the Appropriations Committee. Let me give a few examples of what the Appropriations Committee has done.

There is a program called MEADS—the Medium Extended Air Defense System. The program was supposed to have been terminated as originally proposed in the Senate version of the bill. The Defense appropriations portion of the bill is at \$390 million, nearly the entire \$406 million requested. We found out the Appropriations Committee was going to fund the program, and I felt compelled to ensure the final Defense authorization conference report prohibits any funding beyond 2012. Under

the requirements imposed by the Defense authorization conference report, this year's funding will be restrained by prohibiting the Department from spending more than 25 percent until the Secretary of Defense provides a plan to either restructure the program in a way that requires no additional funding or terminates the program. So we wanted to get this report from the Secretary. But what did the Appropriations Committee do? The full \$406 million.

I think my colleagues should understand, they have decided to never put this system—the Medium Extended Air Defense System—into operation. They want to have a corporate memory, a memory of what they have learned in spending what ends up to be a couple of billion dollars.

The Next-Generation Bomber. The President asked there not be money proposed for the Next-Generation Bomber, but the appropriators chose to add \$100 million—\$100 million. This is money for the Next Generation Bomber that was not requested by the Air Force nor was there any testimony by the Air Force leadership, either civilian or military, in support of this additional huge addition in funding. It magically appeared here.

This morning, I tried to find out if this money would be wisely spent, and the answer is no. We called the Air Force Chief of Staff. They said they didn't request the funding. They do not want it. The money is ahead of need, meaning it could not be applied to the program in an effective or efficient manner.

The analysis of alternatives, which helps determine what the capability of the bomber should be, will not be completed for another year and a half. The capabilities requirement document, which is key to ensuring the new bomber design is stable—which is needed to determine if increased taxpayer dollars should be invested in the new bomber—is not complete and will not be complete for a couple of years. Finally, they wanted to use this money to sustain the bomber force they have.

So why? Why? Why would we add \$100 million when there is absolutely no way it could be used? Well, I can only say there are reasons for it. I will not make allegations, but it is not magic. It is not something that appears out of thin air.

There is a program called Combat Dragon. Of approximately 100 unrequested and unauthorized additions above the President's budget request found in the appropriations bill, one of the more interesting ones is a \$20 million allocation for an obscure aircraft program called Combat Dragon II. The name is interesting. Sounds pretty exciting. You won't find it in the President's budget request. It didn't appear in our authorization bill. So I asked my staff to find out what happened.

The purpose of the program: Combat Dragon II is to lease up to four crop-duster-type aircraft and to outfit them with machine gun pods, laser-guided bombs, rockets, and air-to-air missiles. I asked if this request was justified, vetted, approved in any way. The answer was no, no, no. There is no urgent operational requirement for this type of aircraft.

After a little investigation, we found this aircraft lease will not be—surprise, surprise—competitively awarded. As such, it is effectively earmarked for a particular aircraft manufacturer that has the corner on this particularly obscure part of the aviation market.

The C-17. The Defense appropriations bill adds \$225 million—only \$225 million—for an unrequested, unauthorized C-17 aircraft that no one in the U.S. Air Force or the Pentagon thought we needed. According to every strategic planning document, the Air Force has an excess capacity of large cargo aircraft, and the Air Force already has 222 C-17 cargo aircraft and more than 80 C-55s.

The key reason for an overage of large cargo aircraft is because the Appropriations Committee over the past several years added 44 C-17s that were not authorized—that we neither needed nor could afford—at a cost of \$14 billion above the Department's request.

The OMB, five Secretaries of Defense, the Commander of Transportation Command, and the current Secretary of the Air Force have all unanimously stated they do not need nor can they afford to operate any more C-17 aircraft. In fact, the President appealed to the Congress and said the Nation cannot afford any more. You would think after \$14 billion and 44 C-17s, averaging over \$250 million each, that would be enough of an earmark. Obviously, not so for the Appropriations Committee.

There are others in here. Some of my old favorites. There is \$25 million for unrequested helicopter upgrades, an increase to the Civil Air Patrol Program of \$7 million, unrequested, unauthorized; \$273 million in unrequested, unauthorized research on everything from Parkinson's disease and HIV to alternative energy and nanotechnology.

Speaking of alternate energy, the appropriators tucked unrequested, unauthorized funding throughout a certain division of the bill, and \$130 million in ambiguously named "alternative energy research" is scattered for the same sort of programs that brought us the recent achievement of the Department of the Navy, which proudly announced the purchase of 450,000 gallons of alternative fuels for \$12 million. My friends, that equates to \$26 a gallon. I am certain our constituents will be glad to know their tax dollars are now going toward paying \$26 a gallon for aviation fuel.

But, no, no, they need more money—\$262 million in unauthorized Navy re-

search and development programs. The list of Navy adds is eerily similar to the Army's, and as you would expect, it covers a familiar set of Member interest items—nanotechnology, alternative energy, and giveaways to home-State interests.

There are increases for Space Situational Awareness.

I repeat, \$50 million in increases for Space Situational Awareness in two funding lines—just two lines—with no justification. No argument for it. Maybe it is good. It may be good, but we won't know. We won't know for months and months and months, and maybe years.

For those who are interested in the compelling national security issue of space situational awareness, you will be glad to know \$50 million of your tax dollars is going to be spent there.

The budget requested \$86 million for Operationally Responsive Space. This bill adds \$26 million more, just for fun.

The Armed Services Committee authorized, and the Congress will soon appropriate, some \$290 million for research into post-traumatic stress disorder, prosthetics, blast injury, and psychological health. These are critical to improving our actual battlefield medicine. Yet once again, the appropriators inserted unrequested money for medical research, this time to the tune of \$600 million.

Let me remind my colleagues that these unrequested projects are funded at the expense of other military priorities. I agree that research on multiple sclerosis is necessary, and Alzheimer's and cancer. But why should it have to come out of the Defense funding?

I will tell you why it does. It is the same reason why Willie Sutton robbed banks. When they asked him why, he said, that is because the money is there. So this money, which may be meritorious to spend on Alzheimer's and cancer and other medical issues, should not come out of the Defense appropriations bill.

Of course, the Guard and Reserve always come in and get additional money. They got \$1 billion in unrequested, unauthorized funding for "miscellaneous equipment." I repeat: \$1 billion for "miscellaneous equipment." I am sure certain States on the appropriators' short list will be very pleased to have the money directed their way. I am not so sure about the taxpayers.

Some have merit, some don't. None of the ones I talked about were requested. And this is just in Defense. The tragedy of all this is, except for the Senator from Oklahoma and myself and a few others, all this will slide through and the American people—obviously, the taxpayers—will pick up the tab.

We won't have a chance to address the issue of the bonuses that have gone to the executives of Fannie Mae and

Freddie Mac that have cost the American citizens so many hundreds of billions of dollars. We are going to let these people—because this won't be appropriated—we are going to let them take home annual salaries of \$900,000 and bonuses of \$12.08 million, while they ask the taxpayers for more bailout money. Mr. Edward DeMarco says that is the only way you can get good people to serve the country.

I am sure the men and women in the military would be interested to know that is what is required to serve. The base pay of a four-star general is \$179,000. The Chief Justice of the U.S. Supreme Court makes \$223,000. But Mr. DeMarco feels people who are working at Fannie Mae and Freddie Mac deserve \$900,000, and millions of dollars in bonuses.

After all, they are doing such a great job.

The Alaska Native corporations is one of my favorites. We need to be especially mindful of how taxpayer dollars are appropriated. The Army Corps, in light of a recent Justice Department investigation, revealed what prosecutors called one of the largest bribery scandals in U.S. history involving Army Corps contracting officials and the contracting director of Eyak Technology, an ANC-owned company. In the authorization bill, we are trying to have all of these small business funding issues, no matter whether it be in an ANC or others, looked at.

And, of course, we won't be able to address the Solyndra issue. Private investors will collect the first \$69 million that can be recovered from the company, with taxpayers placed in second position by the Department of Energy.

If we had been able to amend this bill, I would have worked with my colleague, Dr. COBURN, to restore much needed funding to the Government Accountability Office. In a recent report released by Dr. COBURN, he highlights that "just this year GAO identified hundreds of billions of dollars of duplicative and overlapping programs that, if addressed by Congress, could both save money and improve services for taxpayers. For every \$1 spent on the GAO, the agency provides \$90 in savings recommendations. Yet, instead of adopting those good-government reforms, the Senate Appropriations Committee has responded by proposing dramatic budget cuts to the GAO."

I don't want to go through all this pork that I just described again, but we can afford all that and yet we are going to cut the only watchdog organization that really gives us an objective view of what we do here in Congress. I am sure that it is a coincidence.

So here we are again. Here we are again, the same thing as last year, the same thing for years—a few Members of the House and Senate making decisions on hundreds of billions of dollars, perhaps over \$1 trillion, and we, the

other Members, because of our desire—understandable—to leave this body and return to our homes for the holidays, after a few hours of debate, no amendments, no changes in the bill, not having had the ability to even examine it, we will be voting.

I ask unanimous consent to engage in a colloquy with the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. MCCAIN. I would just mention, I say to my colleague from Oklahoma, the issue of this cutting of the budget of the Government Accountability Office. It seems rather strange to me. And I would be curious, with this cut to the Government Accountability Office, what will the effect be on our ability to have this watchdog organization give us the reports and information we need as far as the functions of government are concerned?

Mr. COBURN. I thank the Senator for his question.

I think the people need to know what the GAO actually does. The GAO is nonpartisan; they are not Democrats or Republicans. They are accountants, and they are investigators, and they are the most valuable tool we have because we won't do the oversight of calling agencies up here. I think the numbers are that we are going to lose 400 investigators and auditors out of the GAO. One question to ask is, Why is it we are cutting the GAO more than we are cutting our own budget?

Let me make one additional point. Things are not right in our country because things aren't right in the Senate. This 1,200-page bill that should have come out here appropriations bill by appropriations bill—11 or 12 appropriations bills—has over \$3.5 billion worth of phonemarks in it. We don't have earmarks anymore; they are all phonemarks. The corruption is still here. The pay-to-play game is still going on in Washington. Now we just don't do it in the bill, we do it by telephone, and we threaten agencies: If you don't give this money to this person, your money will be cut the next year.

So the fact is, although we have an earmark ban, there are thousands of earmarks in this bill. And what do we do? We cut the very agency that is going to be required to help us solve our financial problems over the next few years; we cut them more than we cut our own budgets. Now, they can be cut, and appropriately so. Everybody is going to have to share. But to cut the GAO 6.4 percent—40 percent more than we are cutting our own budgets—out of spite? They and the Congressional Research Service do the best work on the Hill. They do better than we do. Yet we are going to take away a tool that is going to help this country solve its very difficult financial problems. I think it is outrageous. It nauseates me.

Mr. MCCAIN. I would ask my colleague, I identified \$3.5 billion unrequested, unauthorized, no-hearing-on projects—\$3.5 billion. Since Dr. COBURN has taken a broader view of things, I wonder how many billions he would estimate totally there are of these unauthorized, unrequested projects in the entire bill.

Mr. COBURN. I would just respond to the Senator, I don't know for sure because we haven't been able to go through the whole bill, and the creativity associated with parochialism and getting reelected by helping the very well-connected few in this country is unbelievable. So it is hidden, and it takes a long time. It doesn't take 48 hours.

We got this bill at 2:00 Tuesday morning. That is when we got it. And of course nobody is around at 2:00 Tuesday morning, are they? So we will have 72 hours to read a 1,200-page book, and then we have to figure out what is in it. As the Senator said, we are not going to know what is in it, not until the next Solyndra comes, not until the next person goes to jail, not until the next Senator goes to jail. We are not going to know.

The fact is, what we are seeing is irresponsible behavior on the part of the Congress with this bill, and if we don't break this cycle of protecting incumbency through spending money, we are not going to have a country left. It is not just wrong, it is immoral. It is immoral.

The Senator talked about research at the Department of Defense. There are good reasons to do medical research at the Department of Defense, but we have the world's premier institutes, the National Institutes of Health. Now, we are not increasing them significantly, but we are markedly increasing the study of MS at a military research facility instead of through NIH, where we are spending \$100 million already a year on it? So we are going to duplicate it.

I have said it before: We have taken a stupid pill. We have either taken a stupid pill or a corruption pill. I don't know which it is. But I know that the long-term effects of doing this kind of legislating at this time in our history, when we have the greatest difficulty and the greatest landmines ahead of us financially—for us to do what we are doing here today to please a very small group of Congressmen and Senators who happen to make up the Appropriation Committee and to address their election concerns and their knowing better than the authorization committees—it won't surprise the Senator that in this bill, this conglomeration of what I will call an omni-terrible, is over \$400 billion in spending that is unauthorized, that has never been authorized or the authorizations have expired long ago and the authorizing committees don't reauthorize it for a reason, and yet we keep spending the money.



So I think it is amazing that we have as high as a 9-percent approval rating. And I am saddened not just for us, I am saddened for the future of America that we would now, right before Christmas—because we are running on a deadline to go home we are going to pass a bill that is essentially irresponsible, inept, and loaded with political favors instead of doing the best right thing for this country.

The GAO, in late February, early March, put out a report on duplication in the Federal Government. Most of my colleagues applauded it. It was a great deal of work that they spent a lot of time on. The second and third component of that, of the Federal Government, is coming out this February, and in it were hundreds of billions of dollars of duplicative programs. Not in one place in this bill that we have been able to find so far has any of what the GAO said should be eliminated, should be discontinued—none of it has happened.

What is the consequence of spending \$200 billion of borrowed money—money we don't have—on things the GAO says we don't need? What is the consequence of that? The consequence of that is impoverishment of our children. It is the theft of opportunity from our children. That is what it is. So I don't say the word "corruption" lightly. When you are stealing opportunity and you are impoverishing those who follow, that is corrupt. It is also immoral.

We won't be able to defeat this bill. We won't be able to amend this bill. We won't be able to offer amendments to what the GAO said is absolute stupidity because of the way we are bringing this up and the fact that we didn't bring these bills through here. And the bills they did bring through, they limited the amendments on anyway. So the voice of the average American doesn't get heard in the Senate under the way it is operating right now. Good ideas that actually will improve our country and save us money don't ever get heard. That is not the America I know. That is not the country I love.

So we are leading by example into our demise, and this is one of the greatest examples of that I have seen.

Mr. McCAIN. May I also point out, as my colleague did, that all of us as Members of the Senate are guided to some degree by seniority, which means assignment and ranking in various committees. But we should have an equal opportunity to represent our constituents and our priorities and our views and our goals.

This document was signed by 37 Members of the House and 17 Members of the Senate, so really this system hands the important decisions that all 535 Members of the House and Senate are responsible for over to 37 in the House and 17 in the Senate. Neither the Senator from Oklahoma nor I had a single time to discuss with our col-

leagues all that is in this bill. Not a single time did we have a chance to say: Wait a minute, let's not put in that cultural repository for Guam. Not a single time did we have a chance to say: Hey, this Combat Dragon II is not really something we need to fund. You know, the Civil Air Patrol is really a great outfit, but we don't think we need to add \$7 million in these difficult times. We think helicopters needed to be upgraded, but why should we add \$25 million to helicopter upgrades when the military says we don't need \$25 million for helicopter upgrades? This is what is wrong with this system.

Mr. COBURN. If I could respond, that \$25 million is going to go to one company—we don't know where yet—that is well-connected and well-heeled to either a Member of the House or the Senate. Mark my words, that is where it is going. Somebody—one individual business, one individual constituent—is going to benefit from that at the expense of our children and our future.

Mr. McCAIN. So the system now has deteriorated to the point where these decisions are made—by the way, I would like to correct the record. There are 37 total Members in the House and Senate, so 37 out of 535 who would be making these decisions.

So we really are in a kind of situation where we come down and all we can do is complain about it. That seems to me a deprivation of all of us who are not in that group of 37 of the ability to make our input into the future of this country. I do not think the American people are going to stand for it too much longer. I really don't.

I say to my colleague, I think a couple of things are going to happen. I think in the next election—I say this to all my colleagues. I think in the next election no incumbent is safe. But I also say, one way or another there is going to be a third party in the political arena of the United States. We cannot keep doing these things, Republican and Democrat, without sooner or later a response by the very well-informed electorate—thanks to devices like this.

I believe we have done this long enough. For long enough the American people, who now are in more dire economic straits than they have been since the Great Depression, are fed up with spending a few million dollars on schoolbuses in Guam that have nothing to do with our Nation's defense.

I hope the Senator from Oklahoma will not give up. I certainly will not. But I think, frankly, the American people deserve a lot better than they are getting out of this process. If they are cynical and if they are angry and if they are frustrated, they have every reason to be so.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY POLICY

Mr. INHOFE. Mr. President, I guess I am one of several Senators who doesn't know for sure what is going to happen tonight or tomorrow. I do know that we have one very contentious issue in the pipeline. Several people have been talking about this. I would like to give, perhaps, a different, maybe a historic perspective on this issue as we are looking at it.

I think with all the talk and all the demagoging people want us to be independent from the Middle East when producing our energy in fact we have the recoverable resources in the United States to be totally independent—for the North American Continent to be totally independent in providing its own energy. We are the only country in the world that does not exploit its own resources. We have more recoverable reserves in oil, gas, and coal than any other country in the world. Yet it is a political problem because there are people who do not want to exploit our own resources. They do not want to go offshore. They do not want to go there.

Eighty-four percent of our onshore public land is off-limits, so we cannot drill there. It is very disturbing when we see the real reason. We have an administration that doesn't want us to exploit our own resources. We have a Secretary of Energy who said we are going to have to get the price of gasoline in the pumps comparable to Europe, \$8 a gallon, before people realize we have to go in another direction other than fossil fuels. We have an Assistant Secretary of Energy who said we have to wean ourselves off fossil fuels.

All this green energy stuff is fine, and someday when the technology is there we will be able to do something with it. But it is not there. In the meantime, we have to run this machine called America.

So here the rest of the world is laughing at us, looking at us and saying why is it we have a country that does not use its own resources. It is pretty mind-boggling to me.

The first effort of this administration, in order to hide this agenda of not wanting to provide our own energy, was to do away with hydraulic fracturing. A lot of people don't know what that is.

Hydraulic fracturing is a technique started in my State of Oklahoma in 1948. There has never been a case of groundwater contamination in over 1 million of these applications since 1948. Yet the President made a speech about

6 months ago saying we need to use this good, clean natural gas, and it is plentiful, cheap, and we have a lot of it, we should use it—but we have to do something about hydraulic fracturing.

The reality is we cannot get into any of these tight formations for oil or gas without using hydraulic fracturing. It is a perfectly safe process. They are trying to kill fossil fuels by stopping it.

Just last week the EPA said, like an endangerment finding, that we have now said in the State of Wyoming, in this very shallow well up there, only 600 feet, that somehow there is some contamination, and it was due to hydraulic fracturing. It is not. Hydraulic fracturing is done 1 mile, 2 miles down deep. That is one of the efforts.

The second issue we are addressing tonight—and this is significant. It is almost as if, with all the majority they have supporting the President with the 2012 elections coming up, I am in shock a lot of my colleagues on the left side, on the Democratic side, are following President Obama off this plank and going along with these efforts to kill fossil fuels. The most recent one is the one we are talking about tonight, and that is the pipeline.

On November 10 the Obama administration State Department announced it would delay the Keystone XL Pipeline decision until after the 2012 elections. This delay came shortly after the head of the Sierra Club, the executive director, Michael Brune, tied their political support for President Obama's reelection to the Keystone decision—and they went along with it. That is what we are facing right now. It is something that is very punitive to our whole country, not just in terms of the fact that we cannot use our good, cheap energy we develop right here but the number of jobs.

The Keystone XL Pipeline is estimated to add more than 250,000 permanent jobs for U.S. workers and add more than \$100 billion in annual total expenditures to the U.S. total economy. During the construction phase alone, it would generate more than \$585 million in State and local taxes.

I am particularly interested in this. As to my State of Oklahoma, I did not bring it with me, but there is a map that shows where this pipeline would go in order to get to the tight formations in Alberta. You will notice two-thirds of the way down is Cushing, OK. Cushing, OK, is kind of the intersection of all the pipelines. Right now it is clogged. It is full, and we cannot open it. Oklahoma alone, it is expected, if they would open the Keystone Pipeline, would have some 14,000 new jobs. That is just in my State, in Oklahoma alone.

The construction of the pipeline is expected to add about \$1.2 billion in new spending in my State of Oklahoma. We have heard Senators from Nebraska and North Dakota and South

Dakota talk about how it would affect their States. Just in my State alone, once operational, it is projected that it would add more than \$667 million in property taxes.

Cushing, OK is a very important part of this. It is mind-boggling. When I go back to Oklahoma—I hope we go back sometime tomorrow—and people ask the question of why is it, since we want cheap oil and gas right from the North American Continent—why would they stop a pipeline to carry it?

They do it because politically they do not want that to happen. I believe it is important to look at the other aspects. Jim Jones—a lot of us knew him when he was a four-star general who served with a lot of dignity. He was very successful. He became the National Security Adviser to President Obama.

He said:

In a tightly contested global economy, where securing energy resources is a national must, we should be able to act with speed and agility. And any threat to this project, by delay or otherwise, would constitute a significant setback.

He ties this in to national security. He further said the failure to move forward with the project will prolong the risk to our economy and our energy security and send the wrong message to job creators.

One of the opponents of the pipeline thinks that stopping the construction would prevent Canada from developing its tar sands. We have the far left environmentalists who think somehow they can stop this activity in Canada when we know what will happen if we continue to stop the transportation through the pipeline all the way from Alberta down into Texas.

According to Austan Goolsbee, a former Obama chairman of the White House Council of Economic Advisers—keep in mind he is on their side. He said:

It's a bit naive to think the tar sands would not be developed if they don't build that pipeline.

He went on to say:

Eventually, it's going to be built. It may go to the Pacific, it may go through Nebraska, but it's going to be built somewhere.

They go ahead and talk about the fact that they have already approved a way of getting it to the west coast of Canada and shipped to China. So this is something where there is no justification for stopping it other than the political justification. Other than the administration looking at the far left environmentalists—it all started in Nebraska—they said there is one little area that might not want it. So what do they do in Nebraska? They got together and changed the routing of it so it goes to an area where there is no opposition, and there is still no pipeline.

I think even if we were to have to stay here—and I am the last one who wants to stay here for any length of

time—a key issue right now is getting that open again.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that immediately following my remarks, the Senator from Ohio, Mr. BROWN, be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORTGAGE FINANCING

Mr. ISAKSON. Mr. President, this morning it was announced that the former officers of Freddie Mac and Fannie Mae are going to be prosecuted, or cases have been filed, for their misrepresentation of the liabilities that both of those institutions posed to the American Congress and American taxpayers.

Last year when we passed the Dodd-Frank amendment on mortgages and on risk retention, we exempted Freddie Mac and Fannie Mae from the liability that every other company in the country had to go through. We find ourselves today in a place where Freddie Mac and Fannie Mae have cost the American taxpayer at least \$171 billion. That number is rising because of the exemption from Dodd-Frank; Freddie and Fannie, other than FHA, are the only act in town.

A week ago I introduced a piece of legislation to deal with this issue. It is a piece of legislation that will terminate Freddie Mac and Fannie Mae and create a bridge, or a transition, from where we are to a privatized mortgage securitization and guarantee program.

I want to briefly address how that takes place because in the end it will pay back the American taxpayer. It will put Freddie and Fannie out of business, and we will have a robust mortgage market available to the American people as the housing market begins to recover in this country.

First of all, the legislation creates a new entity called the Mortgage Finance Agency. It is an agency with directors that are appointed by the President with advice-and-consent approval by the Senate. Its directors are members of the government that deal with financial institutions and financial regulations. It will have advisory groups for people affiliated with housing, and it will be established with the following goals: Within a year it will be up and running so it can be a guarantor of quality residential mortgages—and I underline QRM, quality residential mortgages.

The mortgage disaster America has today was a failure of underwriting. We didn't make good loans. We made high-risk loans because they had high coupon paper and securitized it on Wall Street. People made a lot of money, but America lost and today our economy suffers because of it.



The new mortgage finance agency would be able to guarantee and wrap high-quality residential mortgages. In those wraps and in those guarantees they would receive a fee which would go into a catastrophic fund to back up the risk on those mortgages.

In addition to that, the QRM requirements would make it essential that no loan was made 95 percent loan-to-value. Any loan above 70 percent would have private mortgage insurance on the amount up to 95 percent, and within 36 months the agency would be required to have supplemental insurance coverage to take the risk down to 50 cents on the dollar.

It would be required by the fifth year to have a game plan established and a plan of liquidating the asset and privatizing the guarantee to the private sector. That is a very important process because it is the bridge to the end of Freddie and Fannie and the taxpayer guaranteeing of residential mortgages. We would have a situation with a downpayment of 5 percent, private mortgage insurance of 25 percent, and supplemental insurance of 20 percent, and the risk to the government would be 50 cents on the dollar.

In the great recession values fell 31 percent. In this recession they have fallen 33 percent. So the government's coverage would be 17 percent in addition to the liability that exists today. It is a very good place to have the government and to build an entity that brings us back to a mortgage market in the United States of America that is viable and that works.

I don't like Freddie Mac and Fannie Mae, and I don't like what happened, but it has happened. I know everybody wants to terminate them, and I do too. But we have a difficult housing market in America that will only come back when this robust capital is flowing into the mortgage markets, and that will only take place when we get ourselves out of the current dilemma and on a path toward privatization.

The American private sector is a tremendous entity. It has proven in many ways they can find a solution to most all problems we have, but we have to create a bridge to that privatization. We have to create an entity that works, an entity that is self-sustaining, and change some of the principles of lending back to the way it used to be in this country so that when people borrow money on their houses, they really have a job, and it is verified, and their credit score indicates they can make the payments they are going to be required to make; that their credit history is a good history, and the house appraises and the underwriting is sound. Most importantly of all, the borrower has skin in the game, and there is insurance on the mortgage above 70 percent and supplemental insurance down to 50 percent. When we do that, we have qualified res-

idential mortgages, an entity that in the beginning can secure those and can guarantee those and can, at the end of 10 years, have an institution that can be privatized.

Here is the real kicker. Upon privatization, the money that is made by the government on the sale of the entity goes to pay back the taxpayer for the \$171 billion or more they lost, and any excess money, which more than likely there would be, goes to reduce the national debt.

So I hope everyone in this body will look at the Mortgage Finance Agency proposal I introduced last week. When we come back next year, instead of griping about the problems we have had, let's start looking to the solutions that will take us back to the America we love economically and the housing market that is absolutely critical to our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### FIRST RESPONDERS

Mr. BROWN of Ohio. Mr. President, we ask a great deal from our first responders, from firefighters, and from police officers to keep our neighborhoods safe from violence and drugs. We ask them to put their lives on the line, to save people from burning buildings, to track down armed criminals. We ask and they give each day and each night. That is why we cannot just honor them through parades, memorials, speeches on the Senate floor, showing up at various kinds of festivals, but we honor them by the priorities we set in our Federal Government, in State legislatures in Santa Fe and Columbus and Atlanta, in city halls, and in county courthouses.

Earlier this year, Ohioans overwhelmingly rejected issue 2, which would have curtailed the ability of first responders, firefighters, and police officers not just to organize and bargain collectively for their wages and their benefits but, much more broadly than that, to have them sit down and negotiate with their employers, with cities, with counties, with the State, and with taxpayers for safety equipment and adequate staffing.

This was a victory for them. The defeat of issue 2 was a victory for hard-working men and women in Ohio. It was the only time in American history when the issue of collective bargaining was on a State ballot for a statewide vote, and voters voted more than three-fifths—61 percent to 39 percent—to preserve collective bargain rates. Again, collective bargaining not just for themselves in terms of wages and benefits but collective bargaining for police officers' safety vests; for firefighters to have the right kind of safety equipment; for teachers organizing and bargaining collectively at the ne-

gotiating table for class size. It was way more than about them and that is why the voters of Ohio, in such a resounding number, voted to preserve collective bargaining and what it meant to public employees and what it meant to our way of life for those who are not public employees, and that is at the State level.

At the Federal level we must continue to fight to ensure these brave public servants have the resources necessary to safely perform their jobs. That is because so many give the ultimate sacrifice. In the last 10 years, 47 law enforcement officials representing 35 Ohio agencies were killed while on duty. Forty-seven law enforcement officials were killed while on duty just in a decade.

According to the FBI, 48 law enforcement officials across the country were feloniously killed in the line of duty in 2009. More than 57,000 law enforcement officials were assaulted while performing their duties.

This past May during National Police Week, I attended a Greater Cleveland Police Officer Memorial service in Huntington Park in Cleveland. During the service, I met Sara Winfield of Marysville, OH. Sara's husband Bradley Winfield was a deputy in the Marion County Sheriff's Department, a north central community, when he was shot and killed while on duty. In her grief, this widow, with two young sons to care for, has become an advocate ensuring that those who protect us are protected themselves. That is why I cosponsored legislation introduced by Maryland Democrat BEN CARDIN that would create a national blue alert system aimed at apprehending criminals who injure or kill law enforcement officials.

Modeled after the Amber Alert System used to find missing children, the blue alert system would disseminate critical information about suspected criminals to other law enforcement agencies, the public, and the media. When someone has gunned down a police officer, police departments all over the region, the State, and the country need to know about it. Blue alerts would be broadcast to local media and on messaging signs. It would include a detailed description of the suspect, the vehicle, and other identifying information. It would encourage State and local governments to develop additional protocols to help apprehend suspects.

Eleven States already have such a system, but if it is only on the State level and the perpetrator who killed the police officer escapes to another State that doesn't have it, it doesn't work so well. That is why Senator CARDIN's national blue alert bill is so important.

Ohio doesn't have this. I am encouraged that the Ohio Senate recently passed a version of this law. Again, it

needs to be national so that it goes across State lines, and we can obviously do that as police departments are talking to each other more than they ever have through technology.

I spoke to police chiefs from across Ohio like my city of Lorain, OH. Cel Rivera, the chief there, said the blue alert system would be a critical resource to track down criminals and to protect law enforcement. It would be made possible with existing community-oriented policing services such as, the COPS Program funded by the Department of Justice.

I remember 15, 18 years ago when the COPS Program began with President Clinton and the Congress in the 1990s. It made such a difference in helping local communities, small towns, big cities, rural areas, suburbs, to be able to staff up in a better way with community police officers.

It is these types of Federal investments that are so critical for communities facing significant budget shortfalls. Too many communities are forced to make cutbacks in essential services reducing staff size and scaling back investments on safety equipment. These choices are difficult, and they are made with great reluctance. That is why Federal grants such as the staffing for adequate fire and emergency response, so-called SAFER grants, or the assistance for the firefighters grant are critical to help communities hire more firefighters as well as recruit and retain first responders. The omnibus bill we are considering now will provide much needed investments that will help communities do that.

While I fight for stronger investments, it is clear every little bit helps. Earlier this week the Chillicothe Fire Department received a funded grant through the AFG Program. It follows the SAFER grant that not only helped hire personnel, it saves lives. Fire Chief Steve Gallacher, whom I have spoken with prior to this, was off duty when he experienced a pulmonary embolism, a blood clot to the lung. Without a grant that kept his neighborhood firehouse open or without the medic who was hired because of the AFG grant, Chief Gallagher says he would have died.

These Federal investments literally helped to save Chief Gallacher's life. According to him, 40 percent of deaths among firefighters occur due to cardiac arrest. He wrote to me:

When I helped write the grant application, I knew that it would save lives. But I never imagined that one of those lives would be my own.

With reduced tax revenues, with the increased need of vital public services such as fire and police, it is critical we help our communities carry out the most basic and lifesaving duties. We can keep first responders and firefighters and officials on the job.

We can establish an alert system to warn us when criminals seek to harm

law enforcement officials. These are bipartisan actions that can help communities across Ohio and throughout the Nation.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Florida.

#### RESOLVING ISSUES AND VOTING RIGHTS

Mr. NELSON of Florida. Mr. President, at the late hour, as the Senate continues to try to do its work, there is word that maybe—as the Good Book says: “Come, let us reason together”—maybe there is some movement in bringing about some consensus-building so the people's work can be done and these issues that have kept us apart for so long can finally be resolved. Maybe they will be resolved only on a temporary basis. But at least we would be in a situation where we did not allow the tax cuts for Social Security payments that would be such—if those tax cuts did not continue, there would be an immediate amount more that people will have to pay out of their pocket. Maybe those will continue. It is certainly the right thing to do.

It is also the right thing to do to keep unemployment compensation going in a time of a recession, when so many people are out of work, and they do not have the opportunity to get work or only get what they can piece together, which is not enough to sustain their families. That is the right thing to do. Certainly passing the funding bills to keep the government going past midnight tonight is clearly the right thing to do, instead of extraneous issues holding us up, to having us all wound around the axle where we can't even fund the Government of the United States. So maybe some reasonable minds are coming together to start working out these issues. I certainly hope so.

In the meantime, what I wish to speak about is something that is even more pernicious and that is making it harder for our people to express their constitutional right of casting a vote. We have seen a pattern in 14 States, enacting new election laws that basically are a suppression of voter rights. One of those States that is glaringly, dubiously at the top of the list as being the most severe in cutting back on people's ability to vote and to know the vote they have cast is going to be counted as they intended it—and, in the first place, making it so they can register to vote—that very fundamental constitutional right for Americans is being threatened through these laws in the States, including my State, of suppressing the right to vote.

If we look at the similarities of the laws in the 14 States, we will see an obvious pattern. But in my State of Flor-

ida, we see the most severe assault on the rights of voters of all the 14 States. The present issue is joined in a court in the District of Columbia, a suit ironically brought by the State of Florida against the Department of Justice over the Voting Rights Act of 1965 and its implementation. A part of that suit actually questions the constitutionality of the Voting Rights Act of 1965. That is a rather brazen attempt, but I think the courts will take care of that in short order.

But the very issue, as brought in this new Florida elections law, does a number of things to cut back on the rights of voters. In the first place, the League of Women Voters, which has been registering voters for years, has stopped its registration of voters because of the new law. Why? Because the old law on the books for decades said that once an organization such as the League of Women Voters registered the new voters, they had 10 days to turn that in to the respective supervisors of elections in the 67 counties. The new elections law amended that to 48 hours, and they attached to that the possibility of a fine that could go up to \$1,000 per person on the person doing the registration if they did not turn in the names in 48 hours. Of course, we had the two cases of two civics teachers in two different parts of the State who, being good teachers, in their government class were registering their students to vote and did not meet the 48-hour deadline and the State of Florida is looking at the possibility of fining these teachers. That is the height of hypocrisy. That is the height of an assault on the right of people to vote by impeding their ability to register to vote.

The intended result is there. The League of Women Voters is just one organization. There are many. But it shows what has happened; that all the registrations that would occur of people being encouraged to participate in the political system is not being done and will not be done until this issue is settled in the courts, and that is probably going to be late summer. So for the period of over 1 year, since the passing of this new law in Florida, voters will not be registered by organizations such as the League of Women Voters. That is a sad commentary, but in fact that is what has happened. That is what has happened in the State of Florida.

But that is not all. Let me tell my colleagues what else the law does. My colleagues remember how college students got so active for the first time in a Presidential election. When the Presiding Officer and I were coming up in college, we were taught that public service was one of the highest callings a person could have. We were also taught that to be a participant in our democracy was a civic responsibility. But over the intervening years, after the Vietnam war, after a number of

other circumstances, young people got turned off to politics and government. Then we saw them in this past Presidential election becoming energized once again. They went down in the cities where they went to school and they registered in great numbers. Then, on election day, they turned out in great numbers. Do my colleagues know what the State of Florida did in passing the new elections law? They changed the law which said that when a college student goes down there on election day to vote and they bring out their identification to show they are who they say they are and they compare their driver's license identification and address to the voting registration in the college town, if that driver's license, which likely shows their parents' address, if it is in a different county, they will not give them a ballot. They will give them a provisional ballot. As a result, we saw in the last Presidential election in Florida half the provisional ballots cast were not counted.

This is a blatant attempt to cut out a certain element or to make it more difficult, all under the guise that they are trying to weed out fraud. We haven't had a lot of voter fraud in our State of Florida, and I daresay we would find the same in the other 13 States that enacted these very repressive laws.

But that is not all. The law goes on further to restrict voters' rights by cutting back on the number of days of early voting. Why did we have early voting? In our State, we went through the trauma of the Presidential election of 2000, when there was so much confusion about whether the ballot was intended to be this way, and people were confused with the way the ballot was constructed. It went on and on and on. We know the high drama that ended in the Supreme Court of *Bush v. Gore*. Because of that trauma, many State legislatures decided to try to make it easier to vote. One way to vote so there was less confusion was to allow what other States have done, which is to let part of the voting occur before election day—early voting. Then a person can take their time going in. People don't have to be confined to voting within a 12-hour period from 7 o'clock in the morning until 7 o'clock at night, with the long lines and perhaps inclement weather, with a pouring down rainstorm or snowstorm, to inhibit people's ability to exercise their right to vote.

So legislatures across this country started enacting early voting. In Florida, that early voting period was 2 weeks. The 2 weeks went all the way up through the Sunday before the Tuesday election. Lo and behold, in the last Presidential election, because of early voting, 40 percent of the electorate of Florida voted before election day.

You certainly know the supervisors of election liked that because then on the election day, from 7 a.m. to 7 p.m., there was 60 percent of the vote—not 100 percent of the vote—and, therefore, it was much more manageable, even though there was an extremely high turnout because it was in a Presidential election.

Well, by constricting, as the Florida law did, from 14 days to 8 days, they are limiting that ability. They cut it back. Instead of the Sunday before the Tuesday election, the last day of the eighth day will be the Saturday before the Tuesday election.

On the basis of the experience of the last decade, guess who voted in record numbers on the Sunday before the Tuesday election after church. Certain minority groups, in record numbers. Therefore, it is again an attempt at suppressing that particular vote.

Why cannot we use walking-around common sense that would say we want to help people, to facilitate people, to make it easier for them to cast their vote, make it easier for them to register to vote; and then, once they have cast that vote, to do it in a manner where they know exactly what they are doing, lessen the amount of mistakes, and have the security of mind of knowing that the vote was going to be counted as they intended it? Yet we see laws have been passed in a number of States to the contrary.

It is my hope—it is the hope of a lot of people across this country, who care about one of the most fundamental rights of being a citizen of the United States of America: the right to vote; a right, a constitutional right that casts us in contrast to a lot of other countries on the face of planet Earth—it is my hope, as the court deliberates and renders its judgment, the Constitution of the United States will be upheld.

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. Today, I am further adjusting some of those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the Chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Senate will soon be considering the conference report to accompany H.R. 2055, the Consolidated Appropriations Act, 2012, as well as H.R. 3672, the Disaster Relief Appropriations Act, 2012. I previously

made adjustments pursuant to the Budget Control Act to the allocation to the Committee on Appropriations and to the spending aggregates for items contained in H.R. 2055 and H.R. 3672, including funding designated for overseas contingency operations, disaster relief, emergencies, and program integrity. I am now revising those prior adjustments to reflect the final amounts contained in the two pieces of legislation. When compared to my previous adjustments, the combined effect of H.R. 2055 and H.R. 3672 is to increase budget authority by \$2.302 billion and lower outlays by \$0.286 billion in 2012.

With these revisions, I have now made adjustments to budget authority in 2012 pursuant to the Budget Control Act of \$137.48 billion. That total breaks down as follows: \$126.544 billion for overseas contingency operations, \$10.453 billion for disaster relief, and \$0.483 billion for program integrity initiatives.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### BUDGETARY AGGREGATES

(Pursuant to section 106(b)(1)(C) of the Budget Control Act of 2011 and section 311 of the Congressional Budget Act of 1974)

\$s in millions	2011	2012
Current Spending Aggregates:		
Budget Authority .....	3,070,885	2,983,398
Outlays .....	3,161,974	3,047,189
Adjustments:		
Budget Authority .....	0	2,302
Outlays .....	0	-286
Revised Spending Aggregates:		
Budget Authority .....	3,070,885	2,985,700
Outlays .....	3,161,974	3,046,903

#### FURTHER REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS

(Pursuant to section 106 of the Budget Control Act of 2011 and section 302 of the Congressional Budget Act of 1974)

\$s in millions	Current Allocation/Limit	Adjustment	Revised Allocation/Limit
Fiscal Year 2011:			
General Purpose Discretionary Budget Authority .....	1,211,141	0	1,211,141
General Purpose Discretionary Outlays .....	1,391,055	0	1,391,055
Fiscal Year 2012:			
Security Discretionary Budget Authority .....	814,744	2,200	816,944
Nonsecurity Discretionary Budget Authority .....	363,434	102	363,536
General Purpose Discretionary Outlays .....	1,327,925	-286	1,327,639
Memorandum: Cumulative Adjustments, Fiscal Year 2012:			
Security Discretionary Budget Authority .....	n/a	132,944	n/a
Nonsecurity Discretionary Budget Authority .....	n/a	4,536	n/a
General Purpose Discretionary Outlays .....	n/a	65,639	n/a

## DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS

(Pursuant to Section 106 of the Budget Control Act of 2011)

\$s in billions	Program Integ- rity	Disaster Relief	Emergency	Overseas Con- tingency Oper- ations	Total
Combined adjustments for H.R. 2055 and H.R. 3672:					
Budget Authority .....	-0.410	2.712	0.000	0.000	2.302
Outlays .....	-0.359	0.213	0.007	-0.147	-0.286
Memorandum 1: Breakdown of Above Adjustments by Category:					
Security Budget Authority .....	0.000	2.200	0.000	0.000	2.2000
Nonsecurity Budget Authority .....	-0.410	0.512	0.000	0.000	0.102
General Purpose Outlays .....	-0.359	0.213	0.007	-0.147	-0.286
Memorandum 2: Cumulative Adjustments (Includes Previously Filed Adjustments):					
Budget Authority .....	0.483	10.453	0.000	126.544	137.480
Outlays .....	0.415	1.803	0.000	63.421	65.639

RECESS SUBJECT TO THE CALL OF  
THE CHAIR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 6:18 p.m., recessed subject to the call of the Chair and reassembled at 8:14 p.m. when called to order by the Presiding Officer (Mr. CASEY).

MAKING FURTHER CONTINUING  
APPROPRIATIONS FOR FISCAL  
YEAR 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 94, which is a 24-hour continuing resolution, which was just received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 94) making further continuing appropriations for fiscal year 2012, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 94) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO WILSON "BILL"  
LIVINGOOD

Mr. REID. Mr. President, I rise to recognize the extraordinary work of the Honorable Wilson "Bill" Livingood, who served with distinction for 17 years as the House of Representatives Sergeant at Arms, protecting and serving Members, staff and visitors to the Capitol complex.

Mr. Livingood, the House Chief Law Enforcement Officer, served with great merit in his capacity as Sergeant at Arms and as a member and biennial Chairman of the United States Capitol Police Board, shepherding monumental security enhancements post September 11, 2001.

Mr. Livingood was sworn in on January 4, 1995, for the 104th Congress, making him the third longest-serving House Sergeant at Arms in United States history. Prior to 1995, Mr. Livingood was the Senior Advisor to the Director of the U.S. Secret Service, from 1989 to 1995, serving for 33 years as a special agent with the Secret Service.

Born on October 1, 1936, in Philadelphia, Mr. Livingood received a Bachelor of Science degree in Police Administration from Michigan State University. His public service began at an early age, as he served as Michigan State University's student body president in 1959. A veteran of the U.S. Navy, he was appointed as a Special Agent at the Secret Service's Dallas Field Office in 1961 and held supervisory assignments at headquarters and on several protective divisions to include the Presidential Protective Division.

In 1969, Mr. Livingood was promoted to Assistant to the Special Agent in Charge of the Presidential Protection Division. Five years later, he was promoted to Assistant Special Agent in Charge of the Office of Protective Forces. Mr. Livingood was named Special Agent in Charge of the Houston Field Office in 1982 until his appointment as Deputy Assistant Director, Office of Training in 1986. From 1988 to 1995, he served as the Senior Advisor to three Directors.

Mr. President, Mr. Livingood is known best around the world for his in-

troduction of the President of the United States at the State of the Union address, and he is the 36th person to hold the Sergeant at Arms office since the House of Representatives first met in New York City in 1789.

Mr. Livingood served during critical, historical and tragic events that include the fatal shootings of two United States Capitol Police officers, the terrorist attacks of September 11, 2001 and the anthrax attacks the following month in 2001.

Mr. President, during his tenure, Mr. Livingood has served with great resolution, balancing security needs while maintaining open access to the "People's House."

Mr. President, I congratulate Mr. Livingood on his well-earned retirement.

## VOTE EXPLANATION

Mr. MORAN. Mr. President, I wish to explain my absence from rollcall votes 230 and 231 on Thursday, December 15, 2011.

I was unable to vote yesterday because I was back in Atchison, KS, paying my respects to slain police sergeant David Enzbrenner. Officer Enzbrenner was a veteran of the Atchison Police Department but, more important, he was a loving dad and a caring husband. Although I returned to Washington today to continue the important work being done in the Senate, my thoughts and prayers continue to be with Officer Enzbrenner's family and the Atchison community.

## WELCOMING HOME U.S. TROOPS

Mr. AKAKA. Mr. President, I rise to welcome home 53 of the men and women of the Headquarters Element of the storied 25th Infantry Division, also known as Tropic Lightning, who will be returning to Schofield Barracks in Hawaii from their deployment to Iraq this Sunday, in time to join their loved ones for the holidays. I would like to recognize the entire 25th Infantry Division for their service in Iraq and Afghanistan over the past decade. I would also like to pay my respects and give my deepest condolences to the families of the 236 members of the 25th Infantry

Division who made the ultimate sacrifice while serving in Iraq and Afghanistan, defending the American values and freedoms we enjoy.

Although I cannot be there in person, I send my warmest aloha and heartfelt gratitude to these soldiers and their families for their many sacrifices and dutiful service to our country.

Since its activation on October 1, 1941, the 25th Infantry Division has played a significant role in every major conflict we have had. In that tradition of outstanding service, the 6 major elements of the 25th Infantry Division—the division headquarters, the 4 brigade combat teams, and the combat aviation brigade—have made a total of 19 combat deployments since 2004. Thirteen of these deployments were to Iraq and another six were to Afghanistan. In addition, three separate Tropic Lightning battalion-sized aviation task forces have deployed to Iraq.

I commend MG Bernard S. Champoux, commanding general, and CSM Ray Devens, division command sergeant major, for their exceptional service and strong leadership of the 25th Infantry Division.

With this weekend's homecoming, the 25th Infantry Division represents the last U.S. military division to leave Iraq as part of the complete withdrawal of American combat forces following the successful Iraqi campaign.

I am pleased that the war in Iraq has finally come to an end, and I urge my colleagues to remember that the full cost of war includes the extended care of the soldiers, sailors, airmen, and marines who serve so bravely. These men and women have risked their lives to protect this country in its time of need, and we must honor our Nation's commitment to them afterwards. I would like to again thank these soldiers for their service, and may God bless them and their families in Honolulu.

#### OFFSETTING DISASTER FUNDING

Mr. LEAHY. Mr. President, Vermont and other the other States still reeling in the aftermath of Hurricane Irene have a huge stake in the misguided offset resolution sent to us by the House of Representatives. In fact, all Americans have a stake in this.

On the heels of unprecedented flooding this spring, the State of Vermont bore the full brunt of Irene in August. Our small State is stretched to the limit right now. Our people need the helping hand of Federal disaster recovery programs just as Vermonters, decade after decade, have always supported this safety net when other States have needed it.

These programs were already running on fumes before Irene and now the need is even greater in this tough year in which 48 States have had Federal disasters declared within their borders.

The Senate promptly started the effort to replenish the depleted disaster funds with a strong and responsible stand-alone bill in September. Our legislation is within the bounds of the budget agreement reached this summer, and after overcoming a partisan filibuster, we got that bill through the Senate in a bipartisan vote.

Now all these months later the House of Representatives sends us a smaller disaster aid bill along with a resolution that calls for the new disaster spending to be offset. In other words, undo the bipartisan budget agreement that we all agreed to back in August; change the long practice of Americans promptly helping fellow Americans in a disaster's aftermath; and pit disaster victims against those trying to get a loan to start their small business, those needing student loans, those needing nutrition and housing assistance, those developing alternative energy sources, or those performing cutting-edge research against disease.

The House resolution calling for disaster funding to be offset with across-the-board cuts is a weak and cynical response, and it should be rejected.

It is disappointing and incomprehensible that some in Congress continue to insist that assistance can only come at the cost of other programs relied upon by the American people. Some of these same voices had no problem with spending hundreds of billions of borrowed dollars on wars waged overseas, on rebuilding communities in Iraq and Afghanistan, and on giving tax breaks to the wealthiest among us. But now they insist on a different standard, different rules, for emergency recovery efforts desperately needed by Americans here at home. That is just wrong.

We need to come together as a country, as we always have in the past, to pass an emergency disaster bill that is adequate to the devastation faced by Vermonters and millions of other Americans. We are bound together as one nation, the United States. Americans help each other in time of need.

I know there are bipartisan majorities for passing a straightforward disaster relief package as we have for every other disaster in the past, but political point-scoring and my-way-or-no-way factionalism stand in the way. That is unconscionable.

Vermonters and countless others who are trying to get back on their feet after Irene and other calamities across our Nation do not have the luxury of time to waste on the temper tantrums of ideological factions in Congress. It is winter now; a harsh season in our part of the country. Some parts of Vermont already have seen over a foot of snow and more is on the way.

Statesmanship should never be out of season least of all, when our fellow Americans' livelihoods are at stake.

In the spirit of the holiday season, I continue to hope that reason and good-

will prevail in the Senate on this ridiculous call to offset disaster relief, and on so many other issues before us that are critical to the American people.

#### 375TH ANNIVERSARY OF THE NATIONAL GUARD

Mr. WHITEHOUSE. Today I rise to commemorate the 375th anniversary of the National Guard. As ceremonies are held across the country to celebrate this historic milestone, I wanted to pay tribute to our National Guard for the enormous contributions it has made to our country throughout the course of its proud history. The origin of the National Guard traces its roots back to the militias of the 13 original English colonies. The oldest units were organized on December 13, 1636, in the Massachusetts Bay Colony.

As the motto of the National Guard so aptly puts it, the force is "Always Ready, Always There." Our Constitution bestows on the National Guard dual State and Federal missions. Whether aiding State law enforcement, responding to a national emergency or catastrophic natural disaster, or serving alongside our Active-Duty Forces overseas, the National Guard has always been and continues to be a force on which we can depend, in wartime and in peacetime.

Rhode Island has a distinguished record of National Guard service, which began in 1638 when the first colonial defensive force was established in Portsmouth, RI. The militia, which was known as the Traine Band, was formed to provide protection and security for the people. The group eventually evolved into the Rhode Island National Guard.

It was the Rhode Island militia that first engaged in offensive action against England during the lead up to the Revolutionary War. On July 19, 1769, members of the Rhode Island militia sunk the British schooner HMS *Liberty* in Newport. A few years later, on the night of June 10, 1772, Rhode Island volunteers organized under Captain Abraham Whipple, seized and burned the HMS *Gaspee* in Narragansett Bay. Then, on April 22, 1775, in response to shots fired at Lexington, MA, the Rhode Island General Assembly mobilized a 1,500-man "Army of Observation" to serve under the command of BG Nathaniel Greene. This force was sent to Boston to support the Continental Army in its fight for American independence. By the end of the Revolutionary War, more than 22 Rhode Island militia units had contributed to our country's glorious cause.

During the Civil War, more than 23,000 Rhode Island militiamen deployed in support of Union forces, and 16 soldiers received Medals of Honor. During the First World War, more than 3,800 members of the Rhode Island National Guard served in combat as part

of the 26th "Yankee" Division. Furthermore, over 3,000 Rhode Island National Guard members were deployed to both the European and Pacific theaters to support operations in the Second World War. Rhode Island National Guard units also supported operations during the Korean and Vietnam wars, as well as Operation Desert Shield and Operation Desert Storm.

The Rhode Island National Guard has been particularly active meeting the operational demands of the post-9/11 era. Rhode Island has the second highest per capita National Guard deployment rate of all the States. It has fulfilled over 5,600 deployment requests, and many of its 3,200 members have deployed multiple times. In addition, the Rhode Island National Guard remains an indispensable asset in protecting the lives and property of Rhode Island citizens. The Guard played an instrumental role in 2010 responding to the historic floods in our State, from which we are still recovering. Today, the diverse mission of the Rhode Island National Guard is directed by MG Kevin R. McBride, adjutant general of the State of Rhode Island.

Since September 11, the National Guard has been deployed at unprecedented levels, with over 650,000 soldiers and airmen mobilized in support of American operations overseas. In addition, thousands of National Guard members have responded to the litany of major disasters that devastated several areas of the country in the recent years. I applaud the National Guard for its vital work in protecting our country at home and abroad and commend its 375 years of dedicated service.

#### TRIBUTE TO GUION S. BLUFORD, JR.

Mr. CASEY. Mr. President, it is with great pleasure that I rise today to recognize Guion S. Bluford, Jr. for being the 2011 recipient of the Pennsylvania Society Gold Medal for Distinguished Achievement.

Mr. Bluford was born on November 22, 1942, to Guion Senior and Lolita Bluford in Philadelphia, PA. Mr. Bluford grew up in inner-city Philadelphia during a time of great prejudice and social change. As a youth he spent his free time reading about aviation technology, building model aircrafts, and dreaming of flying aircrafts.

Mr. Bluford attended Pennsylvania State University and joined the Air Force ROTC Program, receiving his FAA pilot license while still a senior in college. After graduating college in 1964 Mr. Bluford was assigned to the 556th Tactical Fighter Squadron in Vietnam and flew over 140 combat missions in Southeast Asia.

In 1978, Mr. Bluford was selected as one of NASA's class of 35 astronauts. On August 30, 1980, Mr. Bluford became America's first African American in

space when he flew to orbit aboard the shuttle *Challenger*. During his career at NASA he flew on several other space missions, and when he retired in July 1993, he had logged more than 688 hours in space.

Mr. President, I ask my colleagues to join me in recognizing Mr. Guion S. Bluford, Jr., for his years of service to our country. I invite my colleagues to join me in recognizing Mr. Bluford for his recent award and wish him well in the future.

#### TRIBUTE TO MARTY PETERSON

Mr. RISCH. Mr. President, today I join with Idaho's senior Senator MIKE CRAPO to recognize and pay tribute to the exceptional dedication of Marty Peterson, who is retiring after 51 years of public service in our great State.

For nearly 20 years, Marty has served as the special assistant to the president of the University of Idaho. He has served seven U of I presidents during that time, giving them valuable insight into the politics of the State as he oversaw the government affairs work of the university.

Marty has an in-depth understanding of Idaho's government, having served as the budget director under Governors John Evans and Cecil Andrus. He also served on the staff of U.S. Senator Frank Church and was executive director of the Association of Idaho Cities. His counsel was always valuable and insightful.

It is no wonder, when Idaho was going to celebrate its 100th birthday in 1990, he was asked to oversee the planning and implementation of the State's centennial celebration. Twenty years later, he was the cochair of the committee that planned the rededication of Idaho's newly restored capitol building. Marty could always be counted on to deliver quality results.

His education and military service may have had something to do with his success. At the age of 17, as a junior in high school, he joined the Army National Guard. Marty served 8 years and was a staff sergeant when he was discharged.

Marty is a graduate of Columbia Basin College, the University of Idaho, and Harvard University's Senior Managers in Government Program. But through the years, Marty never stopped learning. He adapted, he studied and continued to provide good counsel to those who sought out his advice.

He consistently shares his time and expertise with community groups. Currently, he serves on the board of directors of the Foundation for Idaho History, North Idaho Chamber of Commerce, Idaho Humanities Council, and the James A. and Louise McClure Center for Public Policy, as well as on the advisory board for the School of Journalism and Mass Media at the University of Idaho.

In addition, he is the current president of the Historic Silver City Foundation and a past president of the City Club of Boise and the Idaho Hemingway House Foundation.

As a well-known Hemingway scholar, Marty has lectured on Hemingway throughout the United States, Spain, and Cuba. He has also been very involved in the preservation of Ernest Hemingway's home in Ketchum, ID and in Cuba.

Although Marty will be retiring from the working world at the end of 2011, we know he will continue serving these and other groups throughout the State. His retirement will give him more time to spend with his wife Barb and their family and especially the grandchildren.

When people ask us what makes Idaho such a great place, we could talk about the beautiful mountains, skiing, whitewater rafting, hunting and fishing, or a myriad of other things. But in reality, it is people such as Marty Peterson who work to make Idaho even better—that is why Idaho is so great.

It is with our sincere thanks and well wishes that Senator CRAPO and I recognize Marty Peterson for his many contributions to the State of Idaho and its people. We wish him a happy and productive retirement.

#### ANNIVERSARY OF BELARUS ELECTION

Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to the courageous men and women who are struggling for freedom in Belarus.

Almost 1 year ago, on December 19, 2010, elections took place in Belarus. At that time, some in the United States and Europe hoped that this vote would be a turning point for Belarus and that its authoritarian ruler, Aleksandr Lukashenko, would finally begin to pursue the political and economic reforms demanded by his people.

In fact, the December 19 election was a turning point for Belarus—but not in the way that some had hoped. It soon became obvious that the election had been egregiously rigged by the regime. In response, thousands of Belarusians from every background peacefully took to the streets in protest. It was the most significant public demonstration the country had seen in over a half decade, and the Lukashenko regime responded with violence.

On that day, Belarusian security forces detained or arrested over 600 peaceful protestors. Hundreds more were surrounded by armored tanks and beaten by thugs dispatched by the regime. The Lukashenko regime arrested seven opposition candidates who participated in the vote, severely beating one candidate. In the year that has followed the election, hundreds of people—including several Presidential candidates—have been sentenced to

lengthy prison terms in sham trials that have again revealed Belarus' judicial system to be nothing more than a political tool abused by the regime. It is a system that has institutionalized torture and denies its prisoners access to family, lawyers, medical treatment, and open legal proceedings.

I should note that the peaceful protests that erupted in Belarus 1 year ago took place just 2 days after a 26-year-old man in the Tunisian town of Sidi Bouzid set himself on fire, which in turn sparked a series of peaceful protests that overthrew the long-ruling dictator in that country—starting the Arab Spring. But as the winds of change sweep across north Africa and the Middle East, ousting some of the world's most entrenched regimes, it is important for us to remember that there remains one last dictatorship in Europe; that is, the Lukashenko regime in Belarus.

Despite the extraordinary changes taking place around the world, the Lukashenko regime has sustained, and even intensified, its crackdown against its own people. This is a regime that recently outlawed nearly all forms of public speech and peaceful assembly, including silent protest. It is a regime that, instead of responding to the legitimate demands of its people, has sought to cultivate close ties with other dictatorships, like the regime in Tehran. It is a regime that, according to reports, delivered military equipment to the Qadhafi regime in Libya in February 2011 just as it prepared to slaughter its own people.

Over the past year, I have been encouraged by the close cooperation between the United States and the European Union to hold accountable those in Belarus who are responsible for the brutal crackdown there. Continued transatlantic coordination on Belarus is vital. The Euro-Atlantic community of democracies must speak with one voice to ratchet up pressure on Lukashenko. And while the United States and the EU have taken strong and important steps, including imposing travel bans on nearly 200 Belarusian officials, freezing the assets that these officials hold in the West, and both renewing and imposing new sanctions on Belarusian state-owned enterprises, more can be done.

In particular, I hope that in the weeks ahead, the United States and the EU will implement sanctions against other state-owned entities that enrich the Lukashenko regime at the expense of the Belarusian people.

Furthermore, it is critical that at a moment when the Lukashenko regime is looking for a financial lifeline to keep himself in power, the United States and our allies work together to ensure that responsible international institutions and actors—including the IMF—do not lend money to that regime. It is clear—as we have seen over

the past 2 years—that such funds will only be used by Lukashenko to prop up his illegitimate and repressive rule. And I continue to urge our own government to state publicly that the United States will not support any further IMF assistance to Belarus until we see credible political and economic reforms by Belarusian authorities, beginning with the immediate and unconditional release of all political prisoners in Belarus.

At the same time we are shocked and appalled by the cruelty and thuggishness of the Lukashenko regime, we should also take note of the remarkable courage and perseverance of the Belarusian people, who press on in their struggle for greater freedom and opportunity.

Over the past year, I have been honored to meet with Belarusian opposition leaders and activists. These conversations have been extremely powerful, as I have heard directly from the men and women who are facing repression on the front lines and looking for help from us in their noble struggle.

Today, I join my colleagues in saying to the brave people in Belarus who are striving to secure their fundamental freedoms: We have not and will not forget about you and your important cause. We remember your names. We will stand in solidarity with you and in support of you until you achieve your goal, which is a free and democratic Belarus. And we believe more than ever that the day will come when Belarus will be free.

The extraordinary revolutions that are taking place across the Middle East and north Africa should remind us all that the United States does best in the world when we stand with our values and the people who share them. And there is much we can do to help the Belarusian people.

To begin with, we must work with our European allies to ensure that the financial and technical assistance we have pledged to the Belarusian opposition is disbursed and implemented as quickly as possible, particularly for groups operating inside of Belarus. And we in Washington must continue to engage with the Belarusian opposition and its emerging leaders, and lend them our support.

Let me conclude by saying that I do not know when Belarus will be free, but I have no doubt that someday it will be free. I am confident that the future of Belarus belongs not to Lukashenko and his thugs but to the Belarusian people.

Indeed, the future of Belarus belongs to the dissidents who are in jail or who are being harassed—to Ales Byalitski, the founder of Belarus' largest human rights organization who recently celebrated his 49th birthday in prison. It belongs to Alyaksandr Klaskouski, a 33-year-old former traffic police officer in Minsk who pleaded with security

forces on December 19 not to use force against peaceful protestors and who himself stood between riot police and unarmed protestors. He, too, is now serving time in a maximum security prison for his efforts. The future of Belarus belongs also to Natalia Kaliada, the director of the Belarus Free Theatre, who was arrested on December 19 but continues to press on in her work—to fight dictatorship with art. Natalia does this, as she put it in January when she testified before the Senate Foreign Relations Committee, because “we want our spectators to think. When people start thinking, this is the most terrifying thing for a dictator.”

The future of Belarus belongs to every Belarusian who seeks a brighter future for their country—a future of democracy and opportunity. And we stand with them in their cause on this anniversary of the December 19, 2010, election—and on every anniversary to come, until Belarus is free.

#### TRIBUTE TO MARK JICKLING, CRS

Mr. JOHNSON of South Dakota. Mr. President, I want to recognize Mark Jickling, a dedicated public servant who has served as a financial economist with the Congressional Research Service and is retiring after nearly 33 years of providing expert analyses to the U.S. Congress on economic, finance and securities matters. He is widely respected in the Senate and House of Representatives, as well as among his CRS colleagues, for his broad knowledge and insights into financial and economic matters as well as his professionalism and collegiality. Thanks to his dedicated efforts, Congress has been better informed as it has sought to find legislative solutions to many of the issues facing the United States financial system.

Mr. Jickling graduated from the University of California at Berkeley and started work at the Library of Congress part-time with the Collections Management Division. His dedication and intellect led to his becoming an expert in economic matters about which he consistently delivered comprehensive, insightful and helpful analyses. He rose through the ranks to become an economist reaching the level of specialist, the highest level of analyst at CRS. He headed the Banking, Insurance, Securities and Macroeconomic Policy Section in the Government and Finance Division of CRS from 2005 to 2007, in which he oversaw the work of a dozen other analysts and specialists. He is the author or co-author of 100 CRS reports and countless confidential memos.

Mr. Jickling has worked on some of the most significant securities and banking issues facing the country. He wrote the first CRS reports on the impacts of the September 11 attacks on



the markets and on the Enron scandal. At that time, he also coordinated CRS' internal "Enron group." He assisted senior Congressional staff as they formulated legislative responses to the corporate accountability scandals.

From the onset of the recent financial crisis, Mr. Jickling has been instrumental in assisting Congress as we addressed the serious banking and market problems facing the country. He provided expert analysis on a daily basis to the Banking Committee and to others in Congress on housing finance, non-bank financial intermediation, financial derivatives, exotic financial products and markets, and many other issues. His dedication was shown by his working nights and weekends during this period. He significantly contributed to the quality of legislation that ultimately was enacted and cooperated effectively with Members and their staffs to produce the legislation. He was exactly the right person at the right time.

Mr. Jickling retires from the CRS having set a standard of superior service and having assisted a generation of CRS analysts in developing their skills. He leaves CRS to spend more time with his family and pursue some of his other interests, including the professional performance of music. His many accomplishments will remain a fitting tribute to his career and character.

Mr. Jickling will be greatly missed. I wish him and his family all the best in the future.

#### TRIBUTE TO DON DIXON

Mr. CRAPO. Mr. President, I rise today to recognize and honor Don Dixon, who is retiring from Senate service. Don has been a trusted advisor and dear friend for many years.

Approximately 15 years ago, I was blessed to have Don join my staff as my State director of agriculture. He brought to the position his experience as a farmer and his sincere dedication to solving challenges facing the agricultural community. Throughout his Senate service, Don has covered thousands of miles and spent countless hours meeting with constituents and ensuring that their concerns and interests are properly addressed. It has been said that anytime two farmers meet in Idaho, Don is there. This illustration, while not too far from the truth, emphasizes Don's deep personal commitment to ensuring sound representation of Idaho agriculture. For example, he has assisted with multiple farm bills, gathering input from Idahoans to craft the best policy possible, contributing throughout the drafting and providing information to farmers and ranchers when the laws were enacted. He sacrificed weeks with his family when he stayed in Washington, DC, to assist with the crafting of the 2002 farm bill. I have always been able to count on

Don to literally go the extra mile for constituents.

Don's dedication and exemplary service led to his appointment to serve as the Idaho State executive director of the U.S. Department of Agriculture's Farm Service Agency, FSA. While this appointment, unfortunately, led to Don leaving my staff for the first time in 2007, his work on behalf of the agricultural community during his time at FSA and his return to Senate service were welcomed. I feel blessed to have once again benefited from his on-the-ground knowledge of production and agricultural policy for the past 3 years.

His enthusiasm and sincere desire to do all that he can for people are part of what make Don exceptional. His unsurpassed energy, faith, and optimism also set him apart. The humor and get-up-and-go Don brings to any challenge has enabled many accomplishments for Idahoans, and Don is widely respected for his integrity and devotion to achieving results.

Although for many, retirement provides time to slow down and relax, knowing Don, he will likely work as hard in his retirement as he does on the job. "Idle" is not a word in Don's vocabulary. However, I hope that retirement provides Don with more time to spend with his family whom he loves so much: his wonderful wife Georgia; his children Lucinda, "Cindy," Lorin, Paul, and Tobin; eight grandchildren; and six great-grandchildren. Lucky for me, Don is also one of my neighbors in my hometown of Idaho Falls, so I hope to see him often. We have shared many laughs over the years, and I look forward to sharing many more.

Don, you are model public servant, and I feel very fortunate to have benefited from your wise counsel and hard work for so many years. I wish you the happy retirement you so greatly deserve for your years of dedicated service. Don, thank you for all that you have done on behalf of Idahoans.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO FRANKLIN OTIS CARROLL

• Mr. JOHNSON of South Dakota. Mr. President, I rise today to recognize and honor the public service of Mr. Franklin Otis Carroll, who is retiring from the U.S. Forest Service after 45 years of dedicated service to protecting our Nation's natural resources.

Frank was born on September 18, 1952, to Franklin and Betty Carroll, in Flagstaff, AZ. Blessed with a gift for expressing his opinion, Frank believed early in life that he was destined to pursue a career in the legal profession. But as he worked to pay for school, he took a job with the National Park Service as a firefighter at southern Arizona's Saguaro National Monument.

From then on, he sought to follow in his father's footsteps and care for the lands we all enjoy. He has since served in four National Parks and in Forest Service Regions 2, 3, and 4—travelling from Arizona to Idaho to Minnesota before settling in the Black Hills of South Dakota.

Frank earned a degree in history and English at the University of New Mexico and a Masters Degree in Public Administration at Boise State. He and Audrey, his wife of nearly 34 years, raised three girls—Jessica, Lauren and Merri—and are looking forward to spending more time with their seven grandchildren.

Over the years, Frank has worked tirelessly to protect our public lands, first working on hand crews, then working his way up the ranks to becoming a top level fire boss. He has been a respected spokesman for forest health and land management practices that keep our lands green as we battle the Mountain Pine Beetle. Proactive in educating the public about our lands, Frank is the first person to pick up the phone to explain what is happening in the forest. During his tenure, Frank has built lifelong friendships with a wide variety of folks that continue to this day.

Rick Cables, a former Regional Forester for Region 2 who has known Frank for 35 years, describes Frank as, "one of the most passionate and dedicated individuals in protecting our public lands that I have ever known. He is a talented communicator whose unique gift for communicating allows him to convey complex forest issues in simple terms so all can understand. When the Black Hills National Forest was looking to establish its new Forest Advisory Board, I could think of no one better to help in the process. I remember telling the supervisor at the time, John Twiss, he's someone that will push you harder to communicate more than you may want."

Frank's life work has been the protection of public lands and he has done so with an intense love of the places where he lives. It is because of the work of people like Frank Carroll that the forest industry continues to thrive and maintain its crucial role throughout South Dakota.

I am proud to recognize and honor Frank's service to the United States Forest Service and am delighted to join with his family and friends in congratulating him on his retirement. I wish Frank and Audrey all the best as they begin a new chapter in their lives.●

##### REMEMBERING VIRGINIA GABRIEL

• Mr. LIEBERMAN. Mr. President, today I wish to pay tribute to Virginia Gabriel of Clarks Summit, PA, who passed away on September 26, 2011, at the age of 93. To those who knew and



loved her, she will forever remain an inspiration, a motivator, and a role model.

It is no coincidence that Virginia was born into what has been called the greatest generation. Like so many others of her generation, she and her husband Steven responded when the country called on them during a time of great need. Their commitment to the Nation was visible on the day of their wedding. As they exchanged their vows on the altar, Steven's Navy unit waited outside for the ceremony to end, at which point he joined them and together they departed for their assignment, which ultimately took them to the Pacific theater. Like Steven, Virginia also engendered a sense of social responsibility towards our Nation. Remaining stateside during World War II, Virginia did what she could to help in the war effort. This commitment to help our Nation took her to Bridgeport, CT, where she secretly worked at the Singer sewing machine factory throughout the war manufacturing bomber sights for American aircraft.

Beyond Virginia's devotion to our country in its time of need, she will always be remembered for her abiding commitment to her family and by those who profited from her presence. She made life better for everyone around her by lifting their spirits through her kindness, generosity, laughter, and memorable smile. Her love of family and their awareness of that love was an incalculable source of strength which propelled them forward every day. Evoking the same sentiment that Senator Edward Kennedy had for his brother Robert, Virginia provided strength in time of trouble, wisdom in time of uncertainty, and sharing in time of happiness. The manner in which Virginia lived her life, and expected her family to live theirs, leaves behind a legacy that ensures she will always be by their side.●

#### RECOGNIZING KAKE, ALASKA

● Ms. MURKOWSKI. Mr. President, today I wish to celebrate 100 years of Kake, AK, as an incorporated first-class city. Kake Day, on January 8, 2012, will acknowledge the community's accomplishments, ranging from government to education, as well as recognize the village as a Native community rich with history of the Kake Tlingit ways.

The Tlingit people have inhabited the region of Kake for thousands of years, controlling the trade routes around Kuui and Kupreanof islands, enjoying the territory, raising families, and living off the land. The Tlingit of the Kake region gained a reputation among early explorers as being strong and powerful. Some encounters with early European and American explorers have been documented by historians as resulting in occasional skirmishes.

In the early part of the 20th century, Kake began to physically transform. Stores were built, a government school was installed, and a post office was established in 1904. Kake also became the first Native village to organize under Federal law, resulting in U.S. citizenship for community residents. In 1912, Kake was incorporated as a first-class city government in the territory of Alaska. This event is now known as Kake Day, and it is the 100th anniversary of that event that I wish to commemorate today.

Kake Day is not only a celebration of past accomplishments but also a celebration of the history of the Kake Tlingit ways. Kake has blended Western ways and the rich cultural traditions of its past to make Kake into the city it is today.

Recognized tribes—the Organized Village of Kake and the Central Council Tlingit and Haida Indian Tribes of Alaska—are essential components of Kake, alongside entities such as the Inside Passage Electric Cooperative. Important food sources link the old and the new ways of life, including salmon, halibut, shellfish, deer, bear, waterfowl, and berries.

Nearby, standing on a bluff overlooking Kake, is the world's largest totem pole, which serves as a reminder of the city's history and as a guide moving into the future. Standing at 132 feet, this properly sanctioned totem pole was carved by the Chilkats in 1967 for Alaska's centennial.

On the 100 year celebration of Kake Day, Alaskans will enjoy a parade, a protocol workshop, and song and dance featuring Keex' Kwan dancers. I am sure the event will be memorable for all involved.●

#### TRIBUTE TO LEE OSTERHOLM

● Mr. TESTER. Mr. President, today I wish to discuss the life of a great American, a fellow Montanan, and a true patriot who served his country proudly in World War II, Army SGT Lee Osterholm, a native of Butte, MT.

Born on April 24, 1919, Lee served in the Border Patrol in Texas prior to World War II. When our country was thrust into war, Lee answered the call of duty, enlisting in the U.S. Army on March 8, 1943, and was soon on the battlefields of Central Europe fighting for our very freedom.

Between 1943 and 1945 Lee's unwavering commitment to duty and courage under fire was evident as he led men into combat throughout the European theater and performed superbly in both the U.S. Army and U.S. Army Air Corps. Sadly he never received the recognition he deserved once the war ended and he was discharged on February 9, 1946.

Over 65 years later, his country is finally recognizing Lee's accomplishments by awarding him the Bronze

Star posthumously. I ask unanimous consent that the citation to accompany this award be printed in the RECORD.●

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Bronze Star Medal is awarded to Sergeant Lee Osterholm, United States Army, Service Number 39-616-345: "For exceptionally meritorious achievement in ground operations against hostile forces while assigned as Reconnaissance Sergeant, Company H, 387th Infantry Regiment, 97th Infantry Division, in the Central Europe Campaign, World War II. Sergeant Lee Osterholm's outstanding performance of duty, technical expertise, and unwavering commitment to mission accomplishment in ground combat in an active war zone were vital to successful combat operations in the Central Europe Campaign. His contributions and dedication to duty are in keeping with the finest traditions of the United States Army and reflect great credit upon himself, the 97th Infantry Division, and the United States Army in World War II."

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 3:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 94. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

At 4:47 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, with amendment, in which it requests the concurrence of the Senate:

S. 278. An act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2867) to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

At 5:33 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 94. Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on December 16, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 94. Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

The enrolled joint resolution was subsequently signed subsequent to adjournment by the Acting President pro tempore (Mr. REID).

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3094. An act to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 16, 2011, she had presented to the President of the United States the following enrolled bill:

S. 384. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4354. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to test and evaluation budgets that are not certified by the Director, Test Resource Management Center (TRMC), to be adequate by March 31 of the year preceding the fiscal year for which such budgets are proposed; to the Committee on Armed Services.

EC-4355. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report indicating that a report relative to the Department of Defense's purchases from foreign entities for fiscal year 2011 is not yet available and is expected to be submitted by April 2012; to the Committee on Armed Services.

EC-4356. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Homeless Emergency Assistance and Rapid Transition to Housing: Emergency Solutions Grants Program and Consolidated Plan Conforming Amendments" (RIN2506-AC29) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4357. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Homeless Emergency Assistance and Rapid Transition to Housing: Defining 'Homeless'" (RIN2506-AC26) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4358. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Certification of Part 23 Turboprop and Turbojet-Powered Airplanes and Miscellaneous Amendments" ((RIN2120-AJ22)(Docket No. FAA-2009-0738)) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4359. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Harmonization of Various Airworthiness Standards for Transport Category Airplanes—Flight Rules" ((RIN2120-AJ72)(Docket No. FAA-2010-0310)) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4360. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Damage Tolerance and Fatigue Evaluation of Composite Rotorcraft Structures" ((RIN2120-AJ52)(Docket No. FAA-2009-0660)) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4361. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Evansville, IN" ((RIN2120-AA66)(Docket No. FAA-2011-0429)) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4362. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Driggs, ID" ((RIN2120-AA66)(Docket No. FAA-2011-0837)) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4363. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Limited Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0971)) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4364. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (139); Amdt. No. 3452" (RIN2120-AA65) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4365. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (50); Amdt. No. 3453" (RIN2120-AA65) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4366. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (36); Amdt. No. 3454" (RIN2120-AA65) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4367. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (27); Amdt. No. 3455" (RIN2120-AA65) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4368. A communication from the Attorney Advisor, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Alternate Passenger Rail Service Pilot Program" (RIN2130-AC19) received in the Office of the President of the Senate on December 14, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4369. A communication from the Attorney Advisor, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the Department of Transportation in the position of Under Secretary of Transportation for Policy, received in the Office of the President of the Senate on December 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4370. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The National Initiative for Increasing Seat Belt Use:

Buckle Up America Campaign"; to the Committee on Commerce, Science, and Transportation.

EC-4371. A communication from the Acting Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Rural Business Investment Program" (RIN0570-AA80) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4372. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Golden Parachute and Indemnification Payments; Technical Correction" (RIN3133-AD73) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4373. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Community Development Revolving Loan Fund Access for Credit Unions" (RIN3133-AD91) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-4374. A communication from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "National Environmental Policy Act Compliance for Proposed Tower Registrations; Effects of Communications Towers on Migratory Birds" (FCC 11-181) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4375. A joint communication from the Chairman of the House Committee on Transportation and Infrastructure, Chairman of the House Committee on Oversight and Government Reform, Chairman of the House Subcommittee on Investigations and Oversight, and Chairman of the House Subcommittee on National Security, Homeland Defense and Foreign Operations, transmitting a report entitled "A Decade Later: A Call for TSA Reform"; to the Committee on Commerce, Science, and Transportation.

EC-4376. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Arriel 2B Turboshift Engines" ((RIN2120-AA64) (Docket No. FAA-2011-1031)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4377. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; ATR-GIE Avions de Transport Regional Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0721)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4378. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate

Previously Held by Israel Aircraft Industries, Ltd.) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0716)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4379. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211-524G2-19; -524G2-T-19; -524G3-19; -524G3-T-19; 524H2-19; -524H2-T-19; -524H-36; and -524H-T-36 Turbofan" ((RIN2120-AA64) (Docket No. FAA-2011-1109)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4380. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. Turboshift Engines" ((RIN2120-AA64) (Docket No. FAA-2011-1159)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4381. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1232)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4382. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Blythe, CA" ((RIN2120-AA66) (Docket No. FAA-2011-0585)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4383. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Luray, VA" ((RIN2120-AA66) (Docket No. FAA-2011-0785)) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-4384. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report on the administration of the Surface Transportation Project Delivery Pilot Program; to the Committee on Environment and Public Works.

EC-4385. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2012 Standard Mileage Rates" (Notice 2012-1) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Finance.

EC-4386. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Recurring Item Exception to the Economic Performance Requirement" (Rev. Rul. 2012-1) received in the Office of the President of the Senate on December 16, 2011; to the Committee on Finance.

EC-4387. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment involving the transfer of F-110-GE-132 jet engines to the United Arab Emirates in the amount of \$14,000,000 or more; to the Committee on Foreign Relations.

EC-4388. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed export of defense articles, to include technical and defense services to the Netherlands related to Airframe Doors, Weapons Bay Doors, Engine Inlet Duct Skins and Engine Inlet Duct Assemblies of the F-35 Joint Strike Fighter aircraft in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-4389. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to support the design, development, testing and qualification of weapon kits to be installed on UH-60M helicopters owned and operated by the Armed Forces of the United Arab Emirates in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4390. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the Republic of Korea for the manufacture, assembly, inspection, and test of F404-GE-102 aircraft engines in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-4391. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed revision of the U.S. Munitions List Category XIX in part 121 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-4392. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed revision of the U.S. Munitions List Category VII in part 121 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-4393. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services for the NATO Active Layered Theatre Ballistic Missile Defence Systems Engineering and Integration Contract in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-4394. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Patient Protection and Affordable Care Act; Establishment of Consumer Operated and Oriented Plan (CO OP) Program" (RIN0938-AQ98) received in the Office of the President of the

Senate on December 16, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-4395. A communication from the Associate General Counsel for General Law, Office of General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Chief Financial Officer, Department of Homeland Security, received in the Office of the President of the Senate on December 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4396. A communication from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-4397. A communication from the President and CEO, Inter-American Foundation, transmitting, pursuant to law, the audit report for fiscal years 2010 and 2011 financial statements; to the Committee on Homeland Security and Governmental Affairs.

EC-4398. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of Ezogabine into Schedule V" (Docket No. DEA-354) received in the Office of the President of the Senate on December 16, 2011; to the Committee on the Judiciary.

EC-4399. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Temporary Placement of Carisoprodol" (Docket No. DEA-333) received in the Office of the President of the Senate on December 16, 2011; to the Committee on the Judiciary.

EC-4400. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the first quarter of fiscal year 2011 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CASEY, from the Joint Economic Committee:

Special Report entitled "The 2011 Joint Economic Report" (Rept. No. 112-101).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1134. A bill to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1855. A bill to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT:

S. 2008. A bill to repeal certain provisions of the Communications Act of 1934, title 17 of the United States Code, and the regulations of the Federal Communications Commission that intervened in the television marketplace, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 2009. A bill to improve the administration of programs in the insular areas, and for other purposes; considered and passed.

By Mr. KERRY (for himself and Ms. COLLINS):

S. 2010. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. FRANKEN, Mr. MENENDEZ, Mrs. BOXER, and Mr. BROWN of Ohio):

S. 2011. A bill to amend title 49, United States Code, to provide certain port authorities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND:

S. 2012. A bill to require that labels on children's sleepwear that indicate the sleepwear is flame resistant to include the chemical name of the flame retardant used, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 2013. A bill to amend title 32, United States Code, the body of laws of the United States dealing with the National Guard, to recognize the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States; to the Committee on Armed Services.

By Mr. AKAKA:

S. 2014. A bill to reform the United States Postal Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENZI (for himself and Mr. BARRASSO):

S. 2015. A bill to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 2016. A bill to amend the Food and Nutrition Act of 2008, the Richard B. Russell National School Lunch Act, and the Child Nutrition Act of 1966 to increase access to healthy food for families, to amend the Consolidated Farm and Rural Development Act and the Farm Security and Rural Investment Act of 2002 to increase access to credit for small and new farmers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CARDIN (for himself, Mr. DURBIN, and Mr. WHITEHOUSE):

S. 2017. A bill to secure the Federal voting rights of persons when released from incarceration; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. LIEBERMAN, and Mr. BLUMENTHAL):

S. 2018. A bill to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2019. A bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to reduce helicopter noise pollution in certain residential areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN:

S. 2020. A bill to protect all school children against harmful and life-threatening seclusion and restraint practices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TOOMEY:

S. 2021. A bill to nullify certain regulations regarding the mandatory replacement of certain traffic signs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY (for himself, Mr. ENZI, Mr. SCHUMER, and Mr. WICKER):

S. 2022. A bill to establish a demonstration program to test the viability of community integrated small-house nursing care homes; to the Committee on Finance.

By Mr. SCHUMER:

S. 2023. A bill to establish a safety performance rating system for motorcoach services and operations; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 2024. A bill to make technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. MORAN:

S. 2025. A bill to postpone the remapping of areas protected by certain levees for purposes of the National Flood Insurance Act of 1968, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY:

S. 2026. A bill to ensure that representative payees under the Social Security program are subject to criminal background checks; to the Committee on Finance.

## ADDITIONAL COSPONSORS

S. 228

At the request of Mr. BARRASSO, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Pennsylvania (Mr. CASEY), the Senator from Illinois (Mr. DURBIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Idaho (Mr. RISCH), the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. WYDEN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Ohio (Mr. PORTMAN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Florida (Mr. NELSON), the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. ROBERTS) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in

commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 707

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. COONS), the Senator from New York (Mr. SCHUMER), the Senator from Florida (Mr. NELSON) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 1096

At the request of Ms. STABENOW, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1096, a bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1318

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1318, a bill to enhance pre- and post-adoptive support services.

S. 1403

At the request of Mr. HARKIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1403, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1833

At the request of Mr. MANCHIN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1833, a bill to provide additional time for compliance with, and coordinating of, the compliance schedules for certain rules of the Environmental Protection Agency.

S. 1903

At the request of Mrs. GILLIBRAND, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. TOOMEY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

S. 1941

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1941, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1961

At the request of Mr. REED, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1961, a bill to provide level funding for the Low-Income Home Energy Assistance Program.

S. 1988

At the request of Mr. BLUNT, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1988, a bill to amend the Federal Power Act to require the Federal Energy Regulatory Commission to consider pri-

vate landownership and private use of land in issuing hydropower licenses, and for other purposes.

S. 1994

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1994, a bill to prohibit deceptive practices in Federal elections.

S. 2003

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and congratulating Girl Scouts of the USA on its 100th anniversary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2014. A bill to reform the United States Postal Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I am introducing the Postal Investment Act of 2011 which lays out many ideas to help strengthen the United States Postal Service through investment and innovation.

For many years, I have been an advocate for the Postal Service, its workers, and importantly, postal customers. The Postal Service represents a multi-billion dollar industry on which all Americans rely for delivery of mail and packages. Unfortunately, in recent years, the downturn in the overall economy has negatively impacted the postal business, exacerbating a decline in the mail because of electronic diversion.

The 21st Century Postal Service Act, S. 1789, passed in November by the Homeland Security and Governmental Affairs Committee, contains many needed postal reforms and sensible compromises. Unfortunately, that bill also contained an unrelated measure reducing benefits for disabled and injured federal workers. As Chairman of

the Federal Workforce Subcommittee, this issue concerned me enough that I had to vote against reporting the bill to the full Senate. However, I did think the bill contained important provisions that will help the Postal Service and I look forward to further debate. I am introducing the Postal Investment Act to add to that conversation. While this bill is not a comprehensive approach that can rescue the Postal Service on its own, it represents several new ideas that have not yet been debated.

Since 2006, we have required the Postal Service to pay roughly \$5 billion per year in to an account to prefund its retiree health benefit liability. This is a payment that no other agency, and few private sector companies, must make. While prefunding this liability was a worthy goal, and it addressed an accounting problem in the Postal Accountability and Enhancement Act of 2006, it is crippling the Postal Service financially. The core of the Postal Investment Act would restructure the retirement health benefit prefunding requirement and allow for the funds set aside against the future liability to be invested in a diverse mix of government and non-government securities, instead of only in government securities as is now the case.

There are promising precedents for investing funds in this way in the Federal Government. In 2001, we passed the Railroad Retirement and Survivors' Improvement Act, which created a trust fund to invest railroad employee retirement assets in non-government securities. Assets of the Pension Benefit Guaranty Corporation also are invested in a diversified manner. Even in the turbulent economic times of the past few years, these funds have seen healthy returns on average, at a much higher rate than government securities alone.

I want to emphasize that the funds invested are there to cover a future liability to provide benefits to workers, some of whom have not been hired yet. Because of the long time horizon and significant assets of this fund, I believe that diversifying its investment would mean positive growth for the fund over time, and would bring it in line with many private sector retirement accounts. If we want the Postal Service to act more like a business, we could start by allowing it similar flexibility.

In addition to investing the fund, my bill would also suspend payments to the prefunding account in any years in which the Postal Service does not have the profits to invest. Unfortunately, under current law, the fund which was set up to insure against future default of the Postal Service is the very thing putting the Postal Service on the brink of default. I believe this new approach is a responsible way forward, which also recognizes the legitimate goal of prefunding this liability over a longer term.

Just as importantly, the Postal Service needs more flexibility in its business model to innovate. My bill contains several provisions to accelerate innovation in the Postal Service's products. Many of these are based on recommendations provided to Congress in a Postal Regulatory Commission, PRC, report released earlier this year. The bill would allow for pricing flexibilities for increased premium services subject to performance requirements. It would also explicitly allow the Postal Service, through the PRC, to create new classes of mail to meet evolving customer demands. For instance, there may be a market for a product with the speed of first class mail, but with none of the additional services that are part of first class. The bill also encourages the further development of experimental products to find new sources of revenue.

In order to create more accountability for product innovation, the bill would require the Postmaster General to designate a Chief Product Innovation officer to come up with new ideas and keep the public better informed of what the Postal Service is doing to find new products and services. My bill would also require more focus on retaining revenues for existing products by reducing uncollected postage.

Finally, my bill contains several provisions related to the postal workforce. Like several other proposals introduced already, the bill would allow the Postal Service access to excess payments it has made over the years to the Federal Employee Retirement System. It would use those funds first to offer voluntary retirement incentives to employees to help right-size the workforce.

The bill also contains a provision which was developed after we were informed that postal workers may not be taking full advantage of the benefits of Medicare after they reach the age of eligibility. The 21st Century Postal Service Act originally contained a provision which would have shifted costs from the Postal Service to the Medicare program and postal retirees by requiring eligible retirees to sign up for Medicare Parts A and B, and reducing the Federal Employees Health Benefit package available to them. Instead, my bill would ask the Postal Service to work with the Office of Personnel Management and the Center for Medicare and Medicaid Services to educate the postal workforce about how the Medicare program can work to enhance their existing health benefits.

To address concerns that have been expressed about how the Postal Service works with its employee unions and management organizations on collective bargaining and consultation rights, the Postal Innovation Act offers ways to strengthen these relationships. It contains a provision clarifying arbitrators' broad authority to consider

the factors he or she deems relevant should collective bargaining with a union fail. It also contains a provision clarifying the consultation process for managers, supervisors, and postmasters. In the case of labor and management agreeing to any future workforce reductions, the bill also clarifies that the process would be subject to existing procedures for other Federal employees.

Additionally, as the postal workforce has begun making concessions on pay and benefits and other contributions to the organization's solvency, this bill contains a provision intended to ensure that those at the very top of the Postal Service share in the sacrifice. This provision is modeled on an amendment drafted by Senator TESTER that was discussed but never settled on during Committee consideration of postal reform legislation. Currently, the Postmaster General and several other top executives at the Postal Service make more than \$200,000 per year, in addition to bonuses, deferred compensation, and other benefits. I believe that running the Postal Service is public service, and the Postal Service simply cannot afford to treat the top management like corporate executives, especially when postal employees and so many other Americans face pay freezes. As important as his duties are, I believe it is wrong for the Postmaster General to be paid more than the Secretary of Defense. My bill would tie the top pay at the Postal Service to the Executive Level schedule used to determine pay for Federal executives.

I believe that the provisions I have outlined in this bill will serve as important ideas as we move forward with comprehensive postal reform. It is my sincere hope that we can work out our differences on the 21st Century Postal Service Act, which would be a workable proposal to address the future of the Postal Service without its flawed workforce provisions.

As we continue this debate, I hope to offer these ideas as ways to further strengthen the Postal Service and show my commitment to preserving that service for all Americans well into the future. I ask my colleagues to consider the proposals I have put forward and work with me and all members who have their own proposals to help enact lasting improvements for the United States Postal Service.

By Mr. WYDEN:

S. 2016. A bill to amend the Food and Nutrition Act of 2008, the Richard B. Russell National School Lunch Act, and the Child Nutrition Act of 1966 to increase access to healthy food for families, to amend the Consolidated Farm and Rural Development Act and the Farm Security and Rural Investment Act of 2002 to increase access to credit for small and new farmers, and for other purposes; to the Committee



on Agriculture, Nutrition, and Forestry.

Mr. WYDEN. Mr. President, over the last 10 months, I have been working with a diverse group of people in my State on ways to get healthier food and more local agricultural products to consumers throughout the country. Our group included folks from every part of the State, from gleaners to cattle ranchers to pear growers. Today, I am introducing legislation based on my discussions with that agricultural advisory group. What we came up with is a series of proposals that I believe will create agricultural jobs, increase access to healthy locally grown fruits and vegetables and reduce paperwork for small farmers while improving access to Federal loans.

This legislation, the Fresh Regional Eating for Schools and Health Act, or FRESH, will provide healthier choices for recipients of Federal programs, push the U.S. Department of Agriculture's, USDA's, technology agenda forward, increase flexibility for State and local stakeholders, and provide better tools for small and beginning farmers.

For too long, the Federal Government has pushed one size fits all solutions when it comes to nutrition and school lunches. That is why this bill allows States to put forward innovative approaches to increase nutrition outcomes for Supplemental Nutrition Assistance Program, SNAP, beneficiaries. Let me make it clear: under this waiver, no benefits will be reduced, and eligibility requirements will not be changed. But States will be allowed to provide incentives for eating healthy for SNAP recipients, and help those folks meet the nutritional guidelines the Federal Government has put out.

Another area where flexibility is needed is in the school lunch program. Right now, over \$1 billion goes to Oregon schools to purchase food for school lunches from a USDA commodity warehouse. Meanwhile, I have heard time and time again from school lunch administrators in Oregon that they would prefer to use that money locally to purchase the healthy fruits and vegetables that are so plentiful in our State. This bill would give them the flexibility to use half of what they now get from USDA to buy local agriculture products. This approach not only enables schools to buy healthier food for their students but also helps keep that money in their local economy and support the family farmers down the road.

This bill also moves USDA nutrition programs into the 21st century when it comes to technology. It would push USDA to allow using smartphones and tablet technology to accept SNAP benefits, just as they can accept debit and credit cards today. This will open up access for SNAP beneficiaries to roadside food stands and farmers markets,

and encourage innovation within the agency. SNAP recipients would also be allowed to use online grocery stores to purchase foods—a hugely helpful option for busy moms or elderly folks for whom a grocery store is just too hard to get to. For the WIC program, state agencies will be allowed to use technologies like videoconferencing to keep costs low when it comes to training and certification, particularly for stores in rural areas.

Folks will also get a better sense of how the over \$70 billion a year taxpayers fund SNAP with is being spent if this bill passes. It requires companies that take in over \$1 million a year from the SNAP program to provide the Federal Government with a receipt of just what they have provided.

For small farmers, this bill suspends the 15-year limit for farmers to use FSA-guaranteed operating loans and the 7-year limit for them to use FSA direct operating loans. By suspending these time limits indefinitely, farmers will have more access to these critical capital tools. It includes creation of a streamlined micro-loan program that will allow small farmers who just need a quick loan to repair their truck or buy some feed to borrow up to \$5,000 on an expedited basis and with reduced paperwork.

For beginning farmers, this legislation provides an alternative to the requirement that they need three years of farm management experience to get direct loans to buy farm lands. Instead, it allows the completion of college degrees related to business and agriculture to be considered a substitute for hands-on experience. For example, Horticulture or Agricultural Business Management degrees would be acceptable as an alternative. This will give young folks more opportunities to get the capital needed to start a farm.

I am really proud of the efforts the Oregonians on my agricultural advisory committee made in helping provide common sense solutions for nutrition and farming programs. I want to thank them for helping to create these proposals, and I am going to work hard with my colleagues on both sides of the aisle as we move to the next farm bill to include these ideas.

By Mr. CARDIN (for himself, Mr. DURBIN, and Mr. WHITEHOUSE):

S. 2017. A bill to secure the Federal voting rights of persons when released from incarceration; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, today I am pleased to introduce the Democracy Restoration Act. The Democracy Restoration Act, or DRA, had been introduced in previous Congresses by former Senator Russ Feingold of Wisconsin and I am proud to follow his example. I want to thank Senator DURBIN for joining me as an original co-sponsor of this legislation.

As the late Senator Kennedy often said, civil rights is the “unfinished business” of America. The Democracy Restoration Act would restore voting rights in federal elections to approximately 5 million Americans who have been released from prison and are back living in their communities.

After the Civil War, Congress enacted and the states ratified the Fifteenth Amendment, which provides that “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have power to enforce this article by appropriate legislation.”

Unfortunately, many states passed laws during the Jim Crow period after the Civil War to make it more difficult for newly-freed slaves to vote in elections. Such laws included poll taxes, literacy tests, and disenfranchisement measures. Some disenfranchisement measures applied to misdemeanor convictions and in practice could result in lifetime disenfranchisement, even for individuals that successfully reintegrated into their communities as law-abiding citizens.

It took Congress and the states nearly another century to eliminate the poll tax, upon the ratification of the Twenty-Fourth Amendment in 1964. The Amendment provides that “the rights of citizens of the United States to vote in any primary or other election for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.”

Shortly thereafter Congress enacted the Voting Rights Act of 1965, which swept away numerous State laws and procedures that had denied African-Americans and other minorities their constitutional right to vote. For example, the Act outlawed the use of literacy or history tests that voters had to pass before registering to vote or casting their ballot. The act specifically prohibits states from imposing any “voting qualification or prerequisite to voting, or standard, practice, or procedure . . . to deny or abridge the right of any citizen of the United States to vote on account of race or color.” Congress overwhelmingly reauthorized the Act in 2006, which was signed into law by President George W. Bush.

In 2011, I am concerned that there are still several areas where the legacy of Jim Crow laws and state disenfranchisement statutes lead to unfairness in Federal elections. First, state laws governing the restoration of voting rights vary widely throughout the country, such that persons in some States can easily regain their voting

rights, while in other States persons effectively lose their right to vote permanently. Second, these state disenfranchisement laws have a disproportionate impact on racial and ethnic minorities. Third, this patchwork of state laws results in the lack of a uniform standard for eligibility to vote in Federal elections, and leads to an unfair disparity and unequal participation in Federal elections based solely on where an individual lives.

In 35 States, convicted individuals may not vote while they are on parole. In 10 States, a conviction can result in life-time disenfranchisement. Several States require prisoners to seek discretionary pardons from Governors, or action by the parole or pardon board, in order to regain their right to vote. Several States deny the right to vote to individuals convicted of certain misdemeanors. States are slowly moving or repeal or loosen many of these barriers to voting for ex-prisoners. But studies show that a growing number of African-American men, for example, will be disenfranchised at some point in their life, partly due to mandatory minimum sentencing laws that have a disproportionate impact on minorities. Congress recently addressed part of this problem by enacting the Fair Sentencing Act to partially reduce the sentencing disparity between crack cocaine and powder cocaine convictions. While I welcome these steps, I believe that Congress should take stronger action now to remedy this problem.

The legislation would restore voting rights to prisoners after their release from incarceration. It requires that prisons receiving federal funds notify people about their right to vote in federal elections when they are leaving prison, sentenced to probation, or convicted of a misdemeanor. The bill authorizes the Department of Justice and individuals harmed by violation of this Act to sue to enforce its provisions. The bill generally provides State election officials with a grace period to resolve voter eligibility complaints without a lawsuit before an election.

The legislation is narrowly crafted to apply to federal elections, and retains the States' authorities to generally establish voting qualifications. This legislation is therefore consistent with Congressional authority under the Constitution and voting rights statutes, as interpreted by the U.S. Supreme Court.

I am pleased that this legislation has been endorsed by a large coalition of public interest organizations, including: civil rights and reform organizations; religious and faith-based organizations; and law enforcement and criminal justice organizations. In particular I want to thank the Brennan Center for Justice, the ACLU, the Leadership Conference on Civil and Human Rights, and the NAACP for their work on this legislation.

This legislation is ultimately designed to reduce recidivism rates and

help reintegrate ex-prisoners back into society. When prisoners are released, they are expected to obey the law, get a job, and pay taxes as they are rehabilitated and reintegrated into their community. With these responsibilities and obligations of citizenship should also come the rights of citizenship, including the right to vote.

In 2007, President George W. Bush signed the Second Chance Act into law, after overwhelming approval and strong bipartisan support in Congress. The legislation expanded the Prison Re-Entry Initiative, by providing job training, placement services, transitional housing, drug treatment, medical care, and faith-based mentoring. At the signing ceremony, President Bush said: "We believe that even those who have struggled with a dark past can find brighter days ahead. One way we act on that belief is by helping former prisoners who have paid for their crimes. We help them build new lives as productive members of our society."

The Democracy Restoration Act is fully consistent with the goals of the Second Chance Act, as Congress and the States seek to reduce recidivism rates, strengthen the quality of life in our communities and make them safer, and reduce the burden on taxpayers.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

DECEMBER 16, 2011.

DEAR MEMBER OF CONGRESS: We, the undersigned organizations, a coalition of civil rights, social and criminal justice, and other legal and advocacy organizations, are writing to urge your support and co-sponsorship of the Democracy Restoration Act of 2011, a bill that seeks to restore voting rights in federal elections to people who are out of prison and living in the community. The current patchwork of laws that disenfranchise people with criminal records has created an inconsistent and unfair federal electoral process, perpetuating entrenched racial discrimination. As organizations dedicated to promoting democracy and justice as well as equal rights for all Americans, we strongly support passage of this legislation.

Currently, 5.3 million American citizens are denied the right to vote because they have a criminal conviction in their past. Four million of these people are out of prison, living in the community, paying taxes and raising families; yet they remain disenfranchised for years, often decades, and sometimes for life. The United States is one of the few western democratic nations that excludes such large numbers of people from the democratic process. Congressional action is needed to restore voting rights in federal elections to the millions of Americans who have been released from incarceration, but continue to be denied their ability to fully participate in civic life. Fortunately, Senator Ben Cardin and Representative John Conyers are lead sponsors of the Democracy Restoration Act of 2011, which is intended to address these injustices.

Criminal disenfranchisement laws are rooted in the Jim Crow era. They were enacted

alongside poll taxes and literacy tests and were intended to keep African Americans from voting. By 1900, 38 states denied voting rights to people with criminal convictions, most of which disenfranchised people until they received a pardon. The intended effects of these laws continue to this day. Nationwide 1-3% of African-American men have lost the right to vote. If current incarceration rates continue, three in ten of the next generation of African American men will lose the right to vote at some point in their lifetimes. This racial disparity also impacts the families of those who are disenfranchised and the communities in which they reside by diminishing their collective political voice.

In this country, voting is a national symbol of political equality and full citizenship. When a citizen is denied this right and responsibility, his or her standing as a full and equal member of our society is called into question. The responsibilities of citizenship—working, paying taxes and contributing to one's community—are duties conferred upon those reentering society. To further punish individuals who are back in the community by denying them a right of citizenship counters the expectation that citizens have rehabilitated themselves after a conviction. The United States should not be a country where the effects of past mistakes have countless consequences—and no opportunity for redress.

Passage of the Democracy Restoration Act of 2011 will ensure that all Americans living in their communities will have the opportunity to participate in our electoral process. A strong, vibrant democracy requires the broadest possible base of voter participation, and allowing all persons who have completed their prison time to vote is the best way to ensure the greatest level of participation.

We urge you to support the passage of the Democracy Restoration Act of 2011.

If you have any questions, please contact Deborah J. Vagins of the ACLU Washington Legislative Office or Nicole Austin-Hillery of the Brennan Center for Justice.

Sincerely,

American Civil Liberties Union; APIA Vote; Brennan Center for Justice; Center for the Study of the American Electorate; CitiWide Harm Reduction; Commission on Social Action of Reform Judaism; Crossroad Bible Institute; Demos; Desiree Alliance; Drug Policy Alliance; Drug Policy Forum of Hawaii; Fair Elections Legal Network; The Fortune Society's David Rothenberg Center for Public Policy; Illinois Consortium on Drug Policy; International CURE; Law Enforcement Against Prohibition; Lawyers' Committee For Civil Rights Under Law; The Leadership Conference on Civil and Human Rights; Maryland CURE; NAACP; NAACP Legal Defense and Educational Fund, Inc.; New Mexico Women's Justice Project; A New PATH (Parents for Addiction Treatment & Healing); North Carolina Harm Reduction Coalition; NORML; The Office of Social Justice, Christian Reformed Church of North America (CRCNA); ProjectVote; Queers for Economic Justice; South Asian Americans Leading Together (SAALT); State Rep. Edward J. Orlett (Ret) -Ohio; StoptheDrugWar.org; The Sentencing Project; Women With A Vision, Inc.

DECEMBER 16, 2011.

DEAR MEMBER OF CONGRESS: We, the undersigned religious organizations, reflecting diverse faith traditions, in one voice write to



urge you to support and co-sponsor the Democracy Restoration Act, a bill which seeks to restore federal voting rights to millions of Americans living and working in our communities who have been disenfranchised because of a criminal conviction in their past. As people of faith, we believe all people are created in God's image. We are deeply concerned that state disenfranchisement laws continue to deprive our neighbors of their fundamental right to vote and relegate them to second-class citizenship.

From Joseph saving untold numbers from famine, to Peter being the rock upon which Christ's church was built, our scriptures bear powerful witness of the great achievements that can be made by persons who have spent time in prison. It is consistent with the best of our democratic values and our moral heritage to encourage former prisoners to participate constructively with their communities in ways such as voting.

Accordingly, we join the many Americans who believe that continuing to deny the franchise to millions of our fellow citizens who have rejoined our communities is unwise and unjust. Our support for the Democracy Restoration Act rests squarely on our obligation to be merciful and forgiving, our commitment to treat others with the respect and dignity that God's children deserve, and our steadfast belief in the human capacity for redemption.

We applaud your efforts to restore the franchise to persons who have been released from prison, and we urge you to pass the Democracy Restoration Act.

Yours truly,

The Aleph Institute, an organization for Jewish renewal; Christian Reformed Church of North America; Crossroad Bible Institute; Evangelicals for Social Action; The Institute for Prison Ministries at the Billy Graham Center; Masjid An-Nur, an Islamic center in Minneapolis, MN; Mennonite Central Committee; National Advocacy Center of the Sisters of the Good Shepherd; National Hispanic Christian Leadership Conference; NETWORK, A National Catholic Social Justice Lobby; Presbyterian Church USA, Office of Public Witness, Washington, DC; Progressive National Baptist Convention, Inc.; Restorative Justice Ministries Network of North America; Sojourners, a Christian ministry based in Washington, DC; United Church of Christ, Justice and Witness Ministries; The United Methodist Church, General Board of Church and Society; Unitarian Universalist Association of Congregations.

DECEMBER 16, 2011

DEAR MEMBER OF CONGRESS: We, the undersigned law enforcement and criminal justice leaders, urge you to support and co-sponsor the Democracy Restoration Act, a bill which seeks to restore federal voting rights to the nearly four million Americans living, working and paying taxes in our communities who have been disenfranchised because of a criminal conviction in their past. We support the restoration of voting rights because continuing to disenfranchise individuals after release from prison is ineffective law enforcement policy and violates core principles of democracy and equality.

There is no credible evidence that denying voting rights to people after release from prison does anything to reduce crime. In our judgment, just the opposite is true. Every year over 600,000 people leave prison. We must find new and effective ways to foster

reintegration back into the community and prevent recidivism. We believe that bringing people into the political process makes them stakeholders in the community and helps steer former offenders away from future crimes.

The hallmark of a democratic government is that it reflects the views of the governed, views that are most readily expressed through the ballot box. As law enforcement and criminal justice officials, we are deeply committed to securing our system of American democracy. Carving a segment of the community out of the democratic process is inconsistent with America's best traditions and highest values.

People who commit crimes must and will serve all terms of their sentence. But once the criminal justice system has determined that they are ready to return to the community, they should receive both the rights and responsibilities that come with the status of being a citizen. Restoring the right to vote is simply good law enforcement policy.

To protect basic public safety and strengthen the core of our democracy, we urge you to use your leadership to pass this important legislation.

Sincerely,

American Correctional Association; Association of Paroling Authorities International; American Probation and Parole Association; James H. Austen; Blacks in Law Enforcement of America; Correctional Association of New York; Charles J. Hynes, District Attorney, Kings County, New York; International Community Corrections Association; Doug Jones; Peg Lautenschlager; Jorge Montes, Principal at Montes & Associates; Oklahoma Department of Corrections; Police Foundation; Providence Police Department; Rhode Island Department of Corrections.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 2019. A bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to reduce helicopter noise pollution in certain residential areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Los Angeles Residential Helicopter Noise Relief Act of 2011, which is cosponsored by Senator BOXER.

This legislation is very simple. It directs the Federal Aviation Administration to develop and enforce regulations to control helicopter noise and improve helicopter safety above Los Angeles.

FAA must complete the regulations within three years, in consultation with the local community, and it must include an exemption for public safety aircraft.

The bill is a companion to legislation with the same name introduced by Representative BERMAN.

This legislation is long overdue.

Under current law, helicopter pilots can and do fly practically wherever they want above Los Angeles, and no agency limits their activity.

The Federal Aviation Administration controls our Nation's airspace exclu-

sively, but it imposes no restrictions on helicopter flight paths, elevation, or hovering.

If a helicopter wants to hover over a home in Los Angeles for an hour, it can.

One neighborhood leader told the New York Times this summer that he was afraid of complaining too loudly about the noise helicopters create because he feared helicopter operators would retaliate, legally, by parking over his house.

City officials and State agencies permit the location of helicopter landing pads, but they have absolutely no power to govern what the chopper does once it takes off. They can do nothing to discourage tourist pilots from flying low and banking hard for the promise of a tip.

Bottom Line: This is, for all intents and purposes, an unregulated industry.

This reality is increasingly frustrating to Los Angeles residents who are experiencing what many people say is the most intense period of helicopter use in memory.

Every day brings a steady swarm of helicopters buzzing above Southern California's bedroom communities in what many officials say are greater numbers than ever before.

There are media helicopters, traffic helicopters, tour helicopters, paparazzi and film crew helicopters, corporate helicopters and private commuter helicopters.

Downtown L.A. has a helicopter parking lot in the clouds; helipads lie atop nearly every skyscraper.

But the city's residents may have finally reached their breaking point in July, after two consecutive weekends of extreme helicopter noise.

First, the helicopters hovered for hours on end as Prince William and his new bride, Kate, settled into Hancock Park, a Los Angeles community.

Then, a week later, the helicopters monitoring the impact of closing Interstate 405 were even worse.

Los Angeles resident Sue Rosen told the New York Times that there were, at any given time, at least five helicopters hovering over her house watching the 405. "The noise was nerve-racking," she said. "The house was vibrating."

The same week, a helicopter thumped loudly above the Hollywood Bowl at the exact moment Gustavo Dudamel was leading the Los Angeles Philharmonic through the adagio in the overture to Mozart's "Abduction From the Seraglio."

Although the Hollywood Bowl has worked aggressively with helicopter operators to establish a voluntary no-fly zone during concert nights, they have no power to enforce it, and pilots ignore it.

Noise from helicopters above the Hollywood bowl has been so loud some years that the Symphony had to stop playing.

As one pilot explained: the Hollywood Bowl managers “are always calling the towers telling them to get us away. But they can’t do anything.” Only FAA can act.

Only the FAA has the authority to improve the lives of millions of Californians bothered by helicopters by establishing common sense rules that increase safety and reduce noise.

But to date, FAA leaders have ignored this problem. In fact, FAA has not even tracked noise and annoyance complaints.

This bill directs the FAA to take this matter seriously.

FAA would be required to bring about safer, more pleasant skies above Los Angeles in cooperation with the local communities.

The air above our cities is a common Federal resource that only Congress has the power to protect, and today the air above Los Angeles is polluted with helicopter noise.

This is therefore a very important bill for the quality of life in America’s second largest city.

I hope my colleagues will support this legislation and work with us to enact it as part of FAA reauthorization.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2019

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Los Angeles Residential Helicopter Noise Relief Act of 2011”.

#### SEC. 2. REGULATIONS TO REDUCE HELICOPTER NOISE POLLUTION IN CERTAIN RESIDENTIAL AREAS.

(a) REGULATIONS REQUIRED.—Not later than 3 years after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe regulations for helicopter operations in Los Angeles County, California, that include requirements relating to the flight paths and altitudes associated with such operations to reduce helicopter noise pollution in residential areas, increase safety, and minimize commercial aircraft delays.

(b) EXEMPTIONS.—In prescribing regulations under subsection (a), the Administrator shall exempt helicopter operations related to emergency, law enforcement, or military activities from the requirements described in that subsection.

(c) CONSULTATIONS.—In prescribing regulations under subsection (a), the Administrator shall make reasonable efforts to consult with local communities and local helicopter operators in order to develop regulations that meet the needs of local communities, helicopter operators, and the Federal Aviation Administration.

By Mr. HARKIN.

S. 2020. A bill to protect all school children against harmful and life-

threatening seclusion and restraint practices; to the Committee on Health, Education, Labor and Pensions.

Mr. HARKIN. Mr. President, throughout my career in public service I have been committed to ensuring that children in this country receive a quality education. I believe that each child should be educated in a supportive, caring, stimulating environment in which they are treated as an individual and provided with the tools they need to succeed. I also believe no child should be subjected to abusive disciplinary strategies or violent behavioral interventions while in school and no child should be secluded or unnecessarily restrained. I have fought to ensure that all children be treated fairly in schools in this country, and as a result I am pleased to introduce today the Keeping All Students Safe Act. This important legislation will protect school children against ineffective harmful and life-threatening seclusion and restraint practices.

In 2009 the Government Accountability Office conducted a study on seclusion and restraint in schools. This study revealed that although the Children’s Health Act of 2000 amended Title V of the Public Health Service Act and regulated the use of seclusion and restraint on residents and children in hospital facilities that receive Federal funds, there was no Federal law restricting the use of seclusion and restraint in schools. In a hearing on May 19, 2009 parents of children who were injured or killed as a result of the use of seclusion and restraint in schools testified before the House Committee on Education and Labor. This testimony from parents highlighted the very real need for this legislation. The Keeping All Students Safe Act addresses many of the concerns raised at that hearing and by the G.A.O. study. The act specifically prohibits seclusion, the use of locked or barred rooms where children are left unattended, without supervision. The act also prohibits mechanical and chemical restraints, physical restraints that are life-threatening, including those that restrict breathing, and aversive behavioral interventions that compromise a student’s health and safety.

The G.A.O. study also revealed that restraint and seclusion-related fatalities and injuries most often involve children with disabilities. This vulnerable population must especially be protected from this type of abuse, and this legislation seeks to do just that. The Keeping All Students Safe Act prohibits the use of all types of restraint and seclusion in all schools receiving Federal financial assistance, and prevents the use of this type of intervention from being included in any child’s individualized education plan. This prohibition is included in the act because we know that planning for the use of restraint or seclusion has been shown to actually increase their use.

Although the act does allow for the use of restraint in emergency situations to prevent serious bodily injury to the student, other students in the classroom, or staff, it also requires staff to be trained and certified by a State-approved crisis intervention training program as to how to approach these types of emergency situations. This will help to ensure that in the rare instances where restraint is necessary to prevent serious bodily injury, all techniques will be administered appropriately and unnecessary injury can be avoided.

Another issue uncovered by the G.A.O. study was that no web site, Federal agency, or other entity currently collects comprehensive data related to the use of restraint and seclusion in our Nation’s schools. This Act will remedy this situation, as it requires each State educational agency to prepare and submit a report documenting, among other information, any instances in which physical restraint was imposed upon a student. This will allow us to track the use of restraint and to determine if our efforts to decrease it are being successful.

Support for this Act comes from many sectors of the education community. Organizations such as Easter Seals, United Cerebral Palsy, The Arc of the United States, the National Disabilities Rights Network and the Council of Parent and Attorney Advocates all support this legislation. In addition, in the House, our colleague, Representative GEORGE MILLER, introduced in April a companion bill with bi-partisan support.

This act is an important step towards protecting all children within our Nation’s schools from the use of restraint and seclusion. No child should be subjected to physical restraint or seclusion as a disciplinary technique or behavior intervention strategy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2020

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Keeping All Students Safe Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) APPLICABLE PROGRAM.—The term “applicable program” has the meaning given the term in section 400(c)(1) of the General Education Provisions Act (20 U.S.C. 1221(c)(1)).

(2) CHEMICAL RESTRAINT.—The term “chemical restraint” means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

(A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional’s authority under State law, for the standard treatment of a student’s medical or psychiatric condition; and

(B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

(3) ESEA DEFINITIONS.—The terms—

(A) "Department", "educational service agency", "elementary school", "local educational agency", "parent", "secondary school", "State", and "State educational agency" have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and

(B) "school resource officer" and "school personnel" have the meanings given such terms in section 4151 of such Act (20 U.S.C. 7161).

(4) FEDERAL FINANCIAL ASSISTANCE.—The term "Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of—

(A) funds;

(B) services of Federal personnel; or

(C) real and personal property or any interest in or use of such property, including—

(i) transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

(5) FREE APPROPRIATE PUBLIC EDUCATION.—For those students eligible for special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the term "free appropriate public education" has the meaning given the term in section 602 of such Act (20 U.S.C. 1401).

(6) MECHANICAL RESTRAINT.—The term "mechanical restraint"—

(A) has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290j(d)(1)), except that the meaning shall be applied by substituting "student's" for "resident's"; and

(B) does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

(i) restraints for medical immobilization;

(ii) adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

(iii) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

(7) PHYSICAL ESCORT.—The term "physical escort" means the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

(8) PHYSICAL RESTRAINT.—The term "physical restraint" means a personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint.

(9) POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.—The term "positive behavioral interventions and supports"

(A) means a school-wide systematic approach to embed evidence-based practices and data-driven decisionmaking to improve school climate and culture in order to achieve improved academic and social out-

comes, and increase learning for all students, including those with the most complex and intensive behavioral needs; and

(B) encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrence of challenging behaviors, and teach appropriate behaviors to students.

(10) PROTECTION AND ADVOCACY SYSTEM.—The term "protection and advocacy system" means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(11) SECLUSION.—The term "seclusion" means the isolation of a student in a room, enclosure, or space that is—

(A) locked; or

(B) unlocked and the student is prevented from leaving.

(12) SECRETARY.—The term "Secretary" means the Secretary of Education, and, where appropriate, the Secretary of the Interior and the Secretary of Defense.

(13) SERIOUS BODILY INJURY.—The term "serious bodily injury" has the meaning given the term in section 1365(h) of title 18, United States Code.

(14) STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.—The term "State-approved crisis intervention training program" means a training program approved by a State that, at a minimum, provides training in evidence-based practices shown to be effective—

(A) in the prevention of the use of physical restraint;

(B) in keeping both school personnel and students safe in imposing physical restraint in a manner consistent with this Act;

(C) in the use of data-based decision-making and evidence-based positive behavioral interventions and supports, safe physical escort, conflict prevention, behavioral antecedents, functional behavioral assessments, de-escalation of challenging behaviors, and conflict management;

(D) in first aid, including the signs of medical distress, and cardiopulmonary resuscitation; and

(E) certification for school personnel in the practices and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

(15) STUDENT.—The term "student" means a student who—

(A) is enrolled in a public school;

(B) is enrolled in a private school and is receiving a free appropriate public education at the school under subparagraph (B) or (C) of section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)(B), (C));

(C) is enrolled in a Head Start or Early Head Start program supported under the Head Start Act (42 U.S.C. 9831); or

(D) receives services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.).

### SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to promote the development of effective intervention and prevention practices that do not use restraints and seclusion;

(2) to protect all students from physical or mental abuse, aversive behavioral interventions that compromise health and safety, and any restraint imposed for purposes of coercion, discipline or convenience, or as a substitute for appropriate educational or positive behavioral interventions and supports;

(3) to ensure that staff are safe from the harm that can occur from inexpertly using restraints; and

(4) to ensure the safety of all students and school personnel and promote positive school culture and climate.

### SEC. 4. MINIMUM STANDARDS; RULE OF CONSTRUCTION.

Each State and local educational agency receiving Federal financial assistance shall have in place policies that are consistent with the following:

(1) PROHIBITION OF CERTAIN ACTION.—School personnel, contractors, and resource officers are prohibited from imposing on any student—

(A) seclusion;

(B) mechanical restraint;

(C) chemical restraint;

(D) aversive behavioral interventions that compromise health and safety;

(E) physical restraint that is life-threatening, including physical restraint that restricts breathing; and

(F) physical restraint if contraindicated based on the student's disability, health care needs, or medical or psychiatric condition, as documented in a health care directive or medical management plan, a behavior intervention plan, an individualized education program or an individualized family service plan (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), or plan developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or other relevant record made available to the State or local educational agency.

(2) PHYSICAL RESTRAINT.—

(A) IN GENERAL.—Physical restraint may only be implemented if—

(i) the student's behavior poses an immediate danger of serious bodily injury to self or others;

(ii) the physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication; and

(iii) less restrictive interventions have been ineffective in stopping the immediate danger of serious bodily injury to the student or others, except in a case of a rare and clearly unavoidable emergency circumstance posing immediate danger of serious bodily injury.

(B) LEAST AMOUNT OF FORCE NECESSARY.—When implementing a physical restraint, staff shall use only the amount of force necessary to protect the student or others from the threatened injury.

(C) END OF PHYSICAL RESTRAINT.—The use of physical restraint shall end when—

(i) a medical condition occurs putting the student at risk of harm;

(ii) the student's behavior no longer poses an immediate danger of serious bodily injury to the student or others; or

(iii) less restrictive interventions would be effective in stopping such immediate danger of serious bodily injury.

(D) QUALIFICATIONS OF INDIVIDUALS ENGAGING IN PHYSICAL RESTRAINT.—School personnel imposing physical restraint in accordance with this subsection shall—

(i) be trained and certified by a State-approved crisis intervention training program, except in the case of rare and clearly unavoidable emergency circumstances when school personnel trained and certified are not immediately available due to the unforeseeable nature of the emergency circumstance;

(ii) engage in continuous face-to-face monitoring of the student; and

(iii) be trained in State and school policies and procedures regarding restraint and seclusion.

(E) PROHIBITION ON USE OF PHYSICAL RESTRAINT AS PLANNED INTERVENTION.—The use of physical restraints as a planned intervention shall not be written into a student's education plan, individual safety plan, plan developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), individualized education program or individualized family service plan (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)), or any other planning document for an individual student.

(3) OTHER POLICIES.—

(A) IN GENERAL.—The State or local educational agency, and each school and educational program served by the State or local educational agency shall—

(i) establish policies and procedures that ensure school personnel and parents, including private school personnel and parents, are aware of the State, local educational agency, and school's policies and procedures regarding seclusion and restraint;

(ii) establish policies and procedures to keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe;

(iii) establish policies and procedures for planning for the appropriate use of restraint in crisis situations in accordance with this Act by a team of professionals trained in accordance with a State-approved crisis intervention training program; and

(iv) establish policies and procedures to be followed after each incident involving the imposition of physical restraint upon a student, including—

(I) procedures to provide to the parent of the student, with respect to each such incident—

(aa) a verbal or electronic communication on the same day as each such incident; and

(bb) within 24 hours of each such incident, written notification; and

(II) after the imposition of physical restraint upon a student, procedures to ensure that all school personnel in the proximity of the student immediately before and during the time of the restraint, the parent, the student, appropriate supervisory and administrative staff, and appropriate IEP team members, participate in a debriefing session.

(B) DEBRIEFING SESSION.—

(i) IN GENERAL.—The debriefing session described in subparagraph (A)(iv)(II) shall occur as soon as practicable, but not later than 5 school days following the imposition of physical restraint unless it is delayed by written mutual agreement of the parent and school. Parents shall retain their full legal rights for children under the age of majority concerning participation in the debriefing or other matters.

(ii) CONTENT OF SESSION.—The debriefing session described in subparagraph (A)(iv)(II) shall include—

(I) identification of antecedents to the physical restraint;

(II) consideration of relevant information in the student's records, and such information from teachers, other professionals, the parent, and student;

(III) planning to prevent and reduce recurrence of the use of physical restraint, including consideration of the results of any functional behavioral assessments, whether positive behavior plans were implemented with fidelity, recommendations of appropriate positive behavioral interventions and supports to assist personnel responsible for the student's educational plan, the individ-

ualized education program for the student, if applicable, and plans providing for reasonable accommodations under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(IV) a plan to have a functional behavioral assessment conducted, reviewed, or revised by qualified professionals, the parent, and the student; and

(V) for any student not identified as eligible to receive accommodations under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), evidence of such a referral or documentation of the basis for declining to refer the student.

(iii) COMMUNICATION BY THE STUDENT.—When a student attends a debriefing session described in subparagraph (A)(iv)(II), information communicated by the student may not be used against the student in any disciplinary, criminal, or civil investigation or proceeding.

(4) NOTIFICATION IN WRITING ON DEATH OR BODILY INJURY.—In a case in which serious bodily injury or death of a student occurs in conjunction with the use of physical restraint or any intervention used to control behavior, there are procedures to notify, in writing, within 24 hours after such injury or death occurs—

(A) the State educational agency and local educational agency;

(B) local law enforcement; and

(C) a protection and advocacy system, in the case of a student who is eligible for services from the protection and advocacy system.

(5) PROHIBITION AGAINST RETALIATION.—The State or local educational agency, each school and educational program served by the State or local educational agency, and school personnel of such school or program shall not retaliate against any person for having—

(A) reported a violation of this section or Federal or State regulations or policies promulgated to carry out this section; or

(B) provided information regarding a violation of this section or Federal or State regulations or policies promulgated to carry out this section.

SEC. 5. INTERACTION.

(a) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law (including regulations) or to restrict or limit stronger restrictions on the use of restraint, seclusion, or aversives in Federal or State law (including regulations) or in State policies.

(b) DENIAL OF A FREE APPROPRIATE PUBLIC EDUCATION.—Failure to meet the minimum standards of this Act as applied to an individual child eligible for accommodations developed pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or for education or related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) shall constitute a denial of a free appropriate public education.

SEC. 6. REPORT REQUIREMENTS.

(a) IN GENERAL.—Each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act of 1974") (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report with respect to each local educational agency, and each school not under the jurisdiction of a local edu-

cational agency, located in the same State as such State educational agency that includes the following information:

(1) The total number of incidents in which physical restraint was imposed upon a student in the preceding full academic year.

(2) The information described in paragraph (1) shall be disaggregated—

(A) by the total number of incidents in which physical restraint was imposed upon a student—

(i) that resulted in injury to students or school personnel, or both;

(ii) that resulted in death; and

(iii) in which the school personnel imposing physical restraint were not trained and certified as described in section 4(2)(D)(i); and

(B) by the demographic characteristics of all students upon whom physical restraint was imposed, including—

(i) the subcategories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));

(ii) age; and

(iii) disability category.

(b) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under subsection (a) shall—

(1) be carried out in a manner to ensure an unduplicated count of the total number of incidents in the preceding full academic year in which physical restraint was imposed upon a student; and

(2) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

SEC. 7. GRANT AUTHORITY.

(a) IN GENERAL.—From the amount appropriated under section 9, the Secretary may award grants to State educational agencies to assist in—

(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards described in this Act;

(2) improving State and local capacity to collect and analyze data related to physical restraint; and

(3) improving school climate and culture by implementing school-wide positive behavioral interventions and supports.

(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint.

(d) AUTHORITY TO MAKE SUBGRANTS.—

(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(e) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.—A State educational agency receiving grant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel

can participate, on an equitable basis, in activities supported by grant or subgrant funds.

(2) **PUBLIC CONTROL OF FUNDS.**—The control of funds provided under this section, and title to materials, equipment, and property with such funds, shall be in a public agency and a public agency shall administer such funds, materials, equipment, and property.

(f) **REQUIRED ACTIVITIES.**—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

(1) Researching, developing, implementing, and evaluating evidence-based strategies, policies, and procedures to reduce and prevent physical restraint in schools, consistent with the minimum standards described in this Act.

(2) Providing professional development, training, and certification for school personnel to meet such standards.

(g) **ADDITIONAL AUTHORIZED ACTIVITIES.**—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for 1 or more of the following:

(1) Developing and implementing a high-quality professional development and training program to implement evidence-based systematic approaches to school-wide positive behavioral interventions and supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavioral interventions and supports, including technical assistance for data-driven decisionmaking related to positive behavioral interventions and supports in the classroom.

(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavioral interventions and supports with fidelity.

(4) Supporting other local positive behavioral interventions and supports implementation activities consistent with this subsection.

(h) **EVALUATION AND REPORT.**—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

(1) evaluate the State's progress toward the prevention and reduction of physical restraint in the schools located in the State, consistent with the minimum standards; and

(2) submit to the Secretary a report on such progress.

#### **SEC. 8. ENFORCEMENT.**

(a) **USE OF REMEDIES.**—If a State educational agency fails to comply with the requirements under this Act, the Secretary shall—

(1) withhold, in whole or in part, further payments under an applicable program in accordance with section 455 of the General Education Provisions Act (20 U.S.C. 1234d);

(2) require a State or local educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program;

(3) issue a complaint to compel compliance of the State or local educational agency through a cease and desist order, in the same manner the Secretary is authorized to take

such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e); or

(4) refer the State to the Department of Justice or Department of Education Office of Civil Rights for an investigation.

(b) **CESSATION OF WITHHOLDING OF FUNDS.**—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a State or local educational agency that is subject to the withholding of payments under subsection (a)(1) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subsection.

#### **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 2012 and each of the 4 succeeding fiscal years.

### **AUTHORITY FOR COMMITTEES TO MEET**

#### **COMMITTEE ON FINANCE**

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet on December 16, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

### **PRIVILEGES OF THE FLOOR**

Mr. HOEVEN. Mr. President, I ask unanimous consent that Russell Evenmo, an intern in my office, be permitted floor privileges for today. It is his last day and I wish to get him on the floor, if I could.

The PRESIDING OFFICER. Without objection, it is so ordered.

### **UNANIMOUS CONSENT AGREEMENT**

Mr. REID. Mr. President, I ask unanimous consent that at 9 a.m. tomorrow morning, Saturday, December 17, the Senate proceed to the consideration of Calendar No. 257, H.R. 3630; that the majority leader be recognized to offer a Reid-McConnell substitute amendment agreed to by both leaders—a 2-month extension of the payroll tax reduction, doc fix, and unemployment insurance; that following the reporting of the amendment, the Senate proceed to vote in relation to the substitute; that there be no amendments in order to the substitute or the bill prior to the vote; that the amendment be subject to a 60-vote threshold; that if the substitute amendment is agreed to, the bill, as amended, be read the third time and passed; that if the Reid-McConnell substitute amendment is not agreed to, the majority leader be recognized; that upon the disposition of H.R. 3630, the Senate proceed to the consideration of the conference report with respect to H.R. 2055; that there be 15 minutes of debate, 5 minutes each for Senators INOUE, COCHRAN, and MCCAIN; that upon the use or yielding back of time,

the conference report be temporarily set aside and, notwithstanding the lack of receipt of the papers from the House with respect to H.R. 3672, the Senate proceed to the consideration en bloc of the following items: H.R. 3672, a bill regarding emergency disaster funding, and H. Con. Res. 94, a correcting resolution to provide offsets for the emergency disaster funding; that there be no amendments in order to the bill or the concurrent resolution prior to votes in relation to those measures; that following the reporting of the bill and the concurrent resolution, the Senate proceed to votes on the measures in the following order: passage of H.R. 3672, adoption of H. Con. Res. 94, and adoption of the conference report to accompany H.R. 2055, the Omnibus appropriations bill; that there be 2 minutes equally divided prior to each vote; that each of the votes be subject to a 60 affirmative vote threshold; that no motions or points of order be in order prior to the votes other than budget points of order and the applicable motions to waive; further, the cloture motion with respect to the motion to proceed to H.R. 3630 be vitiated; finally, that the House be immediately notified of the Senate's action following the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### **SIGNING AUTHORITY**

Mr. REID. Mr. President, I ask unanimous consent that from Friday, December 16 through Monday, January 23, 2012, the majority leader be recognized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

### **ORDERS FOR SATURDAY, DECEMBER 17, 2011**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Saturday, December 17, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to the consideration of Calendar No. 257, H.R. 3630, the House payroll bill that we have talked about, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

### **PROGRAM**

Mr. REID. Senators should expect a series of rollcall votes tomorrow morning beginning at 9 a.m. in relation to a 2-month extension of the payroll tax,

unemployment insurance, the doc fix, disaster aid, and the omnibus appropriations conference report.

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ADJOURNMENT UNTIL 9 A.M.  
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:38 p.m., adjourned until Saturday, December 17, 2011, at 9 a.m.

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NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JOHN THOMAS FOWLKES, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE, VICE BERNICE B. DONALD, ELEVATED.

KEVIN MCNULTY, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE GARRETT E. BROWN, JR., RETIRING.

DEPARTMENT OF THE TREASURY

RICHARD B. BERNER, OF MASSACHUSETTS, TO BE DIRECTOR, OFFICE OF FINANCIAL RESEARCH, DEPARTMENT OF THE TREASURY, FOR A TERM OF SIX YEARS. (NEW POSITION)

DEPARTMENT OF STATE

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203:

*To be brigadier general*

COLONEL JEFFREY K. BARNSON  
COLONEL ABEL BARRIENTES

COLONEL KIMBERLY A. CRIDER  
COLONEL THERON G. DAVIS  
COLONEL CHRISTOPHER L. EDDY  
COLONEL LYMAN L. EDWARDS  
COLONEL JOHN C. FLOURNOY, JR.  
COLONEL KATHRYN J. JOHNSON  
COLONEL KENNETH D. LEWIS, JR.  
COLONEL STEPHEN J. LINSENMEYER, JR.  
COLONEL VINCENT M. MANCUSO  
COLONEL UDO K. MCGREGOR  
COLONEL ERIC S. OVERTURF  
COLONEL KAREN A. RIZZUTI  
COLONEL VINCENT M. SARONI  
COLONEL JAMES P. SCANLAN

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WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 16, 2011 withdrawing from further Senate consideration the following nomination:

RICHARD SORIAN, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE CHRISTINA H. PEARSON, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

## HOUSE OF REPRESENTATIVES—Friday, December 16, 2011

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. DOLD).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 16, 2011.

I hereby appoint the Honorable ROBERT J. DOLD to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, we give You thanks for giving us another day. We pause in Your presence and ask guidance for the men and women of the people's House.

Enable them, O God, to act on what they believe to be right and true and just, and to do so in ways that show respect for those with whom they disagree. In this, may they grow to be models and good examples in a time when so many in our world are unable to engage gracefully with those with whom they are at odds.

May the Members realize that Your congregation is wider and broader than ever we could measure or determine. Help them, and help us all, O Lord, to put away any judgments that belong to You and do what we can to live together in peace.

As we approach this next recess, bless our great Nation, and keep it faithful to its ideals, its hopes, and its promise of freedom in our world.

Bless us this day and every day, and may all that is done within the people's House be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### CHRISTMAS IN ATHENS, TEXAS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, in the piney woods of east Texas, the small town of Athens in Henderson County is getting ready for the holidays. A group of local volunteers with Keep Athens Beautiful has placed a nativity scene on the far corner of the courthouse square. It has been there for the last 10 years with no complaints from residents.

But a group of out-of-towners, not from Athens, not even from Texas, but from a thousand miles away in Wisconsin, have self-righteously objected to the nativity scene. The antireligious hate group demands baby Jesus be evicted from the courthouse lawn.

The county judge politely said no local citizen has complained about the scene, and he really doesn't care what somebody from Wisconsin thinks. He even invited other religious groups to use the courthouse square, but no one has asked to do so.

The county officials don't appear to be succumbing to the intimidation tactics of the bigoted group that wants to censor religion. County commissioner Joe Hall made it clear: "We will remove the nativity scene when hell freezes over. It's not going anywhere."

And that's just the way it is.

### EXTEND UNEMPLOYMENT COMPENSATION AND PAYROLL TAX CUT

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, Congress should not be waiting until the 11th hour to act on behalf of the American people. And yet here we are with the Federal emergency unemployment compensation program and the payroll

tax cut scheduled to end in just a couple of weeks, which will cause tremendous harm to the American people.

This holiday, thousands of Rhode Islanders are wondering whether they will be able to afford to stay in their homes, afford to go grocery shopping, and whether they will be able to afford their heating and electricity bills. Americans are being left with real uncertainty because of the failure of this body to act responsibly.

It's a shame that extending emergency unemployment compensation and the payroll tax cut have become the latest victims of partisan politics. But it's not too late to act to provide families with a measure of assurance that they will be able to meet their basic necessities in the weeks to come.

I've heard from many of my constituents about the devastating impact that ending unemployment benefits or a tax increase will have. Let's get it done.

### THANK YOU IRAQ VETERANS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in 2003 the United States military and its allies began operations to remove Saddam Hussein from power, who was a ruthless dictator and a threat to stability in the Middle East, undermining world peace. Yesterday, the United States military successfully concluded its military involvement in Iraq. We have victory in Iraq for the people of Iraq to build upon.

As a proud father of two sons who served in Iraq, I want to offer a heartfelt thank-you to every American servicemember who served in the country and their families. I want to thank and assure the family members of the servicemembers who lost their lives—exemplified by Major Trane McCloud—and those who are wounded warriors, fighting for freedom, that their sacrifice and their military families will always be cherished.

Secretary Leon Panetta in Baghdad said: "Iraq has made remarkable progress over the last 9 years." Army General Lloyd J. Austin, III, Commander of U.S. Forces in Iraq, praised servicemembers and families for meeting our national objectives and giving Iraq hope for a prosperous future.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



## NATION BUILDING

□ 0910

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, yesterday we marked the end of the war in Iraq. I join with all of my colleagues in expressing our gratitude to those Americans who served when their country called. We owe it to our returning veterans to do everything we can to make sure that the economy they are returning to is strong and prosperous.

The United States spent \$62 billion nation building in Iraq. The end of the war will generate enough savings to put a downpayment on nation building we need to do right here in America. An aggressive investment in infrastructure, rebuilding our roads, bridges, rails, and water systems can generate the economic activity we need to reduce unemployment. A \$1.2 trillion investment will create 27 million jobs over 5 years. This growth will both reduce the debt and deficit.

We have deferred infrastructure investments in America for too long. We get a D grade from the Society of Civil Engineers. The Chamber of Commerce predicts \$362 billion in lost growth over the next 5 years will occur unless we repair our infrastructure.

Mr. Speaker, we need to do everything we can to ensure that our returning veterans have an opportunity to work and to rebuild this Nation right here at home.

CONGRATULATING BOY SCOUT  
TROOP 121

(Mr. McCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. McCLINTOCK. Mr. Speaker, tomorrow, Boy Scout Troop 121 of Granite Bay, California, will conduct its 200th Eagle Scout Court of Honor and induct its 212th and 213th Eagle Scouts.

During its 43 years of existence, Troop 121 has produced an entire generation of young men who have gone on to become upstanding family men, respected businessmen, and leaders of our community. And that's what I particularly want to salute today: the work of the Boy Scouts of America, as exemplified by Troop 121.

The hiking and camping and outdoor activities might make Boy Scouting appealing and enjoyable, but what makes it admirable and elevated is not that it produces good campers, but that it produces good citizens. It inculcates timeless values and virtues that forge solid citizens who contribute far beyond their numbers to the strength and stability of our society.

Troop 121 has done this for 43 years, and it is my pleasure and honor to commend them on their good work.

RECOGNIZING THE HARDWORKING  
STAFF OF GEORGIA'S 12TH CON-  
GRESSIONAL DISTRICT

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, we all know that many senior citizens in our country have trouble getting the Social Security and Medicare benefits they've paid for throughout their working life, and many veterans have trouble receiving the benefits they've earned through their service and sacrifice in protecting our country. However, because of the hard work of my district staff, folks in my district recovered over \$3.5 million in benefits that they were entitled to but were not getting from the Federal Government in just the last year alone.

This shines a light on a big problem with our Federal Government. Our constituents shouldn't have to appeal to their Congressman to get the benefits they're entitled to. We need to work together to make the Social Security Administration and the Department of Veterans Affairs work better so that none of our constituents will have to get their Congressman to help them get their benefits.

Until we get to that point, I'm proud that I have a talented and hardworking staff who may report to me but who work for the people of Georgia's 12th District.

## ENHANCED OIL RECOVERY

(Mr. CASSIDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASSIDY. Mr. Speaker, I rise to highlight a newer technology called enhanced oil recovery. When an oil well runs dry, half as much oil remains underground, unable to be extracted using traditional means. This is where enhanced oil recovery comes in. EOR, as it's called, pumps CO<sub>2</sub> into the ground, and oil which is trapped can be extracted safely and cost effectively.

Now, enhanced oil recovery is not hydraulic fracturing, or fracking. It is a process that displaces oil and allows it to be extracted. The Department of Energy states that enhanced oil recovery can yield as much as 80 billion barrels of oil, decreasing our needs to import by as much as one-third. And for those seeking to reduce atmospheric CO<sub>2</sub>, enhanced oil recovery provides the sequestration of carbon capture and sequestration.

As importantly, enhanced oil recovery employs thousands of Americans while generating royalty payments to local, State, and Federal governments. Enhanced oil recovery creates jobs, increases energy security, and poten-

tially benefits our environment, and is a technology to be supported as much as we can.

CHINESE CURRENCY  
MANIPULATION

(Mr. CRITZ asked and was given permission to address the House for 1 minute.)

Mr. CRITZ. Mr. Speaker, over the past several weeks, we have heard a lot of rhetoric about how this House has passed so many jobs bills that are sitting in the Senate waiting for action. But I want to talk about one bill that actually passed the Senate, and it is waiting in the House for action, and that is going after countries that manipulate their currency, of which China is the largest violator.

The bill has been sitting in committee since February with no Republican action. A discharge petition has sat at this desk for the last 5 months with no Republican action. It remains just 30 signatures shy of forcing action on Chinese currency manipulation, which estimates show could create 1.5 million jobs in this country.

So I want to urge the citizens of this country to call their Republican Congressmen to urge this Republican House that as they open their presents over this holiday season and they open those boxes and find those little tags that say "made in China," call your Republican Congressman, call this Republican House, and say thank you, thank you for putting party before country. Tell them, put country before party. Don't put China's economy before the United States'.

## ACCESS TO CAPITAL MARKETS

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, as a small business owner, I know that it's tough to get access to capital. If a company doesn't have the resources it needs to grow and expand, then it's virtually impossible to hire new workers.

Yesterday, the Financial Services Committee had a hearing where we examined a bipartisan bill, H.R. 3606, which would make it easier for companies to access capital markets and ease the overwhelming regulations that these young businesses encounter. This is exactly the type of bill that both sides can agree on, and I certainly urge my colleagues to support it.

Without a doubt, by allowing companies access to the markets, we give them the opportunity to succeed, and, in turn, they will have the opportunity to create additional jobs, which is what we desperately need.

Bill after bill has been passed out of this body and gone over to the Senate. Over two dozen bills wait on the Senate, of which each and every one of



them are bipartisan and would create additional jobs. With an unemployment rate of over 8 percent for the past 34 months and at least 9 percent for 28 of those months, it's about time that we moved forward on the jobs package that we're trying to push in the House. We need to step up and get America back to work.

#### PAYROLL TAX HOLIDAY

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, as we come to the close of yet another calendar year, and as we move well into the Federal fiscal year, much work remains to be done for America's hardworking middle class families, the working families of this country that make our economy work. We need to make certain that we respond with the extension of a payroll tax holiday. This House knows that that is important business.

We know that the President presented a plan before Congress that would ask for a surcharge on the most upper income strata in our country to bring about fundamental fairness and to address social and economic justice. We know that the hardworking middle class has taken it on the chin with tax cuts of a decade and a half ago that have really caused hardship with the recession in this country where we lost 8.2 million jobs.

We could go forward and do the right thing. We can extend that payroll tax holiday and pay for it in a meaningful way, in a balanced way. We can then go forward with investments that middle class America truly deserves and requires.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DOLD). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. ROGERS of Michigan. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1892) to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence

Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2012".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; Table of contents.

Sec. 2. Definitions.

#### TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

#### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

#### TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Annual report on hiring of National Security Education Program participants.

Sec. 304. Enhancement of authority for flexible personnel management among the elements of the intelligence community.

Sec. 305. Preparation of nuclear proliferation assessment statements.

Sec. 306. Cost estimates.

Sec. 307. Updates of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 308. Notification of transfer of a detainee held at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 309. Enhanced procurement authority to manage supply chain risk.

Sec. 310. Burial allowance.

Sec. 311. Modification of certain reporting requirements.

Sec. 312. Review of strategic and competitive analysis conducted by the intelligence community.

#### TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

##### Subtitle A—Office of the Director of National Intelligence

Sec. 401. Intelligence community assistance to counter drug trafficking organizations using public lands.

Sec. 402. Application of certain financial reporting requirements to the Office of the Director of National Intelligence.

Sec. 403. Public availability of information regarding the Inspector General of the Intelligence Community.

Sec. 404. Clarification of status of Chief Information Officer in the Executive Schedule.

Sec. 405. Temporary appointment to fill vacancies within Office of the Director of National Intelligence.

##### Subtitle B—Central Intelligence Agency

Sec. 411. Acceptance of gifts.

Sec. 412. Foreign language proficiency requirements for Central Intelligence Agency officers.

Sec. 413. Public availability of information regarding the Inspector General of the Central Intelligence Agency.

Sec. 414. Creating an official record of the Osama bin Laden operation.

Sec. 415. Recruitment of personnel in the Office of the Inspector General.

##### Subtitle C—National Security Agency

Sec. 421. Additional authorities for National Security Agency security personnel.

##### Subtitle D—Other Elements

Sec. 431. Codification of Office of Intelligence and Analysis of the Department of Homeland Security as element of the intelligence community.

Sec. 432. Federal Bureau of Investigation participation in the Department of Justice leave bank.

Sec. 433. Accounts and transfer authority for appropriations and other amounts for intelligence elements of the Department of Defense.

Sec. 434. Report on training standards of defense intelligence workforce.

#### TITLE V—OTHER MATTERS

Sec. 501. Report on airspace restrictions for use of unmanned aerial vehicles along the border of the United States and Mexico.

Sec. 502. Sense of Congress regarding integration of fusion centers.

Sec. 503. Strategy to counter improvised explosive devices.

Sec. 504. Sense of Congress regarding the priority of railway transportation security.

Sec. 505. Technical amendments to the National Security Act of 1947.

Sec. 506. Technical amendments to title 18, United States Code.

Sec. 507. Budgetary effects.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

#### TITLE I—INTELLIGENCE ACTIVITIES

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2012 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

##### SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be

appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2012, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 1892 of the One Hundred Twelfth Congress.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—

(1) **AVAILABILITY TO COMMITTEES OF CONGRESS.**—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) **DISTRIBUTION BY THE PRESIDENT.**—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) **LIMITS ON DISCLOSURE.**—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c)

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

(c) **USE OF FUNDS FOR CERTAIN ACTIVITIES IN THE CLASSIFIED ANNEX.**—In addition to any other purpose authorized by law, the Director of the Federal Bureau of Investigation may expend funds authorized in this Act as specified in the Federal Bureau of Investigation Policy Implementation section of the classified annex accompanying this Act.

**SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

(a) **AUTHORITY FOR INCREASES.**—The Director of National Intelligence may authorize the employment of civilian personnel in excess of the number of full-time equivalent positions for fiscal year 2012 authorized by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary for the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such section for such element.

(b) **AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACT PERSONNEL.**—

(1) **IN GENERAL.**—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contract personnel should be performed by employees of such element, the Director of National Intelligence, in order to reduce a comparable number of contract personnel, may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contract personnel performing such activities.

(2) **CONCURRENCE AND APPROVAL.**—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph.

(c) **TREATMENT OF CERTAIN PERSONNEL.**—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment—

(1) in a student program, trainee program, or similar program;

(2) in a reserve corps or as a reemployed annuitant; or

(3) in details, joint duty, or long-term, full-time training.

(d) **NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to the initial exercise of an authority described in subsection (a) or (b).

**SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2012 the sum of \$576,393,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2013.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 777 full-time or full-time equivalent personnel as of September 30, 2012. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2012 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2013.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2012, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2012 the sum of \$514,000,000.

**TITLE III—GENERAL PROVISIONS**

**SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

**SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

**SEC. 303. ANNUAL REPORT ON HIRING OF NATIONAL SECURITY EDUCATION PROGRAM PARTICIPANTS.**

Not later than 90 days after the end of each of fiscal years 2012, 2013, and 2014, the head of each element of the intelligence community shall

submit to the congressional intelligence committees a report, which may be in classified form, containing the number of personnel hired by such element during such fiscal year that were at any time a recipient of a grant or scholarship under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.).

**SEC. 304. ENHANCEMENT OF AUTHORITY FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.**

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

“(v) **AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.**—(1) The Director of National Intelligence, with the concurrence of the head of the covered department concerned and in consultation with the Director of the Office of Personnel Management, may—

“(A) convert competitive service positions, and the incumbents of such positions, within an element of the intelligence community in such department, to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

“(B) establish new positions in the excepted service within an element of the intelligence community in such department, if the Director of National Intelligence determines such positions are necessary to carry out the intelligence functions of such element.

“(2) An incumbent occupying a position on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 selected to be converted to the excepted service under this section shall have the right to refuse such conversion. Once such individual no longer occupies the position, the position may be converted to the excepted service.

“(3) In this subsection, the term ‘covered department’ means the Department of Energy, the Department of Homeland Security, the Department of State, or the Department of the Treasury.”.

**SEC. 305. PREPARATION OF NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS.**

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 304 of this Act, is further amended by adding at the end the following new subsection:

“(w) **NUCLEAR PROLIFERATION ASSESSMENT STATEMENTS INTELLIGENCE COMMUNITY ADDENDUM.**—The Director of National Intelligence, in consultation with the heads of the appropriate elements of the intelligence community and the Secretary of State, shall provide to the President, the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate an addendum to each Nuclear Proliferation Assessment Statement accompanying a civilian nuclear cooperation agreement, containing a comprehensive analysis of the country’s export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries.”.

**SEC. 306. COST ESTIMATES.**

(a) **IN GENERAL.**—Section 506A of the National Security Act of 1947 (50 U.S.C. 415a–1) is amended—

(1) in subsection (a)(2)—

(A) by inserting “(A)” after “(2)”; and

(B) by adding at the end the following new subparagraph:

“(B) For major system acquisitions requiring a service or capability from another acquisition or program to deliver the end-to-end functionality for the intelligence community end users, independent cost estimates shall include, to the maximum extent practicable, all estimated costs

across all pertinent elements of the intelligence community. For collection programs, such cost estimates shall include the cost of new analyst training, new hardware and software for data exploitation and analysis, and any unique or additional costs for data processing, storing, and power, space, and cooling across the life cycle of the program. If such costs for processing, exploitation, dissemination, and storage are scheduled to be executed in other elements of the intelligence community, the independent cost estimate shall identify and annotate such costs for such other elements accordingly.”; and (2) in subsection (e)(2)—

(A) by inserting “(A)” after “(2)”;

(B) in subparagraph (A), as so designated, by striking “associated with the acquisition of a major system,” and inserting “associated with the development, acquisition, procurement, operation, and sustainment of a major system across its proposed life cycle.”; and

(C) by adding at the end the following:

“(B) In accordance with subsection (a)(2)(B), each independent cost estimate shall include all costs required across elements of the intelligence community to develop, acquire, procure, operate, and sustain the system to provide the end-to-end intelligence functionality of the system, including—

“(i) for collection programs, the cost of new analyst training, new hardware and software for data exploitation and analysis, and any unique or additional costs for data processing, storing, and power, space, and cooling across the life cycle of the program; and

“(ii) costs for processing, exploitation, dissemination, and storage scheduled to be executed in other elements of the intelligence community.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

**SEC. 307. UPDATES OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) **UPDATES AND CONSOLIDATION OF LANGUAGE.**—

(1) **IN GENERAL.**—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506H the following new section:

“SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA

“SEC. 506I. (a) **IN GENERAL.**—The Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

“(1) intelligence relating to recidivism of detainees currently or formerly held at the Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

“(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

“(b) **UPDATES.**—Not less frequently than once every 6 months, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Secretary of Defense, shall update and make publicly available an unclassified summary consisting of the information required by subsection (a) and the number of individuals formerly detained at Naval Station, Guantanamo Bay, Cuba, who are confirmed or suspected of returning to terrorist activities after release or transfer from such Naval Station.”.

(2) **INITIAL UPDATE.**—The initial update required by section 506I(b) of such Act, as added

by paragraph (1) of this subsection, shall be made publicly available not later than 10 days after the date the first report following the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2012 is submitted to members and committees of Congress pursuant to section 319 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 10 U.S.C. 801 note).

(b) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506H the following new item:

“Sec. 506I. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.”.

**SEC. 308. NOTIFICATION OF TRANSFER OF A DETAINEE HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) **REQUIREMENT FOR NOTIFICATION.**—The President shall submit to Congress, in classified form, at least 30 days prior to the transfer or release of an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual’s nationality or last habitual residence or to any other foreign country or to a freely associated State the following information:

(1) The name of the individual to be transferred or released.

(2) The country or the freely associated State to which such individual is to be transferred or released.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(4) The agencies or departments of the United States responsible for ensuring that the agreement described in paragraph (3) is carried out.

(b) **DEFINITION.**—In this section, the term “freely associated States” means the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(c) **CONSTRUCTION WITH OTHER REQUIREMENTS.**—Nothing in this section shall be construed to supersede or otherwise affect the following provisions of law:

(1) Section 1028 of the National Defense Authorization Act for Fiscal Year 2012.

(2) Section 8120 of the Department of Defense Appropriations Act, 2012.

**SEC. 309. ENHANCED PROCUREMENT AUTHORITY TO MANAGE SUPPLY CHAIN RISK.**

(a) **DEFINITIONS.**—In this section:

(1) **COVERED AGENCY.**—The term “covered agency” means any element of the intelligence community other than an element within the Department of Defense.

(2) **COVERED ITEM OF SUPPLY.**—The term “covered item of supply” means an item of information technology (as that term is defined in section 11101 of title 40, United States Code) that is purchased for inclusion in a covered system, and the loss of integrity of which could result in a supply chain risk for a covered system.

(3) **COVERED PROCUREMENT.**—The term “covered procurement” means—

(A) a source selection for a covered system or a covered item of supply involving either a performance specification, as provided in section 3306(a)(3)(B) of title 41, United States Code, or an evaluation factor, as provided in section 3306(b)(1) of such title, relating to supply chain risk;

(B) the consideration of proposals for and issuance of a task or delivery order for a covered system or a covered item of supply, as provided in section 4106(d)(3) of title 41, United States Code, where the task or delivery order contract

concerned includes a contract clause establishing a requirement relating to supply chain risk; or

(C) any contract action involving a contract for a covered system or a covered item of supply where such contract includes a clause establishing requirements relating to supply chain risk.

(4) **COVERED PROCUREMENT ACTION.**—The term “covered procurement action” means any of the following actions, if the action takes place in the course of conducting a covered procurement:

(A) The exclusion of a source that fails to meet qualifications standards established in accordance with the requirements of section 3311 of title 41, United States Code, for the purpose of reducing supply chain risk in the acquisition of covered systems.

(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

(C) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor for a covered system to exclude a particular source from consideration for a subcontract under the contract.

(5) **COVERED SYSTEM.**—The term “covered system” means a national security system, as that term is defined in section 3542(b) of title 44, United States Code.

(6) **SUPPLY CHAIN RISK.**—The term “supply chain risk” means the risk that an adversary may sabotage, maliciously introduce unwanted function, or otherwise subvert the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a covered system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

(b) **AUTHORITY.**—Subject to subsection (c) and in consultation with the Director of National Intelligence, the head of a covered agency may, in conducting intelligence and intelligence-related activities—

(1) carry out a covered procurement action; and

(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

(c) **DETERMINATION AND NOTIFICATION.**—The head of a covered agency may exercise the authority provided in subsection (b) only after—

(1) any appropriate consultation with procurement or other relevant officials of the covered agency;

(2) making a determination in writing, which may be in classified form, that—

(A) use of the authority in subsection (b)(1) is necessary to protect national security by reducing supply chain risk;

(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (b)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information;

(3) notifying the Director of National Intelligence that there is a significant supply chain risk to the covered system concerned, unless the head of the covered agency making the determination is the Director of National Intelligence; and

(4) providing a notice, which may be in classified form, of the determination made under paragraph (2) to the congressional intelligence committees that includes a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and

why they were not reasonably available to reduce supply chain risk.

(d) **DELEGATION.**—The head of a covered agency may not delegate the authority provided in subsection (b) or the responsibility to make a determination under subsection (c) to an official below the level of the service acquisition executive for the agency concerned.

(e) **SAVINGS.**—The authority under this section is in addition to any other authority under any other provision of law. The authority under this section shall not be construed to alter or effect the exercise of any other provision of law.

(f) **EFFECTIVE DATE.**—The requirements of this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to contracts that are awarded on or after such date.

(g) **SUNSET.**—The authority provided in this section shall expire on the date that section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2304 note) expires.

#### **SEC. 310. BURIAL ALLOWANCE.**

(a) **AUTHORIZATION TO PROVIDE.**—

(1) **IN GENERAL.**—The head of an agency or department containing an element of the intelligence community may pay to the estate of a decedent described in paragraph (2) a burial allowance at the request of a representative of such estate, as determined in accordance with the laws of a State.

(2) **DESCRIPTION.**—A decedent described in this paragraph is an individual—

(A) who served as a civilian officer or employee of such an agency or department;

(B) who died as a result of an injury incurred during such service; and

(C) whose death—

(i) resulted from hostile or terrorist activities; or

(ii) occurred in connection with an intelligence activity having a substantial element of risk.

(b) **USE OF BURIAL ALLOWANCE.**—A burial allowance paid under subsection (a) may be used to reimburse such estate for burial expenses, including recovery, mortuary, funeral, or memorial service, cremation, burial costs, and costs of transportation by common carrier to the place selected for final disposition of the decedent.

(c) **AMOUNT OF BURIAL ALLOWANCE; RELATIONSHIP TO OTHER PROVISIONS.**—A burial allowance paid under subsection (a) shall be—

(1) in an amount not greater than—

(A) the maximum reimbursable amount allowed under Department of Defense Instruction 1344.08 or successor instruction; plus

(B) the actual costs of transportation referred to in subsection (b); and

(2) in addition to any other benefit permitted under any other provision of law, including funds that may be expended as specified in the General Provisions section of the classified annex accompanying this Act.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Director of National Intelligence, the Secretary of Labor, and the Secretary of Defense, shall submit to Congress a report on the feasibility of implementing legislation to provide for burial allowances at a level which adequately addresses the cost of burial expenses and provides for equitable treatment when an officer or employee of a Federal agency or department dies as the result of an injury sustained in the performance of duty.

#### **SEC. 311. MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.**

(a) **INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.**—Section 1041(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 403–1b(b)) is amended by striking paragraphs (3) and (4).

(b) **INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.**—Section 904(d)(1) of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 402c(d)(1)) is amended by striking “on an annual basis”.

(c) **INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.**—Section 809 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amended—

(1) by striking subsection (b); and

(2) in subsection (c), by striking “reports referred to in subsections (a) and (b)” and inserting “report referred to in subsection (a)”.

(d) **REPORT ON TEMPORARY PERSONNEL AUTHORIZATIONS FOR CRITICAL LANGUAGE TRAINING.**—Paragraph (3)(D) of section 102A(e) of the National Security Act of 1947 (50 U.S.C. 403–1(e)), as amended by section 306 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111–259; 124 Stat. 2661), is amended by striking “The” and inserting “For each of the fiscal years 2010, 2011, and 2012, the”.

#### **SEC. 312. REVIEW OF STRATEGIC AND COMPETITIVE ANALYSIS CONDUCTED BY THE INTELLIGENCE COMMUNITY.**

(a) **REVIEW.**—The Director of National Intelligence shall direct the Director’s Senior Advisory Group to conduct a comprehensive review of the strategic and competitive analysis of international terrorism and homegrown violent extremism conducted by elements of the intelligence community during the 12 month period beginning on the date of the enactment of this Act.

(b) **RECOMMENDATIONS.**—Not later than 15 months after the date of the enactment of this Act, the Director of the National Intelligence shall submit to the congressional intelligence committees—

(1) a report on the results of the review conducted under subsection (a); and

(2) any actions taken by the Director to implement the recommendations, if any, of the Director’s Senior Advisory Group based on such results.

#### **TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY**

##### **Subtitle A—Office of the Director of National Intelligence**

#### **SEC. 401. INTELLIGENCE COMMUNITY ASSISTANCE TO COUNTER DRUG TRAFFICKING ORGANIZATIONS USING PUBLIC LANDS.**

(a) **CONSULTATION.**—The Director of National Intelligence shall consult with the heads of the Federal land management agencies on the appropriate actions the intelligence community can take to assist such agencies in responding to the threat from covered entities that are currently or have previously used public lands in the United States to further the operations of such entities.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the results of the consultation under subsection (a). Such report shall include—

(1) an assessment of the intelligence community collection efforts dedicated to covered entities, including any collection gaps or inefficiencies; and

(2) an assessment of the ability of the intelligence community to assist Federal land management agencies in identifying and protecting public lands from illegal drug grows and other activities and threats of covered entities, including through the sharing of intelligence information.

(c) **DEFINITIONS.**—In this section:

(1) **COVERED ENTITY.**—The term “covered entity” means an international drug trafficking organization or other actor involved in drug trafficking generally.

(2) **FEDERAL LAND MANAGEMENT AGENCY.**—The term “Federal land management agency” includes—

(A) the Forest Service of the Department of Agriculture;

(B) the Bureau of Land Management of the Department of the Interior;

(C) the National Park Service of the Department of the Interior;

(D) the Fish and Wildlife Service of the Department of the Interior; and

(E) the Bureau of Reclamation of the Department of the Interior.

(3) **PUBLIC LANDS.**—The term “public lands” means land under the management of a Federal land management agency.

#### **SEC. 402. APPLICATION OF CERTAIN FINANCIAL REPORTING REQUIREMENTS TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**

For each of the fiscal years 2010, 2011, and 2012, the requirements of section 3515 of title 31, United States Code, to submit an audited financial statement shall not apply to the Office of the Director of National Intelligence if the Director of National Intelligence determines and notifies Congress that audited financial statements for such years for such Office cannot be produced on a cost-effective basis.

#### **SEC. 403. PUBLIC AVAILABILITY OF INFORMATION REGARDING THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.**

Section 103H of the National Security Act of 1947 (50 U.S.C. 403–3h) is amended by adding at the end the following new subsection:

“(c) **INFORMATION ON WEBSITE.**—(1) The Director of National Intelligence shall establish and maintain on the homepage of the publicly accessible website of the Office of the Director of National Intelligence information relating to the Office of the Inspector General of the Intelligence Community including methods to contact the Inspector General.

“(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General of the Intelligence Community.”.

#### **SEC. 404. CLARIFICATION OF STATUS OF CHIEF INFORMATION OFFICER IN THE EXECUTIVE SCHEDULE.**

Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Chief Information Officer, Small Business Administration the following new item:

“Chief Information Officer of the Intelligence Community.”.

#### **SEC. 405. TEMPORARY APPOINTMENT TO FILL VACANCIES WITHIN OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**

Section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e) **TEMPORARY FILLING OF VACANCIES.**—With respect to filling temporarily a vacancy in an office within the Office of the Director of National Intelligence (other than that of the Director of National Intelligence), section 3345(a)(3) of title 5, United States Code, may be applied—

“(1) in the matter preceding subparagraph (A), by substituting ‘an element of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)),’ for ‘such Executive agency’; and

“(2) in subparagraph (A), by substituting ‘the intelligence community’ for ‘such agency’.”.

**Subtitle B—Central Intelligence Agency****SEC. 411. ACCEPTANCE OF GIFTS.**

Section 12 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 4031(a)) is amended—

(1) in subsection (a)—  
(A) by inserting “(1)” after “(a)”; and  
(B) by striking the second and third sentences and inserting the following:

“(2) Any gift accepted under this section (and any income produced by any such gift)—

“(A) may be used only for—”

“(i) artistic display;

“(ii) purposes relating to the general welfare, education, or recreation of employees or dependents of employees of the Agency or for similar purposes; or

“(iii) purposes relating to the welfare, education, or recreation of an individual described in paragraph (3); and

“(B) under no circumstances may such a gift (or any income produced by any such gift) be used for operational purposes.

“(3) An individual described in this paragraph is an individual who—

“(A) is an employee or a former employee of the Agency who suffered injury or illness while employed by the Agency that—

“(i) resulted from hostile or terrorist activities;

“(ii) occurred in connection with an intelligence activity having a significant element of risk; or

“(iii) occurred under other circumstances determined by the Director to be analogous to the circumstances described in clause (i) or (ii);

“(B) is a family member of such an employee or former employee; or

“(C) is a surviving family member of an employee of the Agency who died in circumstances described in clause (i), (ii), or (iii) of subparagraph (A).

“(4) The Director may not accept any gift under this section that is expressly conditioned upon any expenditure not to be met from the gift itself or from income produced by the gift unless such expenditure has been authorized by law.

“(5) The Director may, in the Director's discretion, determine that an individual described in subparagraph (A) or (B) of paragraph (3) may accept a gift for the purposes described in paragraph (2)(A)(iii).”; and

(2) by adding at the end the following new subsection:

“(f) The Director, in consultation with the Director of the Office of Government Ethics, shall issue regulations to carry out the authority provided in this section. Such regulations shall ensure that such authority is exercised consistent with all relevant ethical constraints and principles, including—

“(1) the avoidance of any prohibited conflict of interest or appearance of impropriety; and

“(2) a prohibition against the acceptance of a gift from a foreign government or an agent of a foreign government.”.

**SEC. 412. FOREIGN LANGUAGE PROFICIENCY REQUIREMENTS FOR CENTRAL INTELLIGENCE AGENCY OFFICERS.**

(a) IN GENERAL.—Section 104A(g) of the National Security Act of 1947 (50 U.S.C. 403–4a(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting “in the Directorate of Intelligence career service or the National Clandestine Service career service” after “an individual”; and

(ii) by inserting “or promoted” after “appointed”; and

(iii) by striking “individual—” and inserting “individual has been certified as having a professional speaking and reading proficiency in a foreign language, such proficiency being at least

level 3 on the Interagency Language Roundtable Language Skills Level or commensurate proficiency level using such other indicator of proficiency as the Director of the Central Intelligence Agency considers appropriate.”;

(B) by striking subparagraphs (A) and (B); and

(2) in paragraph (2), by striking “position or category of positions” both places that term appears and inserting “position, category of positions, or occupation”.

(b) EFFECTIVE DATE.—Section 611(b) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 50 U.S.C. 403–4a note) is amended—

(1) by inserting “or promotions” after “appointments”; and

(2) by striking “that is one year after the date”.

(c) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) in the first sentence—

(A) by striking “positions” and inserting “individual waivers”; and

(B) by striking “Directorate of Operations” and inserting “National Clandestine Service”; and

(2) in the second sentence, by striking “position or category of positions” and inserting “position, category of positions, or occupation”.

(d) REPORT ON TRANSFERS.—Not later than 45 days after the date of the enactment of this Act, and on an annual basis for each of the following 3 years, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees a report on the number of Senior Intelligence Service employees of the Agency who—

(1) were transferred during the reporting period to a Senior Intelligence Service position in the Directorate of Intelligence career service or the National Clandestine Service career service; and

(2) did not meet the foreign language requirements specified in section 104A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–4a(g)(1)) at the time of such transfer.

**SEC. 413. PUBLIC AVAILABILITY OF INFORMATION REGARDING THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.**

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended by adding at the end the following new subsection:

“(h) INFORMATION ON WEBSITE.—(1) The Director of the Central Intelligence Agency shall establish and maintain on the homepage of the Agency's publicly accessible website information relating to the Office of the Inspector General including methods to contact the Inspector General.

“(2) The information referred to in paragraph (1) shall be obvious and facilitate accessibility to the information related to the Office of the Inspector General.”.

**SEC. 414. CREATING AN OFFICIAL RECORD OF THE OSAMA BIN LADEN OPERATION.**

(a) FINDINGS.—Congress finds the following:

(1) On May 1, 2011, United States personnel killed terrorist leader Osama bin Laden during the course of a targeted strike against his secret compound in Abbottabad, Pakistan.

(2) Osama bin Laden was the leader of the al Qaeda terrorist organization, the most significant terrorism threat to the United States and the international community.

(3) Osama bin Laden was the architect of terrorist attacks which killed nearly 3,000 civilians on September 11, 2001, the most deadly terrorist attack against our Nation, in which al Qaeda terrorists hijacked four airplanes and crashed them into the World Trade Center in New York

City, the Pentagon in Washington, D.C., and, due to heroic efforts by civilian passengers to disrupt the terrorists, near Shanksville, Pennsylvania.

(4) Osama bin Laden planned or supported numerous other deadly terrorist attacks against the United States and its allies, including the 1998 bombings of United States embassies in Kenya and Tanzania and the 2000 attack on the U.S.S. Cole in Yemen, and against innocent civilians in countries around the world, including the 2004 attack on commuter trains in Madrid, Spain and the 2005 bombings of the mass transit system in London, England.

(5) Following the September 11, 2001, terrorist attacks, the United States, under President George W. Bush, led an international coalition into Afghanistan to dismantle al Qaeda, deny them a safe haven in Afghanistan and ungoverned areas along the Pakistani border, and bring Osama bin Laden to justice.

(6) President Barack Obama in 2009 committed additional forces and resources to efforts in Afghanistan and Pakistan as “the central front in our enduring struggle against terrorism and extremism”.

(7) The valiant members of the United States Armed Forces have courageously and vigorously pursued al Qaeda and its affiliates in Afghanistan and around the world.

(8) The anonymous, unsung heroes of the intelligence community have pursued al Qaeda and affiliates in Afghanistan, Pakistan, and around the world with tremendous dedication, sacrifice, and professionalism.

(9) The close collaboration between the Armed Forces and the intelligence community prompted the Director of National Intelligence, General James Clapper, to state, “Never have I seen a more remarkable example of focused integration, seamless collaboration, and sheer professional magnificence as was demonstrated by the Intelligence Community in the ultimate demise of Osama bin Laden.”.

(10) While the death of Osama bin Laden represents a significant blow to the al Qaeda organization and its affiliates and to terrorist organizations around the world, terrorism remains a critical threat to United States national security.

(11) President Obama said, “For over two decades, bin Laden has been al Qaeda's leader and symbol, and has continued to plot attacks against our country and our friends and allies. The death of bin Laden marks the most significant achievement to date in our Nation's effort to defeat al Qaeda.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the raid that killed Osama bin Laden demonstrated the best of the intelligence community's capabilities and teamwork;

(2) for years to come, Americans will look back at this event as a defining point in the history of the United States;

(3) it is vitally important that the United States memorialize all the events that led to the raid so that future generations will have an official record of the events that transpired before, during, and as a result of the operation; and

(4) preserving this history now will allow the United States to have an accurate account of the events while those that participated in the events are still serving in the Government.

(c) REPORT ON THE OPERATION THAT KILLED OSAMA BIN LADEN.—Not later than 90 days after the completion of the report being prepared by the Center for the Study of Intelligence that documents the history of and lessons learned from the raid that resulted in the death of Osama bin Laden, the Director of the Central Intelligence Agency shall submit such report to the congressional intelligence committees.

(d) PRESERVATION OF RECORDS.—The Director of the Central Intelligence Agency shall preserve

any records, including intelligence information and assessments, used to generate the report described in subsection (c).

**SEC. 415. RECRUITMENT OF PERSONNEL IN THE OFFICE OF THE INSPECTOR GENERAL.**

(a) *STUDY.*—The Inspector General of the Office of Personnel Management, in consultation with the Inspector General of the Central Intelligence Agency, shall carry out a study of the personnel authorities and available personnel benefits of the Office of the Inspector General of the Central Intelligence Agency. Such study shall include—

(1) identification of any barriers or disincentives to the recruitment or retention of experienced investigators within the Office of the Inspector General of the Central Intelligence Agency; and

(2) a comparison of the personnel authorities of the Inspector General of the Central Intelligence Agency with personnel authorities of Inspectors General of other agencies and departments of the United States, including a comparison of the benefits available to experienced investigators within the Office of the Inspector General of the Central Intelligence Agency with similar benefits available within the offices of Inspectors General of such other agencies or departments.

(b) *RECOMMENDATIONS.*—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Office of Personnel Management shall submit to the congressional intelligence committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives—

(1) a report on the results of the study conducted under subsection (a); and

(2) any recommendations for legislative action based on such results.

(c) *FUNDING.*—Of the funds authorized to be appropriated by this Act, the Director of National Intelligence shall transfer to the Inspector General of the Office of Personnel Management such sums as may be necessary to carry out this section.

**Subtitle C—National Security Agency**

**SEC. 421. ADDITIONAL AUTHORITIES FOR NATIONAL SECURITY AGENCY SECURITY PERSONNEL.**

(a) *AUTHORITY TO TRANSPORT APPREHENDED PERSONS.*—Paragraph (5) of section 11(a) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended to read as follows:

“(5) Agency personnel authorized by the Director under paragraph (1) may transport an individual apprehended under the authority of this section from the premises at which the individual was apprehended, as described in subparagraph (A) or (B) of paragraph (1), for the purpose of transferring such individual to the custody of law enforcement officials. Such transportation may be provided only to make a transfer of custody at a location within 30 miles of the premises described in subparagraphs (A) and (B) of paragraph (1).”.

(b) *CONFORMING AMENDMENT RELATING TO TORT LIABILITY.*—Paragraph (1) of section 11(d) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(D) transport an individual pursuant to subsection (a)(2).”.

**Subtitle D—Other Elements**

**SEC. 431. CODIFICATION OF OFFICE OF INTELLIGENCE AND ANALYSIS OF THE DEPARTMENT OF HOMELAND SECURITY AS ELEMENT OF THE INTELLIGENCE COMMUNITY.**

Section 3(4)(K) of the National Security Act of 1947 (50 U.S.C. 401a(4)(K)) is amended to read as follows:

“(K) The Office of Intelligence and Analysis of the Department of Homeland Security.”.

**SEC. 432. FEDERAL BUREAU OF INVESTIGATION PARTICIPATION IN THE DEPARTMENT OF JUSTICE LEAVE BANK.**

Subsection (b) of section 6372 of title 5, United States Code, is amended to read as follows:

“(b)(1) Except as provided in paragraph (2) and notwithstanding any other provision of this subchapter, neither an excepted agency nor any individual employed in or under an excepted agency may be included in a leave bank program established under any of the preceding provisions of this subchapter.

“(2) Notwithstanding any other provision of law, the Director of the Federal Bureau of Investigation may authorize an individual employed by the Bureau to participate in a leave bank program administered by the Department of Justice under this subchapter if in the Director’s judgment such participation will not adversely affect the protection of intelligence sources and methods.”.

**SEC. 433. ACCOUNTS AND TRANSFER AUTHORITY FOR APPROPRIATIONS AND OTHER AMOUNTS FOR INTELLIGENCE ELEMENTS OF THE DEPARTMENT OF DEFENSE.**

(a) *IN GENERAL.*—Chapter 21 of title 10, United States Code, is amended by inserting after section 428 the following new section:

**“§ 429. Appropriations for Defense intelligence elements: accounts for transfers; transfer authority**

“(a) *ACCOUNTS FOR APPROPRIATIONS FOR DEFENSE INTELLIGENCE ELEMENTS.*—The Secretary of Defense may transfer appropriations of the Department of Defense which are available for the activities of Defense intelligence elements to an account or accounts established for receipt of such transfers. Each such account may also receive transfers from the Director of National Intelligence if made pursuant to Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), and transfers and reimbursements arising from transactions, as authorized by law, between a Defense intelligence element and another entity. Appropriation balances in each such account may be transferred back to the account or accounts from which such appropriations originated as appropriation refunds.

“(b) *RECORDATION OF TRANSFERS.*—Transfers made pursuant to subsection (a) shall be recorded as expenditure transfers.

“(c) *AVAILABILITY OF FUNDS.*—Funds transferred pursuant to subsection (a) shall remain available for the same time period and for the same purpose as the appropriation from which transferred, and shall remain subject to the same limitations provided in the act making the appropriation.

“(d) *OBLIGATION AND EXPENDITURE OF FUNDS.*—Unless otherwise specifically authorized by law, funds transferred pursuant to subsection (a) shall only be obligated and expended in accordance with chapter 15 of title 31 and all other applicable provisions of law.

“(e) *DEFENSE INTELLIGENCE ELEMENT DEFINED.*—In this section, the term ‘Defense intelligence element’ means any of the Department of Defense agencies, offices, and elements included within the definition of ‘intelligence community’ under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

(b) *CLERICAL AMENDMENT.*—The table of sections at the beginning of subchapter I of such

chapter is amended by adding at the end the following new item:

“429. Appropriations for Defense intelligence elements: accounts for transfers; transfer authority.”.

**SEC. 434. REPORT ON TRAINING STANDARDS OF DEFENSE INTELLIGENCE WORKFORCE.**

(a) *REPORT.*—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence and the Under Secretary of Defense for Intelligence shall submit to the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives and the Select Committee on Intelligence and the Committee on Armed Services of the Senate a report on the training standards of the defense intelligence workforce. Such report shall include—

(1) a description of existing training, education, and professional development standards applied to personnel of defense intelligence components; and

(2) an assessment of the ability to implement a certification program for personnel of the defense intelligence components based on achievement of required training, education, and professional development standards.

(b) *DEFINITIONS.*—In this section:

(1) *DEFENSE INTELLIGENCE COMPONENTS.*—The term “defense intelligence components” means—

(A) the National Security Agency;

(B) the Defense Intelligence Agency;

(C) the National Geospatial-Intelligence Agency;

(D) the National Reconnaissance Office;

(E) the intelligence elements of the Army, the Navy, the Air Force, and the Marine Corps; and

(F) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

(2) *DEFENSE INTELLIGENCE WORKFORCE.*—The term “defense intelligence workforce” means the personnel of the defense intelligence components.

**TITLE V—OTHER MATTERS**

**SEC. 501. REPORT ON AIRSPACE RESTRICTIONS FOR USE OF UNMANNED AERIAL VEHICLES ALONG THE BORDER OF THE UNITED STATES AND MEXICO.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the congressional intelligence committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on whether restrictions on the use of airspace are hampering the use of unmanned aerial vehicles by the Department of Homeland Security along the international border between the United States and Mexico.

**SEC. 502. SENSE OF CONGRESS REGARDING INTEGRATION OF FUSION CENTERS.**

It is the sense of Congress that ten years after the terrorist attacks upon the United States on September 11, 2001, the Secretary of Homeland Security, in consultation with the Director of National Intelligence, should continue to integrate and utilize fusion centers to enlist all of the intelligence, law enforcement, and homeland security capabilities of the United States in a manner that is consistent with the Constitution to prevent acts of terrorism against the United States.

**SEC. 503. STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.**

(a) *STRATEGY.*—

(1) *ESTABLISHMENT.*—The Director of National Intelligence and the Secretary of Defense shall establish a coordinated strategy utilizing all available personnel and assets for intelligence collection and analysis to identify and counter network activity and operations in Pakistan



and Afghanistan relating to the development and use of improvised explosive devices.

(2) **CONTENTS.**—The strategy established under paragraph (1) shall identify—

(A) the networks that design improvised explosive devices, provide training on improvised explosive device assembly and employment, and smuggle improvised explosive device components into Afghanistan;

(B) the persons and organizations not directly affiliated with insurgents in Afghanistan who knowingly enable the movement of commercial products and material used in improvised explosive device construction from factories and vendors in Pakistan into Afghanistan;

(C) the financiers, financial networks, institutions, and funding streams that provide resources to the insurgency in Afghanistan; and

(D) the links to military, intelligence services, and government officials who are complicit in allowing the insurgent networks in Afghanistan to operate.

(b) **REPORT AND IMPLEMENTATION.**—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall—

(1) submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report containing the strategy established under subsection (a); and

(2) implement such strategy.

**SEC. 504. SENSE OF CONGRESS REGARDING THE PRIORITY OF RAILWAY TRANSPORTATION SECURITY.**

It is the sense of Congress that—

(1) the nation's railway transportation (including subway transit) network is broad and technically complex, requiring robust communication between private sector stakeholders and the intelligence community to identify, monitor, and respond to threats;

(2) the Department of Homeland Security Office of Intelligence and Analysis maintains a constructive relationship with other Federal agencies, state and local governments, and private entities to safeguard our railways; and

(3) railway transportation security (including subway transit security) should continue to be prioritized in the critical infrastructure threat assessment developed by the Office of Intelligence and Analysis and included in threat assessment budgets of the intelligence community.

**SEC. 505. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.**

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) in section 3(6) (50 U.S.C. 401a(6)), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(2) in section 506(b) (50 U.S.C. 415a(b)), by striking “Director of Central Intelligence.” and inserting “Director of National Intelligence.”; and

(3) in section 506A(c)(2)(C) (50 U.S.C. 415a-1(c)(2)(C)), by striking “National Foreign Intelligence Program” both places that term appears and inserting “National Intelligence Program”.

**SEC. 506. TECHNICAL AMENDMENTS TO TITLE 18, UNITED STATES CODE.**

Section 351(a) of title 18, United States Code, is amended—

(1) by inserting “the Director (or a person nominated to be Director during the pendency of such nomination) or Principal Deputy Director of National Intelligence,” after “in such department,”; and

(2) by striking “Central Intelligence,” and inserting “the Central Intelligence Agency,”.

**SEC. 507. BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary

Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

This is a good day for the United States, certainly a good day for the men and women who serve so proudly in our intelligence services that work tirelessly to keep America safe. This is a good day to bring the fiscal year 2012 intelligence authorization bill to the floor today. This will be our second intelligence authorization bill since January of this year, when I became chairman and my ranking member took his position as well for the House Intelligence Committee, and it will be the 29th bill in our committee's history.

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This bill is a vital tool for congressional oversight of the intelligence community's classified activities and is critical to ensuring that our intelligence agencies have the resources and authorities they need to do their important work.

Passing an annual intelligence authorization bill is vital to keeping the laws governing our intelligence operations up to date. The FY12 bill sustains our current intelligence capabilities and provides for the development of future capabilities, all while achieving significant savings.

The U.S. intelligence community plays a critical role in the war on terrorism and securing the country from many threats that we face today. Effective and aggressive congressional oversight is essential to ensuring continued success in the intelligence community.

The intelligence authorization bill funds U.S. intelligence activities spanning 17 separate agencies. This funding totaled roughly \$80 billion in fiscal year 2010. The current challenging fiscal environment demands the accountability and financial oversight of our classified intelligence programs that can only come with an intelligence authorization bill.

The bill's comprehensive classified annex provides detailed guidance on intelligence spending, including adjustments to costly programs. This bill funds the requirements of the men and women of the intelligence community, both military and civilian, many of whom directly support the war zones or are engaged in other dangerous operations to keep America and Americans safe.

It provides oversight and authorization for critical intelligence activities,

including the global counterterrorism operations, such as the one that took out Osama bin Laden; cyberdefense by the National Security Agency; countering the proliferation of weapons of mass destruction; global monitoring of foreign militaries and weapons tests; research and development of new technology to maintain our intelligence agencies' technological edge, including work on code breaking and spy satellites.

This has been a strategy for a tough fiscal climate. After passage of the Budget Control Act, the committee revamped the bill it reported out of committee back in May to double its budget savings. As a result, the bill is significantly below the President's budget request for fiscal year 2012 and further still below the levels authorized and appropriated in fiscal year 2011. These savings—and this is important, Mr. Speaker—were achieved without impacting the intelligence community's important mission, as the cuts of the 1990s did.

The bottom line is that this bipartisan bill preserves and advances national security and is also fiscally responsible. The secrecy that is a necessary part of our country's intelligence work requires that the congressional intelligence committees conduct strong and effective oversight on behalf of the American people. That strong and effective oversight is impossible, however, without an annual intelligence authorization bill. And I want to thank both of the staffs for the Republicans and the Democrats, and the members from both the Republicans and Democrats on this committee for coming together in a bipartisan way on the important issue of national security. And I thank my friend, DUTCH RUPPERSBERGER, the ranking member, for his leadership in getting us not to one, but to two authorization bills within just 10 months. And that's no small accomplishment, as you might know, Mr. Speaker.

With that, I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield myself such time as I may consume.

I rise today in favor of the Intelligence Authorization Act for FY 2012.

When Chairman ROGERS and I took over leadership of the House Permanent Select Committee on Intelligence, we made a commitment to work together to ensure the intelligence community has the authorities it needs to effectively protect America. This intelligence authorization bill achieves this purpose. It gives our intelligence professionals critical resources, capabilities, and authorities. We passed FY11 earlier this year, and now we can see the finish line for FY12.

For 5 years, there were no intelligence bills. There was a gap in oversight. When this bill is signed into law,

it will be the third time in 3 years that the Intelligence Committee has passed an intel authorization act.

I strongly believe that passing the authorization bill is critical to national security. The Intelligence Committee wants to strengthen the intelligence community and give them the tools they need. However, it is also our job to conduct thorough, effective oversight and provide budgetary direction. This bill does that.

This bill makes smart choices. It trims and eliminates duplicative efforts wherever possible. We made careful decisions and were mindful to protect the current and future capabilities that protect our Nation. This bill aligns our resources with our current threats and makes important investments in space, satellites, and cyber.

This bill is even more important today with the 10th anniversary of 9/11 fresh in our minds. When it comes to terrorism, Osama bin Laden may be gone, but radical extremists still have the United States as a target.

Intelligence is clearly the best defense against terrorism, and this bill makes our defense even stronger. This act is bipartisan and bicameral. The members of our Intelligence Committee work not as Democrats or Republicans, or as the House or Senate, but as Americans protecting our country. This bill is proof that Congress can work together to do good things. I fully support this bill and urge my colleagues to do the same.

And I also want to acknowledge the leadership of Chairman ROGERS for helping put this bill together.

I reserve the balance of my time.

Mr. ROGERS of Michigan. I continue to reserve my time, Mr. Speaker.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 3 minutes to my distinguished colleague from the State of California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 1892, the Intelligence Authorization Act for FY12.

As the ranking member of the Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, I am pleased that we were able to work together to bring a bipartisan, bicameral intelligence authorization bill to the House floor for the third year in a row. This is a testament to the hard work and leadership of our chairman, Mr. ROGERS, and ranking member, Mr. RUPPERSBERGER.

This bill will increase information sharing throughout the intelligence community. It includes a provision that is important to my home State of California, requiring the Director of National Intelligence to compile a threat assessment of foreign drug traffickers that are destroying our public lands here in the United States and causing unacceptable levels of violence

because of their drug-growing operations in our public parks and forests. This bill requires the DNI to share this information with Federal land management agencies like the Forest Service so that we can take back our public lands.

The bill also includes a provision that I authored, working with my friend and former committee colleague, Representative ANNA ESHOO from California, requiring the Director of the Central Intelligence Agency to provide a full report on the events surrounding the May 2011 Osama bin Laden raid. We are all very proud of the intelligence community's extraordinary efforts in carrying out this operation. We believe it's important that the intelligence community document this operation in our permanent record as to how the operation was conducted and its importance on our counterterrorism efforts.

Mr. Speaker, this legislation will improve our national security, will enhance the capabilities of the intelligence community, and will make our Nation stronger.

I urge my colleagues to support this bill.

Mr. ROGERS of Michigan. I continue to reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield myself such time as I may consume.

I think we really need to discuss the issue of cybersecurity. Cyberthreat is the one thing I think that keeps a lot of us on the Intelligence Committee up at night, how serious a threat it is to our country—we're being attacked on a regular basis. And we as a country need to do what we have to do to go forward and deal with the issue of cyber.

Cyber poses one of the greatest threats to Americans from both an economic and national security perspective. We are losing millions of dollars because of cyberattacks. Our intellectual property is being stolen daily just as we speak. Our Pentagon is being attacked as we speak. We have seen countless examples of cutting-edge U.S. ideas being stolen and used for foreign products.

Cyber is also a major national security concern. We only have to look at the attack on South Korea's banking system to realize the impact an attack can have on critical infrastructure. In South Korea, depositors lost access to their money and critical investment. Data was lost. An attack like this could happen in the United States if we do not prepare and focus on the issue of cybersecurity. This bill strengthens U.S. cyberdefenses, again, a very important part of this bill.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentleman bringing up the issue of cybersecurity, an incredibly important issue, one that this

committee spends a great deal of time on. And the ranking member and myself and many members of this committee have co-authored a bill—and many Members of this House—to give that first important step to protecting Americans' networks from both economic espionage and attack of those particular networks.

□ 0930

I can't think of anything that is more pressing than that particular issue, and I appreciate the gentleman's working with us on that particular issue and being a leading voice here in Congress on that particular issue.

I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield myself such time as I may consume.

I think another major issue that we've addressed in this bill is the issue of space. Years ago, when we went to the Moon, the whole country understood how important space was to the national defense of our country, and, in those days, everyone knew the names of the astronauts the same as they know the names of NFL quarterbacks today.

And yet, because of the fact that there hasn't been as much in space, we as a country need to educate our constituents how important space is. We are the strongest country in the world, and one of the main reasons is because we are active and control the skies. Yet, right now, our space program has to be reinvigorated, and we have to refocus on that.

America, again, controls the world because we control the skies. Our investment in space keeps us safe. If we fail to make that investment, other countries will move ahead and edge us out. As an example, China is going to the Moon. They are spending time, research, and development to go to the Moon. Currently, we rely on the Russians to get to the international space station.

We must reinvest in the capabilities to give us the edge in space. We also need to think about different ways to get ahead. The bill breaks down barriers of our launch industry. All options need to be on the table as we talk about keeping America's edge in space.

I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

The ranking member brings up an important point about how complex this bill is and the level of threats and the degree of threat that this great country faces every day and really the importance of our investment in the technology that we need to keep ahead of enemy nations who seek to do us harm.

This bill embodies the fact that there will be members of the intelligence community whose job it is to find



those Russian spies—like the illegal alien Russian case that was here—that are attempting to do bad things to the United States. The same with Chinese spies and Iranian spies, and the list is very long. And, unfortunately, it's not a spy novel; it's not a movie. These things are real. They happen every day in the United States, and we are a target of those nation-states as they seek to steal our secrets.

This bill provides those protections, and that means that we have to invest in space. It means that we have to invest in our cybersecurity capability. It means that we have to invest in our HUMINT collection, meaning recruiting others who will help us identify and ferret out those who seek to do us harm.

It means that we have the challenges of trying to make sure that al Qaeda, who has expressed an interest in a radiological bomb, doesn't get their hands on those types of materials. It means that we have to be careful about nuclear weapons being proliferated around the world by either force security or, worse yet, nation-states who encourage that type of activity.

It is no simple job being an intelligence officer or being in the intelligence community here in the United States.

I think this bill is an accurate reflection on how we move to the next place, but also an important reminder of the important work that they do, often in the shadows. The men and women who conduct this important work certainly deserve our support and all of the resources that we can muster to make sure that they're successful in their endeavors.

With that, I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield myself such time as I may consume.

I think it's extremely important that we look back where we've come from since 9/11.

During 9/11, or before 9/11, we had agencies, intelligence agencies that just were not working together. There was not a teamwork approach. And, as a result of not working together, the attack of 9/11 occurred. The 9/11 Commission made numerous recommendations, and a lot of those recommendations were very positive and were implemented.

As a result of the bin Laden raid and bringing him to justice, I think it showed the teamwork that is needed, especially in the intelligence community, to work together, whether or not it's NSA, the NRO, it's the military, all those different agencies coming together and working as a team. And we would not have had the success that we had with bin Laden if it weren't for that teamwork approach.

I think now we have to learn about the teamwork approach and working

together in Congress, also. We as Members of Congress need to do our job and come together and do the people's work, and the partisan politics has to stop.

What I'm leading to is that I think that this bill, and the previous bills that we've passed, and the leadership of Chairman ROGERS and the open minds of every member, whether Democrat or Republican, on the Intelligence Committee has allowed us to come together and have a bipartisan bill. And we would hope that what is happening here today in the bills that we've passed will be looked at as an example for the future.

Again, Chairman ROGERS, thank you for that commitment. We made a commitment when we first came that the stakes are too high, national security is too high, and we must work together.

I reserve the balance of my time.

Mr. ROGERS of Michigan. I continue to reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield 3 minutes to a member of the Intelligence Committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding, and I want to thank the chair and ranking member for the extraordinary job they have done on the Intelligence Committee.

This committee, I think, has been more productive than it's been in years, and owing largely to the efforts of these two gentlemen as well as all the members of the committee. I am greatly appreciative of the spirit of cooperation and nonpartisanship that prevails on the Intelligence Committee, and I want to thank both of these gentlemen.

I also enjoy working with JOE HECK, the chairman of the Technical and Tactical Subcommittee, and as ranking member I appreciate the opportunity to work on our overhead architecture issues. I remain concerned that we are largely investing in some inherited systems that are important but very expensive and can often crowd out new innovations and new technologies that are worthy of investment that provide potentially game-changing capabilities, but I look forward to continuing to work with the chair and ranking member to advance the science and technology that helps us stay one step ahead of our adversaries and helps us keep an eye on some of the bad actors around the world that pose a potentially great threat to the United States.

But, once again, I'm greatly appreciative of the efforts of the committee and our leadership. I think this is a superb bill and moves our intelligence capabilities forward.

I urge my colleagues to join in support.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentleman and look forward to continuing to work with the gentleman from California on those activities when it comes to our overhead architecture. There are programs worthy of investment, and the technology that we apply to this particular effort is incredibly important.

We always need to stay ahead. America always needs to be number one, and this bill reflects that. I think the work of the gentleman certainly is reflected in this bill as well, and I look forward to continuing to work with you to make sure that we don't have crowd-out when it comes to future technology. I think it's incredibly important.

I reserve the balance of my time.

Mr. RUPPERSBERGER. Mr. Speaker, I yield myself such time as I may consume.

I do want to acknowledge the Technical and Tactical Subcommittee and the work done by Mr. HECK and also Mr. SCHIFF. I have served with Mr. SCHIFF for years on the Intelligence Committee, and he has been very focused on the technical area, which is extremely important to our national security.

Mr. Speaker, in closing, it took a long time for us to get to this point here today. We spent days in important hearings analyzing the intelligence community, making sure that we focused on what the intelligence community needed. We knew, as this country has an issue with respect to the deficit, that we had to do some cutting.

It's not about cutting; it was what to cut. And we wanted to make sure that the cuts that we made in this intelligence bill, working as Republicans and Democrats, would not affect the mission for the national security of our country. We spent time before the bill passed, hours and hours, working, staff working, coming together. And what's very unique, also, about this committee is that both the Democrat and the Republican staff worked very closely together, and I hadn't seen that in the past as a member of this committee for over 9 years right now. And that's one of the main reasons that we have such a great, effective staff that work together as a team, to come together to make sure that we did what we had to do.

□ 0940

Now we are here today to finish the job. Republicans and Democrats have come together to make important choices and to do what is right for the intelligence community and our country. This bill makes America safer.

Again, I commend everyone who participated in this effort, especially the bipartisan leadership of Chairman ROGERS, the other members of the Intelligence Committee, and the leadership of Senators FEINSTEIN and CHAMBLISS in the Senate Intelligence Committee,

again working together. We can do our work here, but we need the Senate to come together, and we did and we now have the product here today.

I would like to thank again both the Democrat and Republican staff for the countless hours they spent.

I fully support the fiscal year 2012 Intelligence Authorization Act and urge my colleagues to do the same.

I yield back the balance of my time. Mr. ROGERS of Michigan. Mr. Speaker, I yield myself the balance of my time.

I want to thank the members of the committee, both Republican and Democrat, for their fine bipartisan effort on this national security bill of real significance. Many, many hours on behalf of both the Democrat staff and the Republican staff to get this right. When we had to trim back some finances from the community without impacting the mission, that is no small challenge, and I think this product is a testament to all of the work on behalf of both staffs, and both members, Republican and Democrat, to get us here.

I want to take this time to thank Senator FEINSTEIN and Senator CHAMBLISS for their work as well on this particular bill. We wouldn't be here today if it weren't for that bicameral and bipartisan effort, again, on this national security bill.

#### GENERAL LEAVE

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 1892, as it will be adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ROGERS of Michigan. With that, I yield back the balance of my time.

Mr. LANGEVIN. Mr. Speaker, I am proud to support the 2012 Intelligence Authorization Act. In particular, this bill includes funding to accelerate implementation of an insider threat detection program and requires best practices implemented in the Army to be reviewed for inclusion across the Intelligence Community. In addition, the bill supports critical resources for cybersecurity, a threat which demands the attention of national security specialists.

As the successful operation against Osama bin Ladin demonstrated earlier this year, the Intelligence Community has made significant strides towards working together to counter the most complex threats facing our nation. Productive cooperation and intelligence integration embodies the intent of congressional reforms made after the tragic events of 9/11. I am encouraged to see this progress, especially in the area of information sharing.

While the sharing of classified information is imperative to keep our country safe, technological advances have also increased the risks of this cooperation. As we saw last year with the damage of Wikileaks the threat from a malicious insider, with the "keys to the kingdom," is real.

This bill requires the Director of National Intelligence to review improvements made to the Army's insider threat regulation and consider implementation across the Intelligence Community. The bill also accelerates other technical initiatives within the insider threat program. It is imperative that we ensure our security officers and network administrators have this capability in place to protect our most sensitive information.

Further, this bill helps secure our information and networks both from the insider and from outside actors by addressing the risks posed to our cyber networks. We must all work together to raise awareness of this threat and work with both public and private sector partners. I urge my colleagues to join me in support of this bill.

Mr. HECK. Mr. Speaker, I rise in strong support of H.R. 1892.

As the Chairman of the Technical and Tactical Subcommittee, I was tasked with leading a comprehensive review of our Nation's satellite systems. This review was conducted, and I am confident that the systems proposed in the classified annex of this bill provide the best value approach to collecting the overhead imagery demanded by our Nation's senior policy makers, intelligence analysts and war fighters.

Two of the intelligence community's chief weapons against terrorism are information—and the ability to communicate that information swiftly. This reality places a significant demand on our imaging systems, and it brings into focus the cost associated with these systems.

As we're fighting the war on terror, we must not allocate resources without due process.

Former Secretary of Defense Gates and former Chairman of the Joint Chiefs of Staff Admiral Mullen both identified America's growing debt as their number one national security concern.

This bill recognizes and selectively funds competition in areas where competitive pressure will help improve innovation, reduce risk and strengthen the industrial base. This bill also recognizes and encourages competition in space launch programs with an eye towards reducing the cost of spacecraft launch while maintaining reliability.

In addition to concern over the federal government's spending habits, another reason Nevadans elected me last fall is to restore government accountability and oversight.

The intelligence community is no exception: we must ensure they are accountable and receive proper oversight because most of their work occurs outside of the public's view.

Chairman ROGERS and Ranking Member RUPPERSBERGER are doing incredible work on this issue, and I applaud their dedication to restoring proper accountability and oversight to the intelligence community.

I am confident the intelligence authorization act provides the resources and latitude our intelligence community needs while removing excess and indolence.

That is why I urge my colleagues to vote "yes" on H.R. 1892.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the

rules and concur in the Senate amendment to the bill, H.R. 1892.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROGERS of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM REFORM AND REAUTHORIZATION ACT OF 2011

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2867) to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Beginning on page 2, strike line 6 and all that follows through "(3)" on page 4, line 18, and insert the following:

(a) *TERMS.*—Section 201(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) *IN GENERAL.*—The term of office of each member of the Commission shall be 2 years. An individual, including any member appointed to the Commission prior to the date of the enactment of the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, shall not serve more than 2 terms as a member of the Commission under any circumstance. For any member serving on the Commission on such date who has completed at least 2 full terms on the Commission, such member's term shall expire 90 days after such date. A member of the Commission may not serve after the expiration of that member's term."; and

(2)

On page 5, line 3, strike "(c)" and insert "(b)".

On page 5, strike lines 9 through 19 and insert the following:

(c) *APPLICATION OF FEDERAL TRAVEL REGULATION AND DEPARTMENT OF STATE STANDARDIZED REGULATIONS TO THE COMMISSION.*—Section 201(i) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(i)) is amended by adding at the end the following: "Members of the Commission are subject to the requirements set forth in chapters 300 through 304 of title 41, Code of Federal Regulations (commonly known as the 'Federal Travel Regulation') and the Department of State Standardized Regulations governing authorized travel at government expense, including regulations concerning the mode of travel, lodging and per diem expenditures, reimbursement payments, and expense reporting and documentation requirements.".

On page 5, strike line 21 and insert the following:

(a) *IN GENERAL.*—Section 204 of the International Religious Freedom

On page 6, between lines 16 and 17, insert the following:

(b) *PENDING CLAIMS.*—Any administrative or judicial claim or action pending on the date of the enactment of this Act may be maintained under section 204(g) of the International Religious Freedom Act of 1998, as added by subsection (a).

On page 6, line 21, strike “and 2013” and insert “through 2014”.

On page 7, line 9, strike “2013” and insert “2014”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

The right to free religious belief and practice is a fundamental human right. But as Coptic Christians in Egypt and other religious minorities can attest, that right is frequently and tragically denied. It was for this reason that Congress established the United States Commission on International Religious Freedom, an independent, bipartisan Federal Commission charged with monitoring and protecting and promoting religious freedom abroad.

Our State Department prioritizes an array of diplomatic, economic, and other issues that sometimes keep it from speaking and acting boldly against religious suppression. For this reason alone, the single-minded role of the U.S. Commission on International Religious Freedom as a truth-telling watchdog and policy advocate remains critically important. The commission's annual report, its list of countries meriting CPC designation, and its special reports push American foreign policy to better reflect America's most cherished liberties.

For example, in spite of long-standing abuses, Vietnam has not been redesignated by the State Department as a Country of Particular Concern, CPC, for religious freedom violations. But the Commission has built a compelling case for Vietnam's CPC status, reporting on the repression of protestants in the Central Highlands, unregistered Buddhist groups, and others—a call that was echoed by our Foreign Affairs Committee earlier this year in our State authorization bill.

Yet, the Commission will soon have to shut its doors unless Congress acts immediately to reauthorize it.

For this reason, the House overwhelmingly passed H.R. 2867 back in

September. This bipartisan bill would reform and reauthorize the Commission and, in recognition of the fiscal challenges we face, includes funding that is a 30 percent cut from current year funding levels.

Finally 3 days ago, the Senate unanimously passed H.R. 2867, along with a brief amendment which is before us today. The Senate amendment adds a few additional reforms, including standard Federal regulation of Commission travel, to those required by our House bill.

I want to thank my good friend from Virginia, Mr. FRANK WOLF, for his indispensable leadership in authoring this bill. I also want to thank my ranking member, Mr. BERMAN of California, and our Senate colleagues for their cooperation.

I urge all of our colleagues to join us in voting “aye” and sending H.R. 2867 to the President's desk as soon as possible. Let us remind the world that we stand as one against the persecution of religious believers anywhere.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2867, the United States Commission on International Religious Freedom Reform and Reauthorization Act of 2011, and the Senate amendments to the bill.

I want to initially start out by thanking the sponsor of this legislation, the gentleman from Virginia, FRANK WOLF, for his leadership on the issue of international religious freedom; Senator DURBIN for his efforts to strengthen the bill; my chairman, ILEANA ROS-LEHTINEN, for her management of this whole process that's finally going to get this reauthorization hopefully passed and sent to the President.

We're fortunate to live in a country that was founded by religious refugees on principles of tolerance. And we strive to adhere to article 18 of the Universal Declaration of Human Rights, which states that everyone has the right to freedom of thought, conscience, and religion. This right includes the freedom to manifest his religion or belief in teaching, practice, worship, and observance.

But elsewhere around the world, religious freedom and human rights are routinely violated. Countless men, women, and children face violence, persecution, and discrimination because of their faith. Unfortunately, intolerance is not restricted to just a few countries. Violent extremist attacks have taken place in the Middle East and South Asia. The regimes in North Korea and Iran actively repress religious freedom. Apostasy and blasphemy laws have fueled discrimination against religious minorities in Afghanistan, Pakistan, and Saudi Arabia. Other religious minorities like the Tibetan Buddhists, Uighur Muslims,

Ahmadis, and the Bahais face violence in government restrictions, and anti-Semitism is still prevalent around the world.

□ 0950

More than ever, we need the U.S. Commission on International Religious Freedom to continue its important work to support the right to practice one's religion freely around the globe.

This bipartisan bill before us today reauthorizes the Commission, known as USCIRF, for another 3 years. The bill also contains some sensible reforms that will strengthen USCIRF's efforts to monitor and report on the status of freedom of religion abroad. These reforms include the process of selecting the chair, term limits for service for the members of the Commission, travel regulations, and a GAO study on improving the effectiveness and coordination of all the U.S. Government bodies that focus on international religious freedom.

In particular, I would like to thank Mr. WOLF for agreeing to include a provision that clarifies that USCIRF is subject to the same workplace protections and civil rights laws as the rest of the Federal Government.

With this piece of legislation, USCIRF will be able to more effectively carry out its mission and be the Commission it was intended to be. I urge my colleagues to support the legislation.

I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), chairman of the Appropriations Subcommittee on State and Foreign Operations and the author of this bill.

Mr. WOLF. I thank the chair very much for yielding.

I want to thank Representative ROS-LEHTINEN and her staff for, really, being very dogged and persistent, and I want them to know how grateful I am. As people are for this bill, they should know that had it not been for them, we would not be here.

I also want to thank Mr. BERMAN and his staff. I want to thank Mr. CANTOR and his staff for scheduling this. I want to single out Speaker BOEHNER and his staff because they were a part of this effort for the last several months, and they were very faithful, so I want to thank them. I also want to thank my staff for being involved in this for well over a year.

The Coptic Christians are going through a very difficult time. The Iraqi Christians are being killed, and difficult things are happening to them. In Tibet, the Buddhists are setting themselves aflame because of the persecution of the Chinese Government. The Catholic Church in China is under stress: 25 bishops are under house arrest. The Protestant House Church in China is being squeezed and persecuted.

The Christians in Sudan, in the Blue Nile area, are going through genocide and are being killed because of their faith.

Interestingly enough, the original bill passed on the very last day of Congress a number of years ago, and history is repeating itself. The Commission has been a beacon of hope. With that, I just want to, again, thank all those who helped us get here.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the distinguished chair of the Committee on Foreign Affairs for yielding me the time.

I rise to congratulate my very good friend, the gentleman from Virginia, FRANK WOLF, who has just talked about both Sudan and China as being very key areas where religious persecution has taken place and continues to be a threat. I've been working with the chair of the Committee on Foreign Affairs and with other Members in a bipartisan way on the situation that exists in Egypt.

One of the reasons I wanted to offer remarks is that, when she stood up and talked about the Coptic Christians in Egypt, we obviously know that there are challenging days ahead; and I think it's very important for us to do everything that we can to encourage those who may have had a history of engaging in religious persecution in the past to recognize religious freedom, human rights, the rights of women, the rule of law, and all of the other very critical items that are a key part of the development of democracy.

So many people believe that you have a democracy if you hold an election. Well, Mr. Speaker, as you know very well, one election a democracy does not make; and there are other very important aspects of the development of democracy, and religious freedom is a key part of that.

Ms. ROS-LEHTINEN. Mr. Speaker, with that, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H.R. 2867, the United States Commission on International Religious Freedom Reform and Reauthorization Act, as amended by the Senate.

Religious freedom—the right to worship and practice one's faith according to the dictates of one's own conscience—is a foundational human right. Many have called religious freedom the first freedom. Not only is it the first amendment of the U.S. Constitution, it is intrinsic to the human dignity of every man and woman on this earth.

However, it is a right denied or curtailed for many—and according to some estimates, most—people in the world.

For Copts in Egypt, Uighurs in China, Montagnards in Central Vietnam, Jews and Baha'i in Iran, many Buddhist monks in

Burma, and countless millions elsewhere, the ability to live their faith without threat of persecution is a distant and unrealized promise.

Dr. Brian Grim, a witness at a recent hearing I held on religious freedom, has done significant research in this area. In a study he conducted in 2009, he found that nearly 70 percent of the world's 6.8 billion people live in countries with high or very high restrictions on religion. His study specifically cited Iran, Pakistan, China, and Egypt as among the most repressive of religious expression. This is significant not only because it highlights the number of people denied this most fundamental of human rights, but also because religious freedom is comprised of a "bundle of rights." Religious freedom implies freedom of conscience, freedom of speech, freedom of association and assembly, and even freedom of the press. Absent freedom of religion, all these other rights are in jeopardy.

In fact, Dr. Grim's research shows that countries that respect these rights reap a host of socio-economic benefits, including better education, better health care, greater equity of pay between men and women, and higher GDP, and these benefits arguably lead to greater social stability. On the other hand, countries without respect for religious freedom do worse on these socio-economic indicators, have greater societal tension, and are more prone to instability. The importance of promoting all components of religious freedom therefore cannot be overstated. Not only is it a moral imperative, but religious freedom keeps extremism and tyranny at bay.

For these reasons, U.S. leadership on religious freedom is desperately needed in many countries around the world, together with a more vigorous utilization of the means provided in the IRF Act for promoting religious human rights.

I was pleased to work with my good friend from Virginia (Mr. WOLF) and to chair the Committee hearings and markup fourteen years ago that led to the enactment of the International Religious Freedom Act of 1998, which established the U.S. Commission on International Religious Freedom. The Act provided our Administration with the tools necessary to make international religious freedom an integral component of the highest priority in U.S. foreign policy.

Contrary to assertions that singling out religious freedom would somehow make it seem more important or separated from other fundamental human rights—the Clinton Administration asserted that its strong opposition to the Act was based on its belief that the Act would result in a "hierarchy of rights"—those of us who championed the bill argued that it was necessary to ensure that religious freedom is given its rightful place within the framework of human rights promotion.

The law provided a new and bipartisan focus, which has begun to grant religious freedom its rightful stature in the diplomatic and foreign policy of the United States, under both Democratic and Republican administrations.

The U.S. Commission on International Religious Freedom was and is an important part of that effort. It was created as an independent body of experts to review the facts and make policy recommendations from a vantage point outside of our diplomatic corps,

where bilateral and other concerns had sometimes resulted in the soft-pedaling of severe, ongoing violations of religious freedom around the world.

Even today, when the quality of State Department reporting on religious freedom issues has improved, the Commission continues to serve a critical role as a sounding board and a catalyst.

One indicator is the fact that the Commission's list of recommended "Countries of Particular Concern" for severe violations of religious freedom remains larger than the number designated by the State Department.

In September, Secretary Clinton rightfully designated Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan and Uzbekistan as CPCs.

But the State Department's list does not add any new countries from last year, and glaringly omits Vietnam, whose policies have more than earned that badge of shame.

Secretary Clinton also did not designate Egypt, Iraq, Nigeria, Turkmenistan, and Pakistan as recommended by the Commission.

We need the Commission more than ever. Already in the Congress, we have had six comprehensive hearings on religious freedom: Two in the Tom Lantos Human Rights Commission regarding the religious freedom of minorities in the Middle East, especially Egypt; two on the Committee I chair regarding the prioritization of religious freedom in U.S. foreign policy, and two in the Helsinki Commission on the particular plight of Coptic Christians in Egypt.

The Commission has been an invaluable resource to Congress as we monitor the protection and promotion of religious freedom around the world—and the response of the Administration on this very important issue.

They have also been a resource to governments seeking how to remedy religious freedom abuses within their own borders. For instance, in Indonesia, the Commission worked with members of the Indonesian House of Representatives and civil society groups who introduced measures to strengthen provisions in the criminal code regarding attacks on religious gatherings and amend the law governing the building of religious venues.

The Commission also continues to help network human rights and legal advocates in Indonesia working to defend individuals accused of "blasphemy" and religious minorities facing intimidation and violence from extremist groups. The Commission's work in Indonesia will have practical impact on the exercise of human rights—and preservation of peace—in Indonesia.

Other governments have looked to the Commission as a model for their own religious freedom Commissions.

The bill before us includes a number of bipartisan reforms to Commission authorities and operations to make their work even more effective.

I want to thank Chairman ROS-LEHTINEN and Ranking Member BERMAN for working to bring to the floor this important bill, which deserves unanimous support. And I would like to extend a special thanks to Representative WOLF, whose tireless efforts on this legislation have brought hope to persecuted people across the world.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2867.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2055, CONSOLIDATED APPROPRIATIONS ACT, 2012; PROVIDING FOR CONSIDERATION OF H.R. 3672, DISASTER RELIEF APPROPRIATIONS ACT, 2012; PROVIDING FOR CONSIDERATION OF H. CON. RES. 94, CORRECTING THE ENROLLMENT OF H.R. 3672; AND FOR OTHER PURPOSES

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 500 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 500

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. Upon adoption of this resolution, it shall be in order to consider in the House the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672. All points of order against consideration of the concurrent resolution are waived. The concurrent resolution shall be considered as read. All points of order against provisions in the concurrent resolution are waived. The previous question shall be considered as ordered on the concurrent resolution to its adoption without intervening motion except: (1) 20 minutes of debate equally divided and controlled by the chair and ranking minority member of the

Committee on Appropriations; and (2) one motion to recommit which may not contain instructions.

SEC. 4. The Clerk shall not transmit to the Senate a message that the House has passed H.R. 3672 until notified by the Speaker or by message from the Senate that the Senate has taken the question on adoption of House Concurrent Resolution 94 as adopted by the House.

SEC. 5. It shall be in order at any time on the legislative day of December 16, 2011, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, relating to a measure continuing appropriations for the fiscal year ending September 30, 2012.

SEC. 6. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of December 31, 2011, providing for consideration or disposition of any of the following measures:

(1) A measure relating to expiring provisions of the Internal Revenue Code of 1986.

(2) A measure relating to the Medicare payment system for physicians.

(3) A measure relating to appropriations for the fiscal year ending September 30, 2012.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my very good friend from Rochester, New York (Ms. SLAUGHTER), the distinguished ranking minority member of the Committee on Rules, pending which I yield myself such time as I may consume.

Mr. Speaker, H. Res. 500 provides for the consideration of three measures that will ensure that the government is funded through the end of the fiscal year; and this rule, as was outlined by the reading Clerk, provides very important tools to deal with important issues that have yet to be resolved.

□ 1000

Now, Mr. Speaker, we all know that, as we sit here at 3 minutes of 10 o'clock this morning, we are faced at midnight tonight with the prospect of a government shutdown. There is a bipartisan consensus on the need to ensure that we don't face a government shutdown; and it's very important that we take action to prevent that from taking place, and that's exactly what our opportunity is here today.

At the same time, it's important for us to realize that it is absolutely imperative, if we are going to get our economy growing and create jobs, for us to reduce the size and scope and reach of the Federal Government. That's the message the American people have sent to us overwhelmingly, and that's why I have to say that I believe this bipartisan compromise, which has been worked out with Members of the House and the Senate and the White House, moves us in the direction of doing just that.

Why? Because we are actually bringing about in this conference report a \$95 billion reduction in discretionary spending, merely a drop in the bucket. We all recognize that it's not enough. We all recognize that much, much more remains to be done, but, Mr. Speaker, this is an important first step. And the fact that it's been done in a bipartisan, bicameral way, working not only with the first but the second branch of government as well, is, I believe, a positive indicator for us.

As I think about the challenges that we have—and I said this during the management of our jobs bill that we had, the so-called extenders measure that deals with the question of extending unemployment insurance, doing everything we possibly can to keep taxes low by extending for a year the payroll tax holiday, ensuring that people have access to Medicare dollars, and, of course, focusing on job creation by proceeding with the Keystone XL pipeline. As I pointed out during that debate, right now, our job is jobs. The American people want us to focus on job creation and economic growth, and I believe that this bipartisan, bicameral compromise will help us in that quest.

It hasn't been pretty getting here. We all know the famous Otto von Bismarck line, that you don't want to watch sausage or laws being made. This has been ugly.

And, actually, I was not going to say what I'm about to say right now, Mr. Speaker, but I am going to proceed and I will explain to you why.

It's been a painful and difficult and ugly and messy process which, frankly, is exactly what James Madison wanted. He is looking down at us saying, The process is working just as I envisaged it, because he wanted there to be this clash of ideas and a struggle. But, at the end of the day, he wanted there to be a compromise; and he wanted there to be an agreement at the end of the day, recognizing that that needed to be done.

We know that the chairs of the Committee on Appropriations, Messrs. ROGERS and INOUE, shook hands on Monday and had an agreement. Again, I was not going to say this; but the Rules Committee completed its work early this morning, and I got a few hours of sleep, and I woke up to National Public Radio, which I do. That's what wakes me up in the morning, Mr. Speaker. And I know that there are some of my Republican friends who are not fans of National Public Radio. I like to watch MSNBC TV and listen to National Public Radio. It keeps my blood circulating very well, Mr. Speaker.

But I woke up this morning to listen to a report on this conference agreement. I am very happy to see my good friend from Seattle, the distinguished ranking member of the Appropriations Committee, arrive on the floor. And I

wasn't going to say this, but because of this report on NPR, I'm going to share it.

Tamara Keith, who is the congressional correspondent for NPR on Morning Edition, characterized why it is that we are here on Friday rather than having met the 3-day layover requirement and all these things that we wanted to do when the agreement was struck on Monday, and what she said was that Senate Democrats held this bill hostage. Those are not my words, again, Mr. Speaker. Those are the words of Tamara Keith who reported on National Public Radio this morning that this measure was held hostage by Senate Democrats. And she went on a second time, using the word "hostage." She said, Well, finally the hostages have been released. Again, those are not my words. Those are the words of National Public Radio.

So some people wanted me to say it, but I decided not to say it myself. But when I heard it early this morning, I couldn't help but say it. So that's the reason I'm looking across the Chamber right now at 3,000 pages stacked this high right next to the distinguished ranking minority member of the Committee on Rules, right across the aisle from the distinguished ranking member of the Committee on Appropriations, the gentleman from Washington (Mr. DICKS).

Mr. Speaker, we've had to waive the 3-day layover requirement because, again, according to NPR, we had this conference report held hostage, but we've finally gotten here. Now that we're here, I'm happy to say that, while I'm not ecstatic with every measure in it—just as I know that Mr. DICKS is not ecstatic with every measure in it; I know that Ms. SLAUGHTER is not ecstatic with every measure in it; I'm not ecstatic with the process that has gotten us here because of the challenges and ugliness and messiness we've gone through this week. We are here because it is absolutely essential that we not see the government shut down in several hours at midnight tonight.

So I believe that we need to realize—and I know Mr. DICKS and I have had this conversation repeatedly, along with our friend Mr. ROGERS of Kentucky, the chairman of the Committee on Appropriations—that we want a clean slate as we head into next year so that Mr. DICKS and Mr. ROGERS will be able to go through regular order, bring the appropriations bills to the floor and, we hope and pray, get each bill done ad seriatim, the way they're supposed to be done, rather than dealing with what has been characterized as an omnibus, a mini-bus, a megabus. But the term that I like that was given by the distinguished chair of the Committee on Appropriations last night is this is "the rest of the bus." And that's really where we are.

But it's essential for the American people, for those who are representing us so diligently around the world in conflicts in Iraq, Afghanistan, and other spots, for people who rely and need to have support from government programs that do exist, it's essential that we get this measure passed, and pass it with what I hope will be strong bipartisan support.

So, Mr. Speaker, I'm not going to say that I am happy that we are doing the things that will be outlined, I know, very thoughtfully by the distinguished former chair and current ranking member of the Committee on Rules that will say that we have got 3,000 pages.

By the way, I should say, before my friend begins this, that on Monday, virtually all of that was available, and it was put online at 12:30 Wednesday night. Right after midnight Wednesday, it was made available online. And so while we have not actually met the exact 3-day layover requirement, I should point to the fact that we always said—and I'm so proud of the fact that we have been able to do it. But when we faced what is really a very, very important deadline, that being the closure of the government that would take place 14 hours from now, I think it is very important that we take this action and do it as quickly and as well as we possibly can.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Good morning, Mr. Speaker.

I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, my distinguished colleague is absolutely right. This is "the rest of the bus." But it's going to be a little while before we realize whether we are on that bus or whether we've been thrown under it. Obviously, as Mr. DREIER called attention to it, this is the bill that we have today. None of us will make any pretense at all of having read it.

Now, I have been around long enough to know that things happen this way. The country is about to shut down tonight; the agencies are all prepared to close, and we can't have that. So we find ourselves confronted here today with this completed and going through this conference.

□ 1010

A lot of people are breathing a sigh of relief this morning, frankly, particularly the Federal workers and the rest of the country, that they are not going to be faced with a shutdown of Federal agencies.

But although we were able to avert that crisis today, this 2,000-page legislative package is not a cause for celebration—and I don't believe Mr. DREIER thinks it is either—but it is a demonstration of failure. As I have said, I

have known cases and have been a participant in cases where things like this have happened before. But for a Congress that had promised at the beginning part of the campaign and what we were promised at the beginning of this term was that this would not happen anymore. Instead, it has happened over and over again. Over the past 12 months, we have witnessed the utter failure to responsibly legislate—a failure that has led to this massive bill that we are considering today.

You've heard all of this before, but in the fall of 2010 when the majority took over, Speaker BOEHNER said: We'll do away with the concept of comprehensive spending bills.

He's been around awhile too, and he knows that there are times when things happen that really don't fall in line with what we want. But nonetheless, he made that promise. Despite this call for a deliberate appropriations process, the House was recently asked to consider a \$180 billion minibus, totaling 354 pages of legislation.

And today, less than 24 hours—we're about halfway, I think—we are offered a \$1 trillion megabus appropriations bill. It was given to the Members of the House today, and we're asked to vote on that. We will, of course, do that because, as I've said, the looming layoff and shutdown of the Federal Government is something that we cannot stand at this juncture, or any other time.

So despite the earlier promises by the GOP to separate the controversial legislation from the must-pass bill, the megabus was delayed by a battle over controversial riders. We know this could have been done much sooner, but there were five riders that had to be resolved—everything from the reproductive rights of the citizens of the District of Columbia to energy-saving lightbulbs.

Mr. Speaker, this House has spent more time debating lightbulbs than we have putting American people to work. It has really been an outrage—we have talked about this so many times before. But nonetheless, in all the contemplations, all the conference work, lightbulbs have survived. I know that's a sigh of relief to everybody in America who had no idea we were spending so much time micromanaging their lightbulbs.

But this is a sign, I think, of a larger failure, a failure of their vision of governing. It is a vision that we've gone through all this year that was based on brinksmanship and threats—an all-or-nothing game of chicken with their colleagues and the American people. And everybody is exhausted from, will we do it? Won't we do it? Can we do it? Must we do it? Part of that has resulted in a lessening of the credit rating of the United States of America for the very first time.



So instead of spending the year finding common ground with their Democrat colleagues, the majority spent the year advancing legislation to dismantle the EPA and to talk about lightbulbs and to open federally protected lands to foreign mining companies. I find in my constituency the idea that we were going to give land to Russia around the Grand Canyon to mine for uranium mind-boggling to people. We really ought to be worried about that. This is a very serious problem.

Instead of spending the year finding common ground, we have done nothing about that. So throwing bipartisanship to the side, the majority pushed forward with its ideological battles at the expense of the Nation's welfare. And what we see this morning is the result of their divisive efforts.

What we know is that a process that began with brinksmanship and threats, and ends with this 2,000-page, \$1 trillion megabus crammed through the House as the clock hits zero is all we have. This is our chance to keep the government from shutting down.

With proper priorities and a serious effort to engage legislators from both sides of the aisle, we could truly have a process and a product that would make the American people proud. But that's not what we have here today, and it is not what has been done this year.

I hope sincerely, and I know that many people on both sides of the aisle hope sincerely, that as the calendar turns to 2012, we can put an end to the zero-sum leadership that has been provided and finally give the American people the responsible, bipartisan leadership that they want and deserve.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, as my good friends from the Appropriations Committee, Mr. ROGERS and Mr. DICKS, congratulate each other in the well, I will ask them to move out of the well so that I am able to yield 3 minutes to my good friend from Grandfather Community, who left the Rules Committee at 1 o'clock this morning and went down to her office to work before going down to the White House at 7:30 for a tour for her constituents.

So I underscore the fact that VIRGINIA FOXX is extraordinarily dedicated, and for that reason and many others, I am happy to yield her 3 minutes.

Ms. FOXX. I want to thank the distinguished gentleman from California, the chairman of the Rules Committee, to whom we all look for wisdom, especially at times like this. I think he has been extraordinarily generous in his comments this morning in talking about the bipartisan approach. We all praised the chairman and the ranking member of the Appropriations Committee early this morning when the Rules Committee was meeting. It is important that we celebrate the bipartisan nature of this bill.

As everybody will say I'm sure today, it's not a perfect bill that's coming up. It's not pleasing everybody. It's pleasing very few people. But it is sausage-making and rulemaking at its finest.

And I appreciate the fact that it is the Christmas season and we want to be a little friendly to each during this time, as we are when we're in our home districts. We are here in Congress, too; and, so, I'm mindful of the season and I'm mindful of the fact that we have reached a bipartisan agreement. But I do want to say to my colleagues across the aisle, there's an old saying that people who live in glass houses should not throw stones.

Again, as my colleague from California said, we're not happy that we have a rather large bill and a somewhat short perspective in time to deal with it. But this bill was out there on Monday, as he pointed out. And were it not for the dilatory tactics of the Senate, we could have had this bill on the floor earlier this week, and it has certainly been out there for everybody to read.

I want to say to my colleague from across the aisle from New York who said there was a lot of wasted time on lightbulbs. Mr. Speaker, lightbulbs are a symptom of the problem with this executive administration and our friends across the aisle. Talk about wanting to micromanage—they want to control what kind of lightbulbs we have. It was a debate between the Senate Democrats and the President of the United States on whether we're going to continue to control the kind of lightbulbs we have that delayed this process yesterday for many, many hours.

But we need to talk about some positive things that the Republicans in this House have done this year. We've stopped spending money we don't have. We've cut discretionary spending for the second year in a row for the first time since World War II. Thanks to the changes in the way this Congress works, that Republicans brought here under the leadership of our Speaker, instead of shoveling ever-larger piles of money into the Federal government black hole, this bill represents another step towards reducing the size, scope, and cost of the Federal government.

We've been working hard to cut spending, grow the economy, and create jobs. We've protected hardworking taxpayers from Washington's waste by eliminating 42 government programs.

And thanks to Republicans' efforts to stop wasteful pork-barrel spending, while the Democrats included 18,000 earmarks in their final 2 years of spending—

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DREIER. Mr. Speaker, I am happy to yield my colleague an additional 30 seconds.

Ms. FOXX. Thank you, Mr. Chairman.

House Republicans fulfilled our pledge to Americans by including no earmarks—no earmarks—in the 2011 and 2012 spending bills. This is a huge success. After years of status quo pork-barrel spending, Republicans have changed the culture of spending in America.

There's much work to do, but this bill takes us in the right direction. That's why I'm urging my colleagues to support this rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. LEE).

□ 1020

Ms. LEE of California. Mr. Speaker, let me thank Congresswoman SLAUGHTER, the gentlelady from New York, for her leadership and for yielding.

This is not the open and transparent process the Republicans have promised the American people. Instead, we have had a closed-door process that has stacked this critical spending bill, a bill that is necessary to make our government and our Nation function, with a bunch of special-interest riders. For example:

Gutting the budget of the IRS, that will not reduce deficits caused by the Bush tax cuts for the 1 percent, and that's in this bill.

Helping to spread HIV and hepatitis C through dirty needles will not help our economic recovery. Yes, that will happen in this bill.

Denying the women of Washington, DC, the right which other women have throughout the country, the right to health services, the right to have an abortion with the city's own money—not Federal funds, mind you, not Federal funds but other funds. We are denying, again, low-income, mostly African American minority women that right in this bill. Why in the world would we want to include this type of a rider in a bill to fund our government? It makes no sense. It's mean-spirited and it's wrong.

Also, why would we want to continue to have provisions to pollute the air that we breathe and the water that we drink? That's in this bill, with some of these riders. That will not raise the failing median income of American workers. Unfortunately, again, this bill does that.

Funding abstinence-only sex education, we know that fails. That won't create the millions of jobs necessary to grow the American middle class and to help more people from falling deeper into poverty.

This recession—and for many, it's still a depression—is hurting millions. Half of all Americans are either in poverty, near poor, or low income. We should be focused on lifting these families up and reigniting the American Dream.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Ms. LEE of California. Thank you.

In this bill, we should have focused on creating these ladders of opportunity, removing barriers and helping to reignite the American Dream for all Americans. Instead, we're scoring, I believe, political points on the backs of Washington, DC, women and millions of poor and struggling individuals and families in this country.

The process that this bill underwent as we brought it forward to this floor was not a good process. I think had we had regular order, due process, we would have been able to figure some of these issues out.

Mr. DREIER. Mr. Speaker, I yield myself 1 minute to simply make a couple of very important points, and that is we are here faced with this situation because of the inability of our colleagues in the other body, the United States Senate, to act.

I am just looking at the list of the conferees, and I listened to my friends criticize the bill—and I actually don't know whether my friend from Rochester is going to end up supporting the conference report or not. I didn't get a conclusion on that—but I will say that every single House Member, Democrat and Republican, every subcommittee chairman, every ranking member of a subcommittee, the so-called cardinals, the chairs of the subcommittees, signed this conference report. It is bipartisan.

Unfortunately, in the Senate, we have a number of Members of the Senate who didn't sign the conference report. But I believe that we need to realize that we went for 963 days—nearly 1,000 days, Mr. Speaker—without a budget having passed from the United States Senate. We know, Mr. Speaker, that we didn't have any appropriations bills done last year. We're trying to clean this process up.

With that, Mr. Speaker, I would like to yield 3 minutes to a very thoughtful, diligent new member of the Committee on Rules, the gentleman from Lawrenceville, Georgia (Mr. WOODALL).

Mr. WOODALL. I thank my chairman for yielding the time, and I want to thank my chairman for his work on opening this process up in the House. He's teamed up with our new Speaker to say that regular order is the better way to do things.

I want to say, and it needs to be said, it's too easy when all you do is read the headlines in this town to start pointing the finger of blame. Here is National Journal, one of our dailies: Dems Sign Conference Report. The White House and Senate Majority Leader HARRY REID had blocked passage of the measure.

It's not about where the blame is; it's about where the successes are.

When you look behind me, Mr. Speaker, at this stack of pages that

represents this bill, what that represents is the work that didn't get done last year but that NORM DICKS and that HAL ROGERS have come together to get done this year. When we talk about regular order and the regular order that hasn't happened this year, what we need to talk about is the fact that we had no regular order on appropriations bills last year. We got six of them passed through appropriations, the regular order process, this year. That's half. That's 50 percent of the way there, and I know we have a commitment from the Appropriations Committee to get the rest of them there next year.

This is a success story. This is not a failure. Is this the way that I wanted to legislate, 2,300 pages? No, it's not. And it's not the way that the Appropriations Committee wants to legislate, and it's not the way any Member of this House wants to legislate, and it's 50 percent better than what we did last year. We're going to get back to regular order. We're going to get back to regular order by clearing out the work from 2012—I'm sorry, 2011 was this year. We are now finishing 2012 today. We're going to be able to start 2013.

I sit on the Budget Committee. My commitment to my friends on the Appropriations Committee is we're going to move that budget. We're going to move it early. We're going to move it on time, and we're going to be done by the end of March so that you all can begin your important work. It's not just about the spending of the money. It's about the oversight of how the money is spent. And that's why regular order is so important.

Do you know that there is only one committee in this House that comes to the Rules Committee day in and day out and says this: I want an open rule on my bill so that all Members can be heard. I do not want waivers to go along with it, and I want the House to operate under regular order? There's only one, and it's the Appropriations Committee.

When you see what's going on today and what we're doing in the name of completing our business for the year, understand that this is the one committee in the House that wants to give everybody a say. This is the one committee in the House that tries to make every Member's opinion count. And if we can successfully deal with this in the same bipartisan way that we have been throughout the year, we can move this business today and begin anew, as we all want to, on January 1 of next year.

I thank my chairman, and I thank the appropriators for their very hard work.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Massachusetts, a member of the Committee on Rules, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the gentleman for yielding to me.

Mr. Speaker, let me begin by thanking Chairman ROGERS and Ranking Member DICKS for their tireless work on this bill, and I'm pleased that we're finally going to finish the appropriations process for this year.

I especially want to thank the White House, Senator REID, and other key Senate and House negotiators for removing the House Cuba provision from the final conference report. Not only was it a direct attack on the prerogatives of the Executive, but it was cruel and inhumane. It would have ripped apart Cuban American families from their relatives on the island.

Family communication, connection, and reunification have always been a cornerstone of U.S. foreign policy. It has promoted great good in the case of Cuba, and it deserves the support of this Congress. And hopefully, some day soon, we can scrap our whole Cuba policy and lift the travel restrictions so every American can go visit that country.

But, Mr. Speaker, I cannot let this opportunity go without commenting a little bit on the process. My friend from Georgia talked about regular order. Regular order my foot. I mean, all points of order were waived against this bill. Half of the bills that are in this—this is pretty heavy—no one had an opportunity to offer a single amendment on. "Read the bill." That's what my Republican friends shouted last year, "Read the bill." They used this rallying cry to promote their Pledge to America where they promised to read the bill. No one read that bill at all. Where are the Tea Party people when you want them?

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. When I'm finished, I'll yield.

Mr. DREIER. I look forward to it.

Mr. MCGOVERN. Let me read a quote:

"We will ensure that bills are debated and discussed in the public square by publishing the text online for at least 3 days before coming up for a vote in the House of Representatives."

That's directly from their pledge. Yet here we are today considering a 2,300-page bill that was introduced at 11:45 p.m.—last night. That's not 3 days. That's not even 12 hours. Twenty-three hundred pages were presented to this House in the dead of night. The Rules Committee didn't finish until close to 1 a.m. this morning, and here we are.

Who knows for sure what's in this bill? Who in this body has had the time to read this bill as it is currently drafted? This is not the way my friends promised to run this House.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. Mr. Speaker, I said to the gentleman I won't yield until



I'm finished, and I would appreciate not being interrupted.

The SPEAKER pro tempore. The gentleman from Massachusetts controls the time.

Mr. MCGOVERN. This is not the way you promised to run the House. This is not how you said you would do the people's business. You said you would bring up every appropriations bill under an open rule, but you barely manage to bring up half of them. Half of the appropriations bills were never brought up before Members of this House.

□ 1030

What happened to the Labor-HHS bill? What happened to the Transportation bill? The Financial Services bill? The Interior bill? The State and Foreign Ops bill? The CJS bill? That's not the Senate's fault; that's not Barack Obama's fault. You're in control of this House of Representatives; you have the power to bring bills up to the floor. You couldn't be bothered to bring them up.

Sure, you found time to bring up bills to defund Planned Parenthood and National Public Radio. You had time to bring up bills that would allow unsafe people to carry concealed weapons from one State to another. Oh, and my favorite, you found time to reaffirm our national motto. That's what all the American people are worried about, whether we're going to reaffirm our national motto.

But you couldn't find time to debate bills funding our Nation's roads, bridges, national parks, and community health centers. You couldn't find time to do your job.

Now, I'm glad the appropriators reached an agreement, but it's sad that this Republican Congress has once again broken the promise they made to the American people. A 2,300-page bill—something this important and detailed—can't be read and examined in a few hours. That's why you promised 3 days to read the bill, but you couldn't even keep that promise. I remember when they were in charge at an earlier time when immunity for prescription drug companies was inserted into an appropriations bill without anyone knowing about it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman from Massachusetts 1 additional minute.

Mr. MCGOVERN. I have the utmost respect for the chairman of the Appropriations Committee. And I take him at his word when he says there are no earmarks in this bill, that there are no special provisions, that there is nothing snuck in here at the last minute. I'm a trusting guy; but I also believe in verifying things, because in the past, things have been snuck into these bills without us knowing about it.

But look at this bill. Look at this bill. It's 2,300 pages. It was just introduced in the dead of night. It was reported out of the Rules Committee almost at 1 a.m. in the morning. And this is different than what was posted a few days ago. Read the bill, Mr. Speaker. The new Republican Congress promised that we could read the bill. Too bad they're breaking their Pledge to America.

I hope, Mr. Speaker, that next year we will go back to regular order, where all the appropriations bills will come to the floor and they will all be debated individually, under an open process. I hope we get to that point.

But I want to say, finally, that the fact that these bills were not all brought up has nothing to do with the Senate, it has nothing to do with the President. It has everything to do with the leadership of this House that chose not to do it.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman has expired.

The Chair recognizes the gentleman from California.

Mr. DREIER. I say to my friend from Rochester, would you yield time to the gentleman so I can engage in a discussion with him?

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Who seeks time?

Mr. DREIER. Mr. Speaker, may I inquire how much time remains on each side.

The SPEAKER pro tempore. The gentleman from California has 13½ minutes remaining, and the gentlewoman from New York has 16½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I'd like to yield to my friend from Worcester to engage in a discussion. I'm sorry, would the gentlewoman like me to yield? I'm happy to yield to my friend from Rochester if she would like me to yield. Would the gentlewoman like me to yield to her? I've just been recognized.

Ms. SLAUGHTER. I would like to address the Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. DREIER. Would the gentlewoman from New York like me to yield to her, Mr. Speaker?

Ms. SLAUGHTER. I do not. If I could be allowed to say something here.

Mr. DREIER. Then I will reclaim my time, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from New York is not recognized. The gentleman from California controls the time.

Mr. DREIER. I am happy to yield to my friend from Rochester if she would like to ask me a question or ask the Chair a question. I am more than

happy to yield to her, I would say, Mr. Speaker.

Mr. Speaker, I yield myself such time as I may consume.

In the spirit of bipartisanship, in the spirit of recognizing that we need to ensure that the government doesn't shut down at midnight, I'd like to engage in a discussion with my friend from Worcester, as I was trying to when he was in the well, to say a few things.

First of all, as we all know, last year no appropriations bills were passed. Nothing was completed in the last Congress—nothing at all. And we have spent, with Mr. ROGERS and Mr. DICKS, virtually this entire year cleaning up the work of the last Congress. And the gentleman will recognize that, I'm sure. I mean, the gentleman acknowledges that, Mr. Speaker, that we have spent this year working to clean up the fact that no appropriations work was done last year.

I am happy to yield to my friend.

Mr. MCGOVERN. I think we're talking about this year, aren't we?

Mr. DREIER. Yes, absolutely. If I could reclaim my time, Mr. Speaker, I would say absolutely, we're talking about this year. And the responsibility that was thrust on us this year was so overwhelming because last year nothing was done, nothing was accomplished. And so what's happened, Mr. Speaker, is we are in a position where the appropriators have been shouldering this responsibility. And, unfortunately, our colleagues in the other body, the majority leadership there, Senator REID and others, according to the National Public Radio report, as I discussed this morning, as others have acknowledged, it was pointed out in the publications out this morning, this was held hostage, and that's why we are where we are.

Now, my friends are enjoying holding up the 2,300-page conference report and the additional 700 pages of the joint managers' report that is included in there. But guess what, Mr. Speaker, all of that was available on Monday, 5 days ago. And the only exception in this measure is one item has been pulled out. That one item pulled out happens to be the Cuba language that was there, and there was obviously a lot of concern about that. That was pulled out. Then one item was added, and that has to do with the Commodity Futures Trading Corporation. And so, as our colleagues hold up these thousands of pages, we need to realize it's been available since Monday. This is Friday, Mr. Speaker. That's more than the 3-day layover requirement. And we've pointed to these minor modifications.

With that, Mr. Speaker, I would like to yield 2 minutes to the very distinguished chair of the Committee on Appropriations, my very good friend from Somerset, Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the chairman for yielding.

And I want to thank the members of the Rules Committee. Chairman DREIER and all of the members of that committee are required to work at all hours of the day and night. In fact, we were testifying before the committee last night at 12:30 seeking the rule on this bill; but that's par for the course for the Rules Committee, who work long, laborious hours with very little thanks. But I want to thank them.

And I want to say to Chairman DREIER and the gentlelady, the ranking member, there has got to be a special place reserved in heaven for those who labor in this vineyard. So thank you for the hard work that you do.

I want to say thanks to my colleague, my ranking member on the full committee, Mr. DICKS, who is with us in the Chamber. He and I have worked hand in hand in this process all year long. It's a very productive relationship. I value his advice and his help and he has been free to give that advice and help all year long. And this is the product of our work, a bipartisan, comprehensive effort to fund the government. And we want to get us back to regular order.

For the last several years, before we took over this body, appropriations was a mess. We didn't do any appropriations. We lurched from one continuing resolution to another, leaving the public bewildered. And so Mr. DICKS and I have determined, along with Senator INOUE and our colleagues in the Senate, to restore regular order, bringing one bill at a time to this floor and letting it be amended and debated at length, and then into a conference with our colleagues across the way. That's what we want to get back to.

Now, this bill that's before us today is a huge bill. I do not like omnibus bills; neither one of us does. We're not going to have them. But in order to clean up the mess that was left us, we had no choice.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, I am happy to yield my friend an additional 30 seconds. And I would ask my friend to yield to me, if he would.

Mr. ROGERS of Kentucky. I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

I would like to just say that I misspoke. The agreement was reached between Mr. ROGERS and Mr. INOUE on Monday, and the pages were not made available until it was filed at 12:27, at just after midnight on Wednesday.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. DREIER. I am happy to yield my friend an additional 30 seconds.

So I just want to say that I did misspeak when I said the agreement

was struck on Monday. It was made available after midnight on Wednesday.

I would like to yield an additional 30 seconds to my friend from Somerset.

□ 1040

Mr. ROGERS of Kentucky. We're here because this bill is the product of our committee, but most importantly, it's a product of our subcommittees, Republicans and Democrats. They're the ones who put this bill together. Collectively all of those nine subcommittees are represented in this package here. It's been vetted by Republicans and Democrats, House and Senate, all the way through, there are no earmarks here, there are no air-dropped provisions in this bill, it is a good bill. It's not perfect. I don't like omnibus bills.

But in cleaning up the mess left us, this bill is a good-faith effort to get '012 out of the way so that in '013, this January, we will be able to go to work on getting the 2013 bills done in the regular way.

I want to thank the staff for all the hard work they have done all year long, and I thank our colleagues.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds.

Let me say all I was trying to do earlier was to say that if Mr. DREIER's 16 minutes were not adequate for him, I would be pleased to yield him one of my 13. That was my aim there.

I am pleased to yield 2 minutes to the gentleman from Washington, the ranking member of Appropriations, Mr. DICKS, who has worked so hard.

Mr. DICKS. I thank the ranking member of the Rules Committee for yielding.

I just want to say that this has been a bipartisan collaborative, bipartisan effort to put this bill here, and Mr. MCGOVERN and others have explained some of the concerns about the process, and they're legitimate, and we hope to do better next year. I am committed to working together with the chairman to bring all 12 appropriations bills to the floor separately next year so that we can exercise regular order.

We did have to do H.R. 1 in the spring, which was all 12 bills from '11, and we spent a week on it, and we also had over 500 amendments. And it just showed that the Members want to have a chance to amend these bills. And if you don't bring them to the floor under regular order, you don't have an opportunity to do that.

So we're going to try to improve on our record. We got six to the floor this year. I think we can do better next year if we get started early, so we make a pledge to work from that.

I want to compliment our chairman, Mr. ROGERS, for his openness, his willingness to consider all points of view. He could not have done a better job, and to have the patience of Job to lis-

ten to everybody, and still debating the last few items in this bill this week.

Now, my good friend, Mr. DREIER, whom I have enormous respect for, we work together on trade issues all the time. The only thing I would say about the other body is that they weren't doing something that was evil. They were trying to get an unemployment compensation bill enacted; they're trying to get an extension of the payroll tax bill and some other important provisions that are crucial to the American people.

And so what they did by slowing us down a little bit was to give an opportunity to get that work done.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Mr. DICKS. As much as I would have preferred to go forward, we had to acknowledge that this was important work that needed to be accomplished.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. DICKS. I yield to the chairman.

Mr. ROGERS of Kentucky. I've heard a rumor around here that today is sort of a special day for the gentleman. Is it true that a few years ago you were born on this date?

Mr. DICKS. It was not just a few years ago, Mr. Chairman. Well, this is my birthday. We didn't plan it this way. I want to make sure that the chairman of the Rules Committee—

Mr. ROGERS of Kentucky. Happy birthday.

Mr. DICKS. Thank you, Mr. Chairman.

The SPEAKER pro tempore. The time of the gentleman from Washington has expired.

Mr. DREIER. Mr. Speaker, I yield myself 15 seconds.

I say to my friend, first of all, happy birthday.

Mr. DICKS. Thank you.

Mr. DREIER. And the great birthday present is that we will not shut the government down, and we obviously will see this measure passed today.

I also want to say to my friend that I believe we've made history here. To have any Member of the House stand up, especially on his birthday, Mr. Speaker, and speak in complimentary ways of the other body is, in fact, historic in and of itself.

Mr. DICKS. I just wanted to make sure everybody got the full picture.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 7¼ minutes remaining, and the gentlewoman from New York has 13½ minutes remaining.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

This is the end of the year, and so the Republicans need a few presents for the oil industry, for the coal industry, and that's what this final weekend is all about: How do we get those presents? And so they tried and tried in this bill to roll back many, many environmental laws, but they have been unable to do so. But what they have said is just give us one thing, give us one trinket, perhaps, a symbol of our success in rolling back the laws of energy efficiency in our country.

And so within this bill, the Republicans have now successfully inserted a provision which rolls back the lightbulb efficiency laws, which the companies of our country and the rest of the world must comply with.

Now, what does that mean? Well, for consumers in our country, it will be \$6 billion per year that they will have to pay in higher electricity bills every year that they are alive.

What else does it mean? Well, it means that the coal industry is happy because they generate half the electricity in our country, so they'll burn more coal in order to generate that electricity in order for the American people to use less efficient lightbulbs. And that greenhouse gas will go up into the atmosphere, and since the Republicans don't believe the planet is warming, what do they care? Just roll back the lightbulb efficiency standards.

What's the next bill that's up? Oh that one, can we give a payroll tax break to the ordinary Americans? Can we have unemployment insurance for the millions of people who are unemployed? They are saying, well, we'll consider it, but you can't tax billionaires to find the money for that. And, by the way, we want a trinket there as well.

Let's make sure that that final bill, they're saying, has an exemption for environmental law so you can build a huge pipeline, the Keystone XL Pipeline, extra large pipeline right through the middle of America, waiving the environmental laws, and at the same time, ladies and gentlemen, having no guarantee that the oil that comes from Canada through the United States will be sold in the United States. They won't accept that provision, neither TransCanada nor the Republicans, even though they say we would do it for our national security.

So here we are at the end of the year, lightbulb efficiency out the door. They like to do the same thing, by the way, for increased efficiency in the vehicles we drive, the planes which we fly in, the boats which we sail here in the United States, as we see the Middle East in turmoil, as we see Iran and Iraq perhaps growing closer together, they're trying to reduce the efficiency of our country by making it more like we consume oil.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman 1 additional minute.

Mr. MARKEY. So here we have, again, misunderstanding on the part of the Republicans on our key national security issue, and that is changing our relationship with the energy sources which we consume, because it comes disproportionately out of the Straits of Hormuz, out of the Middle East into our country. And so this issue goes right to the core, this lightbulb efficiency. It's a small symbol of all the other things that they oppose in terms of increasing the efficiency of our society, and it's stuck right in the middle of this so-called omnibus bill, and they wouldn't be happy unless they got it.

Mind you, this attempt that was defeated earlier this year on the House floor, when Members could vote for it, must be snuck into the omnibus end-of-the-year bill. So whether it be the XL pipeline for the oil industry, whether it be the lightbulb bill for the coal industry, whether it be the billionaire tax break staying on the books, rather than helping to make sure ordinary people get tax breaks; billionaires, oil or coal industry, that is what the agenda is all about.

I urge a "no" vote.

□ 1050

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my good friend from Bainbridge Township, Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the chairman.

One of the useless sorts of pieces of trivia I carry around in my head is that the originator of Superman comics was from Cleveland, Ohio. I think he sold the rights to it for a pittance and was very sorry after that. One of the things I could never get my arms around in the Superman series was the Bizarro Superman. As I listen to this debate, I think that I have landed in a "bizarro" world.

To go to another children's story, everyone knows the story of the three little pigs. Those who are criticizing the process or the criticism of the process, not those, the criticism of the process that has brought this bill to the floor, is a little bit like there is a fourth little pig that didn't even bother to build a straw house or a wood house but gets to the brick house where the wolf can't get in and is complaining that the brick furniture is too hard.

Now, listen. No budget was produced in the last Congress. Not one. And so, for the process lovers around here, you know where all of the numbers came from that we had to deal with in the appropriations committee? In the mind of one man from Wisconsin who is now retired. That didn't happen. The budget was passed. You know what else? The budget this year gave lower numbers

for the second time straight under this majority, and it is a little more difficult to spend less money than more money. It's easier to spend more money.

But Mr. DICKS and Mr. ROGERS did something that was never done under the stewardship of the previous Speaker, and that is we had bills come up in subcommittee. You know what? Any Member could offer an amendment—good amendments, bad amendments, stupid amendments, wonderful amendments—and we voted on them. They went to full committee. The same thing occurred.

I'm going to tell you, the bills came to the floor under open rules. I think I could count on—I wouldn't have to take off my shoes to figure out the number of open rules under the previous Speaker's administration, as they privatized the Nation's health care, one-seventh of the economy of the United States, as they put in place a national carbon tax with no amendments. So for those who are squealing about process, it's really an inappropriate exercise.

And relative to the other body, and I have nothing but respect for Mr. DICKS, but to say that the Senate wasn't doing anything nefarious by linking this bill that was going to put on furlough and shut down the government at midnight tonight and link that to the payroll tax cuts and others, listen, the Senate has become again and again and again the place where legislation goes to die. It is not enough to sit over there in the lofty Senate Chamber and say, "We don't like what you did, House," and not produce a product.

The time has come for them to pass a bill, and then the process is we're only one-third of the government. You can't have this bill unless the Senate passes it and the President signs it.

So again, Merry Christmas to all, and we should get on with this.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi, the ranking member on Homeland Security, Mr. THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to the rule and the underlying measure, the conference report on H.R. 2055.

When presented with this 1,219-page funding bill, it's hard to know where to start. As the ranking member of the Homeland Security Committee, I choose to start by looking at how it will affect our Nation's first responders and the communities they protect.

This package, 10 years after the attacks of September 11, 2001, is a dangerous departure from the path we've been on as a Nation to build up our preparedness and our response capabilities. It abandons the men and women we count on to save lives.

Since 9/11 there has been a general recognition that, as a Nation, we are dangerously unprepared for the emerging threats we face. That is why past

Congresses established an array of Federal grant programs targeted to specific homeland security gaps and needs. Across the country, we've seen the benefits of the path lead by the Congresses towards preparedness as evidenced by the response to this year's wave of disasters.

Today, however, this Congress not only strays from the path but bulldozes it.

The conference report slashes more than \$2 billion from first responder funding. Last year, \$3.38 billion was provided to communities across the country under FEMA's grant program, most notably: the State Homeland Security Grant program, Urban Area Security Initiative, Metropolitan Medical Response System, Operation Stonegarden, Citizen Corps program, Port Security Grant Program, transit security grant programs, interoperability community grant programs, and emergency operation centers. This year, under this package, just \$1.35 billion is designated for all of the grant programs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield the gentleman 1 additional minute.

Mr. THOMPSON of Mississippi. That is less than half of what we were provided this last year.

To make matters worse, this package punts responsibility for the tough decisions about funding levels for each program to Secretary Napolitano.

The approach taken here should surprise no one. Tough decisions about funding have been punted throughout this session, and as a result, the Congress has moved from shutdown crisis to shutdown crisis.

If this package is enacted, the Congress will be punting responsibility for meeting the Homeland Security challenges of a post-9/11 world to State, local, and tribal governments. The timing of the shift of responsibility could not be worse.

We must not ignore the cause from public safety and first responder organizations that have warned us about devastating effects of cuts. For this reason and probably a hundred more, I oppose the conference report.

Mr. DREIER. Mr. Speaker, I would inquire of my friend how many speakers she has remaining on her side.

Ms. SLAUGHTER. We have no further speakers.

May I inquire if my colleague has any.

Mr. DREIER. I plan to close and then move the previous question so we can move ahead to ensure we don't shut down the government.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. I urge my colleagues to vote "no" on the previous question and the martial law rule, and I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

We all know that the American people are hurting. We have a protracted unemployment problem that has gone on for an extended period of time, the longest period of time since the Great Depression, and it's important for us to realize the reasons for this.

One of the very important reasons for this is that we have seen a dramatic expansion of the size and scope and reach of government. During the 4 years that my friends on the other side of the aisle were in the majority, we witnessed an 82 percent increase in non-defense discretionary spending.

We now have a \$15 trillion national debt, and I think Democrats and Republicans alike acknowledge that that cannot be sustained.

As I've been saying throughout this week, our job is jobs. Right now our job is jobs. We need to have a laser-like focus on creating job opportunities for our fellow Americans, people who are so frustrated they've given up the effort to look for work.

So that's why the things that we're dealing with today are so critically important to address those needs.

Now, since there has been bipartisan recognition that we can't continue down the road with an 82 percent increase in non-defense discretionary spending which we witnessed over the past several years, it's important for us to come together, and that's exactly what's happened.

This is NORM DICKS' birthday, and we're very happy about that. We're happy that on his birthday we're going to see a bipartisan agreement that will bring about a \$95 billion reduction in non-defense discretionary spending. And that's what this work product does, Mr. Speaker.

And again, bipartisan recognition and even bicameral recognition, and even recognition from down Pennsylvania Avenue with the second branch of government, that we are right now altering the course that we had been on of dramatically increasing spending. And we're doing it, Mr. Speaker, in a very fair and balanced and open way.

□ 1100

I don't like the process that got us to where we are right now. I said earlier that I believe that this multi-thousand-page package was available on Monday; it was agreed to on Monday; but it wasn't made available until early Thursday morning. Yet we are where we are, and there was an agreement. Mr. INOUE and Mr. ROGERS came to this agreement on Monday.

We could have done this earlier, but we know that our friends in the other body chose—and as I said, I wasn't going to say it earlier, but it has been characterized in the media as having held hostage this very important appropriations bill. We also dealt with

the threat of a government shutdown that would take place 13 hours from now. We are not going to see that happen. We are not going to see that happen because Mr. DICKS and Mr. ROGERS and other members of the Appropriations Committees in both bodies—and the leadership—came together to ensure that that doesn't happen.

We still have a long way to go. We still have much work that needs to be done. But by the passage of this measure today, Mr. Speaker, we are going to do exactly what is necessary. We are going to finally have a clean slate. We've all commiserated over the fact that we've had this mess to clean up of the past. It's been ugly and it's been difficult; but we have, in fact, by virtue of this agreement cleaned it up so that we can continue to work down this path towards balancing the budget, getting our fiscal house in order, and doing what we need to do—our jobs, which is to create jobs.

I think we have a chance to do that.

So, Mr. Speaker, I urge support of this rule, and I urge support of the previous question so that we can move ahead and make sure that we have what's necessary to meet this very important deadline by midnight.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 500, if ordered; motion to suspend the rules and concur in the Senate amendment to H.R. 1892; and motion to suspend the rules on S. 278, if ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 179, not voting 15, as follows:

[Roll No. 937]

YEAS—239

Adams	Blackburn	Cassidy
Aderholt	Bonner	Chabot
Akin	Bono Mack	Chaffetz
Alexander	Boustany	Coffman (CO)
Amash	Brady (TX)	Cohen
Amodei	Brooks	Cole
Austria	Broun (GA)	Conaway
Bachus	Buchanan	Cravaack
Barletta	Bucshon	Crawford
Bartlett	Buerkle	Crenshaw
Barton (TX)	Burgess	Culberson
Bass (NH)	Burton (IN)	Denham
Benishek	Calvert	Dent
Berg	Camp	DesJarlais
Biggert	Campbell	Dold
Billbray	Canseco	Dreier
Bilirakis	Cantor	Duffy
Bishop (UT)	Capito	Duncan (SC)
Black	Carter	Duncan (TN)

Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline

## NAYS—179

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)

Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell

Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebuck  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markley  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Neal  
Oliver  
Owens

Bachmann  
Clay  
Coble  
Davis (KY)  
Diaz-Balart

Pallone  
Pascrell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz

## NOT VOTING—15

Filner  
Giffords  
Guthrie  
Gutierrez  
Johnson, E. B.

Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Benishek  
Berg  
Biggart  
Billbray  
Bilirakis  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coffman (CO)  
Cole  
Conaway  
Costa  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Denham  
Dent  
DesJarlais  
Dicks  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Farr  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Hall  
Hanna  
Harper

Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Holt  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Lipinski  
LoBiondo  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce

## NAYS—164

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)

Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney

Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Ms. FUDGE, Ms. BERKLEY, Messrs. CLARKE of Michigan, FATTAH, and RUSH changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 937, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

Mrs. NAPOLITANO. Mr. Speaker, on Friday, December 16, 2011, I was absent during rollcall vote No. 937 in order to attend an important event in my district. Had I been present, I would have voted “nay” on the Motion on Ordering the Previous Question on the Rule providing for consideration of the Conference Report on H.R. 2055—Consolidated Appropriations Act, H.R. 3672—Disaster Relief Appropriations Act and H. Con. Res. 94—Directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3671.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 252, nays 164, not voting 17, as follows:

[Roll No. 938]

## YEAS—252

Adams  
Aderholt  
Akin  
Alexander

Amash  
Amodei  
Austria  
Bachus

Barletta  
Bartlett  
Barton (TX)  
Bass (NH)

Cooper  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Honda  
Hoyer  
Inslee  
Israel

Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Keating  
Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Loeb sack  
Lofgren, Zoe  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Nadler  
Neal  
Oliver  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Polis  
Price (NC)  
Quigley  
Rangel  
Reyes

Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOT VOTING—17

Bachmann  
Bishop (UT)  
Coble  
Connolly (VA)  
Davis (KY)  
Diaz-Balart

Filner  
Giffords  
Guthrie  
Gutierrez  
Johnson, E. B.  
Myrick

Napolitano  
Paul  
Pingree (ME)  
Speier  
Velázquez

□ 1137

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 938, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

Mrs. NAPOLITANO. Mr. Speaker, on Friday, December 16, 2011, I was absent during rollcall vote No. 938 in order to attend an important event in my district. Had I been present, I would have voted “nay” on H. Res. 500—Rule providing for consideration of the Conference Report on H.R. 2055—Consolidated Appropriations Act, H.R. 3672—Disaster Relief Appropriations Act and H. Con. Res. 94—Directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3671.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 3421. An act to award Congressional Gold Medals in honor of the men and women

who perished as a result of the terrorist attacks on the United States on September 11, 2001.

H. Con. Res. 93. Concurrent resolution providing for a correction to the enrollment of the bill H.R. 2845.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 1612. An act to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity.

INTELLIGENCE AUTHORIZATION  
ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 1892) to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and concur in the Senate amendment.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 23, not voting 14, as follows:

[Roll No. 939]

YEAS—396

Ackerman	Brown (GA)	Crawford	Loeb sack	Rokita
Adams	Brown (FL)	Crenshaw	Lofgren, Zoe	Rooney
Aderholt	Buchanan	Critz	Long	Ros-Lehtinen
Akin	Bucshon	Crowley	Lowe	Roskam
Alexander	Buerkle	Cuellar	Lucas	Ross (AR)
Altmire	Burgess	Culberson	Luetkemeyer	Ross (FL)
Amodei	Burton (IN)	Cummings	Lujan	Rothman (NJ)
Andrews	Butterfield	Davis (CA)	Lummis	Roybal-Allard
Austria	Calvert	Davis (IL)	Lungren, Daniel	Royce
Baca	Camp	DeGette	E.	Runyan
Bachus	Campbell	DeLauro	Lynch	Ruppersberger
Baldwin	Canseco	Denham	Mack	Rush
Barletta	Cantor	Dent	Maloney	Ryan (OH)
Barrow	Capito	DesJarlais	Manzullo	Ryan (WI)
Bartlett	Capito	Deutch	Marchant	Sánchez, Linda
Barton (TX)	Cardoza	Dicks	Marino	T.
Bass (CA)	Carnahan	Dingell	Markey	Sanchez, Loretta
Bass (NH)	Carney	Doggett	Matheson	Sarbanes
Becerra	Carson (IN)	Dold	Matsui	Scalise
Benishek	Carter	Donnelly (IN)	McCarthy (CA)	Schakowsky
Berg	Cassidy	Doyle	McCarthy (NY)	Schiff
Berkley	Castor (FL)	Dreier	McCaul	Schilling
Berman	Chabot	Duffy	McClintock	Schmidt
Biggert	Chaffetz	Duncan (SC)	McCollum	Schock
Blibray	Chandler	Edwards	McCotter	Schrader
Bilirakis	Chu	Ellison	McDermott	Schwartz
Bishop (GA)	Cicilline	Ellmers	McHenry	Schweikert
Bishop (NY)	Clarke (MI)	Emerson	McIntyre	Scott (SC)
Bishop (UT)	Clay	Engel	McKeon	Scott (VA)
Black	Cleaver	Eshoo	McKinley	Scott, Austin
Blackburn	Clyburn	Farenthold	McMorris	Scott, David
Bonner	Coffman (CO)	Farr	Rodgers	Sensenbrenner
Bono Mack	Cole	Fincher	McNerney	Serrano
Boren	Conaway	Fitzpatrick	Meehan	Sessions
Boswell	Connolly (VA)	Flake	Meeks	Sewell
Boustany	Cooper	Fleischmann	Mica	Sherman
Brady (PA)	Costa	Fleming	Michaud	Shimkus
Brady (TX)	Costello	Forbes	Miller (FL)	Shuler
Braley (IA)	Courtney	Fortenberry	Miller (MI)	Shuster
Brooks	Cravaack		Miller (NC)	Simpson
			Miller, Gary	Sires
			Moran	Slaughter
			Mulvaney	Smith (NE)
			Murphy (CT)	Smith (NJ)
			Murphy (PA)	Smith (TX)
			Nadler	Smith (WA)
			Neal	Southerland
			Neugebauer	Stearns
			Noem	Stivers
			Nugent	Stutzman
			Nunes	Sullivan
			Nunnelee	Sutton
			Olson	Terry
			Owens	Thompson (CA)
			Palazzo	Thompson (MS)
			Pallone	Thompson (PA)
			Pascarell	Thornberry
			Pastor (AZ)	Tiberi
			Paulsen	Tierney
			Pearce	Tipton
			Pelosi	Tonko
			Pence	Towns
			Perlmutter	Tsongas
			Peters	Turner (NY)
			Peterson	Turner (OH)
			Petri	Upton
			Pitts	Van Hollen
			Platts	Velázquez
			Poe (TX)	Visclosky
			Polis	Walberg
			Pompeo	Walden
			Posey	Walsh (IL)
			Price (GA)	Walz (MN)
			Price (NC)	Wasserman
			Quayle	Schultz
			Quigley	Watt
			Rahall	Waxman
			Rangel	Webster
			Reed	Welch
			Rehberg	West
			Reichert	Westmoreland
			Renacci	Whitfield
			Reyes	Wilson (FL)
			Ribble	Wilson (SC)
			Richardson	Wittman
			Richmond	Wolf
			Rigell	Womack
			Rivera	Woodall
			Roby	Yarmuth
			Roe (TN)	Yoder
			Rogers (AL)	Young (AK)
			Rogers (KY)	Young (FL)
			Rogers (MI)	Young (IN)
			Rohrabacher	

## NAYS—23

Amash	Fattah	Miller, George
Blumenauer	Gibson	Moore
Capuano	Grijalva	Olver
Clarke (NY)	Jones	Payne
Cohen	Kucinich	Stark
Conyers	Lee (CA)	Waters
DeFazio	Lewis (GA)	Woolsey
Duncan (TN)	McGovern	

## NOT VOTING—14

Bachmann	Giffords	Napolitano
Coble	Guthrie	Paul
Davis (KY)	Gutierrez	Pingree (ME)
Diaz-Balart	Johnson, E. B.	Speier
Filner	Myrick	

□ 1147

Mr. COHEN and Ms. CLARKE of New York changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Friday, December 16, 2011, I was absent during rollcall vote No. 939 in order to attend an important event in my district. Had I been present, I would have voted “yea” on Senate Amendment to H.R. 1892—Intelligence Authorization Act for Fiscal Year 2012.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 939, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

# SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 278) to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. DICKS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 0, not voting 20, as follows:

[Roll No. 940]

## AYES—413

Ackerman	Aderholt	Alexander
Adams	Akin	Altmire

Amash	Dingell	Kelly	Pitts	Sánchez, Linda	Thompson (PA)
Amodei	Doggett	Kildee	Platts	T.	Thornberry
Andrews	Dold	Kind	Poe (TX)	Sanchez, Loretta	Tiberi
Austria	Donnelly (IN)	King (IA)	Polis	Sarbanes	Tierney
Baca	Doyle	King (NY)	Pompeo	Scalise	Tipton
Bachus	Dreier	Kingston	Posey	Schakowsky	Tonko
Baldwin	Duffy	Kinzinger (IL)	Price (GA)	Schiff	Towns
Barletta	Duncan (SC)	Kissell	Price (NC)	Schilling	Tsongas
Barrow	Duncan (TN)	Kline	Quayle	Schmidt	Turner (NY)
Bartlett	Edwards	Kucinich	Quigley	Schock	Turner (OH)
Barton (TX)	Ellison	Labrador	Rahall	Schrader	Upton
Bass (CA)	Ellmers	Lamborn	Rangel	Schwartz	Van Hollen
Bass (NH)	Engel	Lance	Reed	Schweikert	Velázquez
Becerra	Eshoo	Landry	Rehberg	Scott (SC)	Visclosky
Benishek	Farenthold	Langevin	Reichert	Scott (VA)	Walberg
Berg	Farr	Lankford	Renacci	Scott, Austin	Walden
Berkley	Fattah	Larsen (WA)	Reyes	Scott, David	Walsh (IL)
Berman	Fincher	Larson (CT)	Ribble	Sensenbrenner	Walz (MN)
Bigert	Fitzpatrick	Latham	Richardson	Serrano	Wasserman
Bilbray	Flake	LaTourette	Richmond	Sessions	Schultz
Bilirakis	Fleischmann	Latta	Rigell	Sewell	Waters
Bishop (GA)	Fleming	Lee (CA)	Rivera	Sherman	Watt
Bishop (NY)	Flores	Levin	Roby	Shimkus	Waxman
Bishop (UT)	Forbes	Lewis (CA)	Roe (TN)	Shuler	Webster
Black	Fortenberry	Lewis (GA)	Rogers (AL)	Shuster	Welch
Blackburn	Fox	Lipinski	Rogers (KY)	Simpson	West
Blumenauer	Frank (MA)	LoBiondo	Rogers (MI)	Sires	Westmoreland
Bonner	Franks (AZ)	Loebach	Rohrabacher	Slaughter	Whitfield
Bono Mack	Frelinghuysen	Lofgren, Zoe	Rokita	Smith (NE)	Wilson (FL)
Boren	Fudge	Long	Rooney	Smith (NJ)	Wilson (SC)
Bowell	Gallegly	Lowey	Ros-Lehtinen	Smith (TX)	Wittman
Boustany	Garamendi	Lucas	Roskam	Smith (WA)	Wolf
Brady (PA)	Gardner	Luetkemeyer	Ross (AR)	Southerland	Womack
Brady (TX)	Garrett	Lujan	Ross (FL)	Stark	Woodall
Braley (IA)	Gerlach	Lummis	Rothman (NJ)	Stearns	Woolsey
Brooks	Gibbs	Lungren, Daniel	Roybal-Allard	Stivers	Yarmuth
Broun (GA)	Gibson	E.	Royce	Stutzman	Yoder
Brown (FL)	Gingrey (GA)	Lynch	Runyan	Sullivan	Young (AK)
Buchanan	Gonzalez	Mack	Ruppersberger	Sutton	Young (FL)
Bucshon	Goodlatte	Manzullo	Rush	Terry	Young (IN)
Buerkle	Gosar	Marchant	Ryan (OH)	Thompson (CA)	
Burgess	Gowdy	Marino	Ryan (WI)	Thompson (MS)	
Burton (IN)	Granger	Markey			
Butterfield	Graves (GA)	Matheson			
Calvert	Graves (MO)	Matsui			
Camp	Green, Al	McCarthy (CA)			
Campbell	Green, Gene	McCarthy (NY)			
Canseco	Griffin (AR)	McCaul			
Cantor	Griffith (VA)	McCollum			
Capito	Grijalva	McCotter			
Capps	Grimm	McDermott			
Capuano	Guinta	McGovern			
Cardoza	Hahn	McHenry			
Carnahan	Hall	McIntyre			
Carney	Hanabusa	McKeon			
Carson (IN)	Hanna	McKinley			
Carter	Harper	McMorris			
Cassidy	Harris	Rodgers			
Castor (FL)	Hartzler	McNerney			
Chabot	Hastings (FL)	Meehan			
Chaffetz	Hastings (WA)	Meeks			
Chandler	Hayworth	Mica			
Chu	Heck	Michaud			
Cicilline	Heinrich	Miller (FL)			
Clarke (MI)	Hensarling	Miller (MI)			
Clarke (NY)	Herger	Miller (NC)			
Clay	Herrera Beutler	Miller, Gary			
Cleaver	Higgins	Miller, George			
Clyburn	Himes	Moore			
Coffman (CO)	Hinche	Moran			
Cohen	Hinojosa	Mulvaney			
Cole	Hirono	Murphy (CT)			
Conaway	Hochul	Murphy (PA)			
Connolly (VA)	Holden	Nadler			
Conyers	Holt	Neal			
Cooper	Honda	Neugebauer			
Costa	Huelskamp	Noem			
Courtney	Huizenga (MI)	Nugent			
Cravaack	Hultgren	Nunes			
Crawford	Hunter	Nunnelee			
Crenshaw	Hurt	Olson			
Critz	Inslee	Olver			
Crowley	Israel	Owens			
Cuellar	Issa	Palazzo			
Culberson	Jackson (IL)	Pallone			
Cummings	Jackson Lee	Pascarella			
Davis (CA)	(TX)	Pastor (AZ)			
Davis (IL)	Jenkins	Paulsen			
DeFazio	Johnson (GA)	Payne			
DeGette	Johnson (IL)	Pearce			
DeLauro	Johnson (OH)	Pelosi			
Denham	Johnson, Sam	Pence			
Dent	Jones	Perlmutter			
DesJarlais	Jordan	Peters			
Deutch	Kaptur	Peterson			
Dicks	Keating	Petri			

## NOT VOTING—20

Bachmann	Giffords	McClintock
Coble	Gohmert	Myrick
Costello	Guthrie	Napolitano
Davis (KY)	Gutierrez	Paul
Diaz-Balart	Hoyer	Pingree (ME)
Emerson	Johnson, E. B.	Speier
Filner	Maloney	

□ 1154

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 940, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

Mrs. NAPOLITANO. Mr. Speaker, on Friday, December 16th, 2011, I was absent during rollcall vote No. 940 in order to attend an important event in my district. Had I been present, I would have voted “aye” on S. 278—Sugar Loaf Fire Protection District Land Exchange Act.

## GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise their remarks and include extraneous material on the conference report on H.R. 2055, H. Con. Res. 94, and H.R. 3672, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?



There was no objection.

CONFERENCE REPORT ON H.R. 2055,  
CONSOLIDATED APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 500, I call up the conference report to accompany the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 500, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 15, 2011, at page 20289.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

I rise today to present the final fiscal year 2012 appropriations legislation, which includes the conference report for the remaining nine appropriations bills, as well as two other bills we will consider later that provide funding for disaster recovery and assistance.

For the second year in a row, Mr. Speaker, the Appropriations Committee, along with the body, has achieved significant reductions in Federal Government spending to the tune of some \$95 billion in reduced spending. Never before in recent history has Congress cut spending 2 years back to back.

The Republican majority is truly living up to our commitment to slice Federal spending, getting our budgets back into balance and living within our means. The legislation also includes absolutely no earmarks, zero earmarks, abiding by the House rule.

This report and the disaster aid spending package signify the end of the road for the fiscal year 2012 appropriations cycle, helping to avoid a potential government shutdown and supporting vital programs and services the American people rely on.

In particular, Mr. Speaker, this bill provides funding necessary to support our national security, including funding for our military engagements abroad and our domestic obligations; benefits and programs for our veterans, active military, and their families; and Homeland Security efforts to keep our

borders and communities safe and sound.

In addition, this legislation includes policy provisions targeted at reining in harmful government interference and protecting life, liberty, and the Constitution.

Mr. Speaker, after weeks of arduous negotiations on this package with our Senate counterparts, we've struck a fair, bipartisan compromise. No party got everything they wanted, but we have found a reasonable, responsible balance between reduced spending, wise Federal investments, and policy changes that American businesses need to thrive. With Christmas coming on, it's time we complete this important legislation and go home to our families and our friends.

We don't have much down time before our work will begin again on fiscal year 2013, and I'm hopeful that with the groundwork we have laid this year, cleaning up past years' messes, clearing the table for next year, when we can bring these bills separately and individually to the floor for our Members to debate, amend, and vote on. That's the goal. So I'm hopeful with the groundwork we have laid this year, we will be able to work through next year's appropriations in regular order and, most importantly, on time, so that we don't find ourselves in this situation next December.

One last note, Mr. Speaker: This result today would not have happened without the good will and the good work of the committee's ranking member, Mr. DICKS, who has been a great partner throughout this process. While things have been difficult, and we haven't always seen eye to eye, his knowledge of the process and his commitment to a fair and positive outcome have been a huge asset. His leadership has been critical to the bills we've passed, and certainly the one before us today.

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Along with Mr. DICKS, I must thank the cardinals and the ranking members of the subcommittees to whom we turned to produce this bill that's before us today: Chairman YOUNG and Ranking Member DICKS on Defense; Chairman FRELINGHUYSEN and Ranking Member VISCLOSKEY on Energy and Water; Chairwoman EMERSON and Ranking Member SERRANO on Financial Services; Chairman ADERHOLT and Ranking Member PRICE on Homeland Security; Chairman SIMPSON and Ranking Member MORAN on Interior; Chairman REHBERG and Ranking Member DELAURO on Labor-HHS; Chairman CRENSHAW and Ranking Member HONDA on Legislative Branch; Chairman CULBERSON and Ranking Member BISHOP

on MilCon; and Chairwoman GRANGER and Ranking Member LOWEY on State and Foreign Operations. They worked through these bills with a sharp eye and a respect for the taxpayer and the programs that they dealt with.

Time and again, Mr. Speaker, throughout this year we've faced difficult and arduous tasks head-on, met every challenge before us. And without the leadership of these subcommittee chairmen and ranking members, we would not be here today. They've made up the package that's before us today.

Finally, I want to thank the staff, both sides of the aisle, majority and minority, hard work this year beyond anything that I've ever seen. It's been a tough year with H.R. 1 in the spring that took so much time and effort, 500-plus amendments, and then the 150 hearings that our subcommittees have conducted making up this year's appropriations bills; and then after that, the effort that took place on the debt ceiling increase and the time and distraction that it took from the rest of the work we were doing. And then finally, the concoction and the makeup of this bill before us today. It has been a long, tough year. We have appropriated in 1 year for 2 years, both for 2011 and now for 2012, all in 1 year, in order to get us back to where we can go on regular order next year.

The staff has been absolutely arduous and dedicated week in, week out, day in and day out, night after night, holidays included. They've just been terrific. I want to thank our staffs on the committee, both sides, for all of the hard work that has taken place. Bill Inglee, the chief clerk on the committee, and David Pomerantz on your side, Mr. DICKS, what a terrific team that we have had backing us up. We're deeply indebted to these wonderful staff workers for us that have us where we are.

Finally, I want to say this. Today is sort of a special day, Mr. Speaker, for any number of reasons. I think we're going to wind up with a good bill here that will get the appropriations process over with, finally, for this year. But it's also a very, very special day for two Members who are on the floor with us this very minute.

One of them is my ranking member, Mr. DICKS, who's celebrating a birthday today.

Happy birthday.

Also, another gentleman is celebrating a birthday today, and that's Mr. BILL YOUNG, the chairman of the Defense Subcommittee.

Happy birthday, Mr. Chairman.

With that, Mr. Speaker, I reserve the balance of my time.



DIVISION A - DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>TITLE I</b>				
<b>MILITARY PERSONNEL</b>				
Military Personnel, Army.....	41,403,653	43,596,949	43,298,409	+1,894,756
Military Personnel, Navy.....	25,912,449	27,154,384	26,803,334	+890,885
Military Personnel, Marine Corps.....	13,210,161	13,573,546	13,635,136	+424,975
Military Personnel, Air Force.....	27,105,755	28,304,432	28,096,708	+990,953
Reserve Personnel, Army.....	4,333,165	4,386,077	4,289,407	-43,758
Reserve Personnel, Navy.....	1,940,191	1,960,634	1,935,544	-4,647
Reserve Personnel, Marine Corps.....	612,191	653,212	644,722	+32,531
Reserve Personnel, Air Force.....	1,650,797	1,729,823	1,712,705	+61,908
National Guard Personnel, Army.....	7,511,296	7,623,335	7,585,645	+74,349
National Guard Personnel, Air Force.....	3,060,098	3,114,149	3,088,929	+28,831
<b>Total, title I, Military Personnel.....</b>	<b>126,739,756</b>	<b>132,096,541</b>	<b>131,090,539</b>	<b>+4,350,783</b>
<b>TITLE II</b>				
<b>OPERATION AND MAINTENANCE</b>				
Operation and Maintenance, Army.....	33,306,117	34,735,216	31,072,902	-2,233,215
Operation and Maintenance, Navy.....	37,809,239	39,364,688	38,120,821	+311,582
Operation and Maintenance, Marine Corps.....	5,539,740	5,960,437	5,542,937	+3,197
Operation and Maintenance, Air Force.....	36,062,989	36,195,133	34,985,486	-1,077,503
Operation and Maintenance, Defense-Wide.....	30,210,810	30,940,409	30,152,008	-58,802
Operation and Maintenance, Army Reserve.....	2,840,427	3,109,176	3,071,733	+231,306
Operation and Maintenance, Navy Reserve.....	1,344,264	1,323,134	1,305,134	-39,130
Operation and Maintenance, Marine Corps Reserve.....	275,484	271,443	271,443	-4,041
Operation and Maintenance, Air Force Reserve.....	3,291,027	3,274,359	3,274,359	-16,668
Operation and Maintenance, Army National Guard.....	6,454,624	7,041,432	6,924,932	+470,308
Operation and Maintenance, Air National Guard.....	5,963,839	6,136,280	6,098,780	+134,941
Overseas Contingency Operations Transfer Account.....	---	5,000	---	---
United States Court of Appeals for the Armed Forces...	14,068	13,861	13,861	-207
Environmental Restoration, Army.....	464,581	346,031	346,031	-118,550
Environmental Restoration, Navy.....	304,867	308,668	308,668	+3,801
Environmental Restoration, Air Force.....	502,653	525,453	525,453	+22,800
Environmental Restoration, Defense-Wide.....	10,744	10,716	10,716	-28
Environmental Restoration, Formerly Used Defense Sites	316,546	276,495	326,495	+9,949
Overseas Humanitarian, Disaster, and Civic Aid.....	108,032	107,662	107,662	-370
Cooperative Threat Reduction Account.....	522,512	508,219	508,219	-14,293
Department of Defense Acquisition Workforce Development Fund.....	217,561	305,501	105,501	-112,060
<b>Total, title II, Operation and maintenance.....</b>	<b>165,560,124</b>	<b>170,759,313</b>	<b>163,073,141</b>	<b>-2,486,983</b>
<b>TITLE III</b>				
<b>PROCUREMENT</b>				
Aircraft Procurement, Army.....	5,254,791	7,061,381	5,360,334	+105,543
Missile Procurement, Army.....	1,570,108	1,478,718	1,461,223	-108,885
Procurement of Weapons and Tracked Combat Vehicles, Army.....	1,461,086	1,933,512	2,070,405	+609,319
Procurement of Ammunition, Army.....	1,847,066	1,992,625	1,884,424	+37,358
Other Procurement, Army.....	8,145,665	9,682,592	7,924,214	-221,451
Aircraft Procurement, Navy.....	16,170,868	18,587,033	17,675,734	+1,504,866
Weapons Procurement, Navy.....	3,221,957	3,408,478	3,224,432	+2,475
Procurement of Ammunition, Navy and Marine Corps.....	790,527	719,952	626,848	-163,679
Shipbuilding and Conversion, Navy.....	15,366,658	14,928,921	14,919,114	-447,544
Other Procurement, Navy.....	5,804,963	6,285,451	6,013,385	+208,422
Procurement, Marine Corps.....	1,236,436	1,391,602	1,422,570	+186,134
Aircraft Procurement, Air Force.....	13,483,739	14,082,527	12,950,000	-533,739
Missile Procurement, Air Force.....	5,424,764	6,074,017	6,080,877	+656,113
Advanced Extremely High Frequency Communications				
Satellites, Advanced appropriation FY 2013.....	---	803,417	---	---
Advanced appropriation FY 2014.....	---	699,611	---	---
Advanced appropriation FY 2015 through FY 2017.....	---	1,709,467	---	---
<b>Total, Advanced appropriations</b>	<b>---</b>	<b>3,212,495</b>	<b>---</b>	<b>---</b>

DIVISION A - DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Procurement of Ammunition, Air Force.....	731,487	539,065	499,185	-232,302
Other Procurement, Air Force.....	17,568,091	17,602,036	17,403,564	-164,527
Procurement, Defense-Wide .....	4,009,321	5,365,248	4,893,428	+884,107
Defense Production Act Purchases .....	34,346	19,964	169,964	+135,618
Total, title III, Procurement.....	102,121,873	114,365,617	104,579,701	+2,457,828
FY 2012.....	(102,121,873)	(111,153,122)	(104,579,701)	(+2,457,828)

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army.....	9,710,998	9,683,980	8,745,492	-965,506
Research, Development, Test and Evaluation, Navy.....	17,736,303	17,956,431	17,753,940	+17,637
Research, Development, Test and Evaluation, Air Force.....	26,517,405	27,737,701	26,535,996	+18,591
Research, Development, Test and Evaluation, Defense-Wide .....	20,797,412	19,755,678	19,193,955	-1,603,457
Operational Test and Evaluation, Defense.....	194,910	191,292	191,292	-3,618
Total, title IV, Research, Development, Test and Evaluation.....	74,957,028	75,325,082	72,420,675	-2,536,353

TITLE V

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds.....	1,434,536	1,575,010	1,575,010	+140,474
National Defense Sealift Fund.....	1,474,866	1,126,384	1,100,519	-374,347
Total, title V, Revolving and Management Funds..	2,909,402	2,701,394	2,675,529	-233,873

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program:				
Operation and maintenance.....	29,671,764	30,902,546	30,582,235	+910,471
Procurement.....	534,921	632,518	632,518	+97,597
Research, development, test and evaluation.....	1,175,513	663,706	1,267,306	+91,793
Total, Defense Health Program 1/.....	31,382,198	32,198,770	32,482,059	+1,099,861
Chemical Agents and Munitions Destruction, Defense:				
Operation and maintenance.....	1,067,364	1,147,691	1,147,691	+80,327
Procurement.....	7,132	---	---	-7,132
Research, development, test and evaluation.....	392,811	406,731	406,731	+13,920
Total, Chemical Agents 2/.....	1,467,307	1,554,422	1,554,422	+87,115
Drug Interdiction and Counter-Drug Activities, Defense	1,156,957	1,156,282	1,209,620	+52,663
Joint Improvised Explosive Device Defeat Fund 2/.....	---	220,634	---	---
Joint Urgent Operational Needs Fund.....	---	100,000	---	---
Office of the Inspector General 1/.....	306,794	289,519	346,919	+40,125
Total, title VI, Other Department of Defense Programs.....	34,313,256	35,519,627	35,593,020	+1,279,764

TITLE VII

RELATED AGENCIES

Central Intelligence Agency Retirement and Disability System Fund.....	292,000	513,700	513,700	+221,700
Intelligence Community Management Account (ICMA).....	649,732	592,213	547,891	-101,841
Total, title VII, Related agencies.....	941,732	1,105,913	1,061,591	+119,859

DIVISION A - DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<hr/>				
TITLE VIII				
GENERAL PROVISIONS				
Additional transfer authority (Sec.8005).....	(4,000,000)	(5,000,000)	(3,750,000)	(-250,000)
Indian Financing Act incentives (Sec.8019).....	15,000	---	15,000	---
FFRDC (Sec.8023).....	-125,000	---	-150,245	-25,245
Overseas Military Facility Invest Recovery (Sec.8028).....	1,000	1,000	1,000	---
Rescissions (Sec.8040).....	-2,013,536	---	-2,575,217	-561,681
O&M, Defense-wide transfer authority (Sec.8051).....	(30,000)	(30,000)	(30,000)	---
O&M, Def-wide to HUD (transfer authority).....	---	(22,930)	---	---
O&M, Defense-wide to Interior (transfer authority).....	---	(10,070)	---	---
Fisher House Foundation (Sec.8069).....	4,000	---	4,000	---
National grants (Sec.8079).....	65,200	---	44,000	-21,200
Shipbuilding reappropriation (Sec.8083).....	---	20,000	---	---
Shipbuilding & conversion funds, Navy (Sec.8084).....	10,000	8,000	8,000	-2,000
Global Security Contingency Fund (O&M, Defense-wide transfer) (Sec.8089).....	---	---	(200,000)	(+200,000)
Working Capital Fund excess cash balances (Sec.8091).....	-1,983,000	---	-515,000	+1,468,000
Fisher House transfer authority (Sec.8097).....	(11,000)	(11,000)	(11,000)	---
ICMA transfer authority (Sec.8098).....	(24,000)	(20,000)	(20,000)	(-4,000)
Business Transformation (transfer authority).....	(50,000)	---	---	(-50,000)
Tanker Replacement Transfer Fund .....	538,875	---	---	-538,875
Alternative Energy Resources for Deployed Forces (Sec.8114).....	---	---	10,000	+10,000
Operation and Maintenance, Defense-Wide.....	300,000	---	---	-300,000
Energy Security Pilot Projects.....	20,000	---	---	-20,000
Revised economic assumptions.....	-1,477,000	---	---	+1,477,000
Operation and Maintenance, Defense-Wide (Sec.8118).....	250,000	---	250,000	---
Civilian pay freeze reduction.....	-723,000	---	---	+723,000
MIP Transfer Fund (Sec.8126).....	---	---	310,758	+310,758
Total, Title VIII, General Provisions.....	-5,117,461	29,000	-2,597,704	+2,519,757

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS (OCO) 3/

Military Personnel

Military Personnel, Army (OCO).....	11,107,033	7,105,335	7,195,335	-3,911,698
Military Personnel, Navy (OCO).....	1,308,719	919,034	1,259,234	-49,485
Military Personnel, Marine Corps (OCO).....	732,920	675,360	714,360	-18,560
Military Personnel, Air Force (OCO).....	1,843,442	1,436,353	1,492,381	-351,061
Reserve Personnel, Army (OCO).....	268,031	207,162	207,162	-60,869
Reserve Personnel, Navy (OCO).....	48,912	44,530	44,530	-4,382
Reserve Personnel, Marine Corps (OCO).....	45,437	25,421	25,421	-20,016
Reserve Personnel, Air Force (OCO).....	27,002	26,815	26,815	-187
National Guard Personnel, Army (OCO).....	853,022	661,879	664,579	-188,443
National Guard Personnel, Air Force (OCO).....	16,860	9,435	9,435	-7,425
Total, Military Personnel.....	16,251,378	11,111,324	11,639,252	-4,612,126

DIVISION A - DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Operation and Maintenance</b>				
Operation & Maintenance, Army (OCO).....	59,162,782	44,302,280	44,794,156	-14,368,626
Operation & Maintenance, Navy (OCO).....	8,970,724	7,006,567	7,674,026	-1,296,698
Coast Guard (by transfer) (OCO).....	---	(258,278)	---	---
Operation & Maintenance, Marine Corps (OCO).....	4,008,022	3,571,210	3,935,210	-72,812
Operation & Maintenance, Air Force (OCO).....	12,969,643	10,719,187	10,879,347	-2,090,296
Operation & Maintenance, Defense-Wide (OCO).....	9,276,990	9,269,411	9,252,211	-24,779
Coalition support funds (OCO).....	(1,600,000)	---	(1,690,000)	(+90,000)
Operation & Maintenance, Army Reserve (OCO).....	206,784	217,500	217,500	+10,716
Operation & Maintenance, Navy Reserve (OCO).....	93,559	74,148	74,148	-19,411
Operation & Maintenance, Marine Corps Reserve (OCO).....	29,685	36,084	36,084	+6,399
Operation & Maintenance, Air Force Reserve (OCO).....	188,807	142,050	142,050	-46,757
Operation & Maintenance, Army National Guard (OCO).....	497,849	387,544	377,544	-120,305
Operation & Maintenance, Air National Guard (OCO).....	402,983	34,050	34,050	-368,933
Overseas Contingency Operations Transfer Fund (OCO)...	---	---	---	---
Subtotal, Operation and Maintenance.....	95,807,828	75,760,031	77,416,326	-18,391,502
Afghanistan Infrastructure Fund (OCO).....	400,000	475,000	400,000	---
Afghanistan Security Forces Fund (OCO).....	11,619,283	12,800,000	11,200,000	-419,283
Iraq Security Forces Fund (OCO).....	1,500,000	---	---	-1,500,000
Pakistan Counterinsurgency Capability Fund (OCO).....	800,000	---	---	-800,000
Total, Operation and Maintenance.....	110,127,111	89,035,031	89,016,326	-21,110,785
<b>Procurement</b>				
Aircraft Procurement, Army (OCO).....	2,720,138	423,400	1,137,381	-1,582,757
Missile Procurement, Army (OCO).....	343,828	126,556	126,556	-217,272
Procurement of Weapons and Tracked Combat Vehicles, Army (OCO).....	896,996	37,117	37,117	-859,879
Procurement of Ammunition, Army (OCO).....	369,885	208,381	208,381	-161,504
Other Procurement, Army (OCO).....	6,401,832	1,398,195	1,334,345	-5,067,487
Aircraft Procurement, Navy (OCO).....	1,169,549	730,960	480,935	-688,614
Weapons Procurement, Navy (OCO).....	90,502	41,070	41,070	-49,432
Procurement of Ammunition, Navy and Marine Corps..... (OCO).....	558,024	317,100	317,100	-240,924
Other Procurement, Navy (OCO).....	316,835	281,975	236,125	-80,710
Procurement, Marine Corps (OCO).....	1,589,119	1,260,996	1,233,996	-355,123
Aircraft Procurement, Air Force (OCO).....	1,991,955	527,865	1,235,777	-756,178
Missile Procurement, Air Force (OCO).....	56,621	28,420	41,220	-15,401
Procurement of Ammunition, Air Force (OCO).....	292,959	92,510	109,010	-183,949
Other Procurement, Air Force (OCO).....	2,868,593	3,204,641	3,088,510	+219,917
Procurement, Defense-Wide (OCO).....	1,262,499	469,968	405,768	-856,731
National Guard and Reserve Equipment (OCO).....	850,000	---	1,000,000	+150,000
Mine Resistant Ambush Protected Vehicle Fund (OCO).....	3,415,000	3,195,170	2,600,170	-814,830
Total, Procurement.....	25,194,335	12,344,324	13,633,461	-11,560,874

DIVISION A - DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Research, Development, Test and Evaluation</b>				
Research, Development, Test & Evaluation, Army (OCO).....	143,234	8,513	18,513	-124,721
Research, Development, Test & Evaluation, Navy (OCO).....	104,781	53,884	53,884	-50,897
Research, Development, Test & Evaluation, Air Force (OCO).....	484,382	142,000	259,600	-224,782
Research, Development, Test and Evaluation, Defense-Wide (OCO).....	222,616	192,361	194,361	-28,255
<b>Total, Research, Development, Test and Evaluation.....</b>	<b>955,013</b>	<b>396,758</b>	<b>526,358</b>	<b>-428,655</b>
<b>Revolving and Management Funds</b>				
Defense Working Capital Funds (OCO).....	485,384	435,013	435,013	-50,371
<b>Other Department of Defense Programs</b>				
<b>Defense Health Program:</b>				
Operation and maintenance (OCO).....	1,398,092	1,228,288	1,228,288	-169,804
Research, development, test & evaluation (OCO).....	24,000	---	---	-24,000
<b>Total, Defense Health Program 1/.....</b>	<b>1,422,092</b>	<b>1,228,288</b>	<b>1,228,288</b>	<b>-193,804</b>
<b>Drug Interdiction and Counter-Drug Activities, Defense</b>				
(OCO).....	440,510	486,458	456,458	+15,948
Joint IED Defeat Fund (OCO).....	2,793,768	2,577,500	2,441,984	-351,784
Joint Urgent Operational Needs Fund (OCO).....	---	100,000	---	---
Office of the Inspector General (OCO).....	10,529	11,055	11,055	+526
<b>Total, Other Department of Defense Programs.....</b>	<b>4,666,899</b>	<b>4,403,301</b>	<b>4,137,785</b>	<b>-529,114</b>
<b>TITLE IX General Provisions</b>				
Additional transfer authority (OCO) (Sec.9002).....	(4,000,000)	(4,000,000)	(4,000,000)	---
<b>National Intelligence for Overseas Contingency</b>				
Operations (transfer authority) (OCO).....	(3,375)	---	---	(-3,375)
Troop reduction (OCO) (Sec.9014).....	---	---	-4,042,500	-4,042,500
Rescissions (OCO) (Sec.9015).....	---	---	-380,060	-380,060
<b>Total, General Provisions.....</b>	<b>---</b>	<b>---</b>	<b>-4,422,560</b>	<b>-4,422,560</b>
<b>Total, Title IX .....</b>	<b>157,680,120</b>	<b>117,725,751</b>	<b>114,965,635</b>	<b>-42,714,485</b>
<b>=====</b>				
<b>Total for the bill (net).....</b>	<b>660,105,830</b>	<b>649,628,238</b>	<b>622,862,127</b>	<b>-37,243,703</b>
Less appropriations for subsequent years....	---	-3,212,495	---	---
<b>Net grand total.....</b>	<b>660,105,830</b>	<b>646,415,743</b>	<b>622,862,127</b>	<b>-37,243,703</b>
<b>=====</b>				

DIVISION A - DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>CONGRESSIONAL BUDGET RECAP</b>				
Scorekeeping adjustments:				
Lease of defense real property (permanent).....	8,884	22,000	22,000	+13,116
Disposal of defense real property (permanent).....	10,317	9,000	9,000	-1,317
O&M, Defense-wide transfer to Department of State:				
Defense function.....	---	---	-200,000	-200,000
Non-defense function.....	---	---	200,000	+200,000
O&M, Defense-wide transfer to HUD:				
Defense function.....	---	-22,930	---	---
Non-defense function.....	---	22,930	---	---
O&M, Defense-wide transfer to Interior Department:				
Defense function.....	---	-10,070	---	---
Non-defense function.....	---	10,070	---	---
Tricare accrual (permanent, indefinite auth.) 4/..	10,872,070	10,733,000	10,733,000	-139,070
(OCO) 3/.....	143,000	117,000	117,000	-26,000
<b>Total, scorekeeping adjustments.....</b>	<b>11,034,271</b>	<b>10,881,000</b>	<b>10,881,000</b>	<b>-153,271</b>
<b>Adjusted total (includ. scorekeeping adjustments)</b>	<b>671,140,101</b>	<b>657,296,743</b>	<b>633,743,127</b>	<b>-37,396,974</b>
Appropriations.....	(673,153,637)	(657,296,743)	(636,318,344)	(-36,835,293)
Rescissions.....	(-2,013,536)	---	(-2,575,217)	(-561,681)
<b>Total mandatory and discretionary.....</b>	<b>671,140,101</b>	<b>657,296,743</b>	<b>633,743,127</b>	<b>-37,396,974</b>
Mandatory.....	(292,000)	(513,700)	(513,700)	(+221,700)
Discretionary.....	(670,848,101)	(656,783,043)	(633,229,427)	(-37,618,674)
<b>RECAPITULATION</b>				
Title I - Military Personnel.....	126,739,756	132,096,541	131,090,539	+4,350,783
Title II - Operation and Maintenance.....	165,560,124	170,759,313	163,073,141	-2,486,983
Title III - Procurement.....	102,121,873	114,365,617	104,579,701	+2,457,828
Title IV - Research, Development, Test and Evaluation.....	74,957,028	75,325,082	72,420,675	-2,536,353
Title V - Revolving and Management Funds.....	2,909,402	2,701,394	2,675,529	-233,873
Title VI - Other Department of Defense Programs.....	34,313,256	35,519,627	35,593,020	+1,279,764
Title VII - Related Agencies.....	941,732	1,105,913	1,061,591	+119,859
Title VIII - General Provisions (net).....	-5,117,461	29,000	-2,597,704	+2,519,757
Title IX - Overseas Contingency Operations (OCO) 3/..	157,680,120	117,725,751	114,965,635	-42,714,485
<b>Total, Department of Defense.....</b>	<b>660,105,830</b>	<b>649,628,238</b>	<b>622,862,127</b>	<b>-37,243,703</b>
Scorekeeping adjustments.....	11,034,271	10,881,000	10,881,000	-153,271
Less appropriations for subsequent years.....	---	-3,212,495	---	---
<b>Total mandatory and discretionary.....</b>	<b>671,140,101</b>	<b>657,296,743</b>	<b>633,743,127</b>	<b>-37,396,974</b>

## FOOTNOTES:

- 1/ Included in Budget under Operation and Maintenance  
2/ Included in Budget under Procurement  
3/ Global War on Terrorism and other activities (GWOT) pursuant to FY 2012 budget resolution (H.Con.Res. 34). The President proposes overseas contingency operations  
4/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375)(CBO est)

DIVISION B - ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL				
DEPARTMENT OF THE ARMY				
Corps of Engineers - Civil				
Investigations.....	126,746	104,000	125,000	-1,746
Construction.....	1,789,822	1,480,000	1,694,000	-95,822
Rescission.....	-176,000	---	---	+176,000
Subtotal.....	1,613,822	1,480,000	1,694,000	+80,178
Mississippi River and tributaries.....	263,906	210,000	252,000	-11,906
Rescission.....	-22,000	-23,000	---	+22,000
Rescission of emergency funding (Sec. 105).....	---	-35,000	---	---
Subtotal.....	241,906	152,000	252,000	+10,094
Operations and maintenance.....	2,365,759	2,314,000	2,412,000	+46,241
Regulatory program.....	189,620	196,000	193,000	+3,380
FUSRAP.....	129,740	109,000	109,000	-20,740
Flood control and coastal emergencies.....	---	27,000	27,000	+27,000
Expenses.....	184,630	185,000	185,000	+370
Office of Assistant Secretary of the Army (Civil Works).....	4,990	6,000	5,000	+10
Total, title I, Department of Defense - Civil...	4,857,213	4,573,000	5,002,000	+144,787
Appropriations.....	(5,055,213)	(4,631,000)	(5,002,000)	(-53,213)
Rescissions.....	(-198,000)	(-23,000)	---	(+198,000)
Rescissions of emergency funding.....	---	(-35,000)	---	---
TITLE II - DEPARTMENT OF THE INTERIOR				
Central Utah Project Completion Account				
Central Utah project construction.....	---	29,441	25,154	+25,154
Fish, wildlife, and recreation mitigation and conservation.....	---	2,000	2,000	+2,000
Subtotal.....	---	31,441	27,154	+27,154
Program oversight and administration.....	---	1,550	1,550	+1,550
Undistributed funding level.....	31,940	---	---	-31,940
Total, Central Utah project completion account..	31,940	32,991	28,704	-3,236
Bureau of Reclamation				
Water and related resources.....	911,673	805,187	895,000	-16,673
Central Valley project restoration fund.....	49,914	53,068	53,068	+3,154
California Bay-Delta restoration.....	39,920	39,651	39,651	-269
Policy and administration.....	61,078	60,000	60,000	-1,078
Indian water rights settlements.....	---	51,483	---	---
San Joaquin restoration fund.....	---	9,000	---	---
Rescission.....	---	---	---	---
Subtotal.....	---	9,000	---	---
Total, Bureau of Reclamation.....	1,062,585	1,018,389	1,047,719	-14,866
Total, title II, Department of the Interior.....	1,094,525	1,051,380	1,076,423	-18,102
TITLE III - DEPARTMENT OF ENERGY				
Energy Programs				
Energy efficiency and renewable energy.....	1,825,641	3,200,053	1,825,000	-641
Rescission.....	-30,000	---	-9,909	+20,091
Subtotal.....	1,795,641	3,200,053	1,815,091	+19,450
Electricity delivery and energy reliability.....	144,710	237,717	139,500	-5,210
Rescission.....	-3,700	---	---	+3,700
Subtotal.....	141,010	237,717	139,500	-1,510

DIVISION B - ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Nuclear energy.....	732,124	754,028	768,663	+36,539
Rescission.....	-6,300	---	---	+6,300
Subtotal.....	725,824	754,028	768,663	+42,839
Fossil energy research and development.....	584,529	452,975	534,000	-50,529
Rescission.....	-140,000	---	-187,000	-47,000
Subtotal.....	444,529	452,975	347,000	-97,529
Naval Petroleum and Oil Shale Reserves.....	22,954	14,909	14,909	-8,045
Rescission.....	-2,100	---	---	+2,100
Subtotal.....	20,854	14,909	14,909	-5,945
Strategic petroleum reserve.....	209,441	192,704	192,704	-16,737
Rescission.....	-86,300	-71,000	---	+86,300
Subtotal.....	123,141	121,704	192,704	+69,563
SPR petroleum account.....	---	-250,000	---	---
Rescission.....	---	---	-500,000	-500,000
Subtotal.....	---	-250,000	-500,000	-500,000
Clean coal technology (rescission).....	-16,500	---	---	+16,500
Northeast home heating oil reserve.....	10,978	10,119	10,119	-859
Rescission.....	---	-100,000	-100,000	-100,000
Subtotal.....	10,978	-89,881	-89,881	-100,859
Energy Information Administration.....	95,409	123,957	105,000	+9,591
Rescission.....	-400	---	---	+400
Subtotal.....	95,009	123,957	105,000	+9,991
Non-defense environmental clean up.....	224,350	219,121	235,721	+11,371
Rescission.....	-900	---	---	+900
Subtotal.....	223,450	219,121	235,721	+12,271
Uranium enrichment decontamination and decommissioning fund.....	506,984	504,169	472,930	-34,054
Rescission.....	-9,900	---	---	+9,900
Subtotal.....	497,084	504,169	472,930	-24,154
Science.....	4,857,665	5,416,114	4,889,000	+31,335
Rescission.....	-15,000	---	---	+15,000
Subtotal.....	4,842,665	5,416,114	4,889,000	+46,335
Nuclear Waste Disposal.....	---	---	---	---
Rescission.....	-2,800	---	---	+2,800
Subtotal.....	-2,800	---	---	+2,800
Advanced Research Projects Agency-Energy.....	179,640	550,011	275,000	+95,360
Innovative Technology Loan Guarantee Program.....	58,000	38,000	38,000	-20,000
Offsetting collection.....	-58,000	-38,000	-38,000	+20,000
Loan volume rescission.....	-181,830	---	---	+181,830
Additional loan volume.....	11,830	360,000	---	-11,830
Federal participation in Title 17 loan guarantee projects.....	---	500,000	---	---
Additional subsidy cost.....	169,660	200,000	---	-169,660
Subtotal.....	-340	1,060,000	---	+340
Advanced technology vehicles manufacturing loans program.....	9,978	6,000	6,000	-3,978
Better buildings pilot loan guarantee initiative:				
Loan guarantees.....	---	100,000	---	---
Administrative costs.....	---	5,000	---	---
Subtotal.....	---	105,000	---	---
Departmental administration.....	250,139	240,623	237,623	-12,516



DIVISION B - ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Miscellaneous revenues.....	-119,501	-111,883	-111,623	+7,878
Net appropriation.....	130,638	128,740	126,000	-4,638
Rescission.....	-81,900	---	---	+81,900
Subtotal.....	48,738	128,740	126,000	+77,262
Office of the Inspector General.....	42,764	41,774	42,000	-764
Total, Energy programs.....	9,181,665	12,596,391	8,839,637	-342,028
Atomic Energy Defense Activities				
National Nuclear Security Administration				
Weapons activities.....	6,946,398	7,629,716	7,233,997	+287,599
Rescission.....	-50,000	-40,332	---	+50,000
Subtotal.....	6,896,398	7,589,384	7,233,997	+337,599
Defense nuclear nonproliferation.....	2,318,653	2,549,492	2,324,303	+5,650
Rescission.....	-45,000	-30,000	-21,000	+24,000
Subtotal.....	2,273,653	2,519,492	2,303,303	+29,650
Naval reactors.....	960,176	1,153,662	1,080,000	+119,824
Rescission.....	-1,000	---	---	+1,000
Subtotal.....	959,176	1,153,662	1,080,000	+120,824
Office of the Administrator.....	398,993	450,060	410,000	+11,007
Rescission.....	-5,700	---	---	+5,700
Subtotal.....	393,293	450,060	410,000	+16,707
General Provision				
Section 309 -- Contractor pay freeze:				
Security (rescission).....	---	---	-27,300	-27,300
Total, National Nuclear Security Administration.....	10,522,520	11,712,598	11,000,000	+477,480
Environmental and Other Defense Activities				
Defense environmental cleanup.....	4,991,638	5,406,781	5,023,000	+31,362
(Transfer to Uranium enrichment decontamination and decommissioning fund).....	(-33,633)	---	---	(+33,633)
Rescission.....	-11,900	---	---	+11,900
Subtotal.....	4,979,738	5,406,781	5,023,000	+43,262
Other defense activities.....	788,420	859,952	823,364	+34,944
Rescission.....	-3,400	---	---	+3,400
Subtotal.....	785,020	859,952	823,364	+38,344
Total, Environmental and other defense activities.....	5,764,758	6,266,733	5,846,364	+81,606
Total, Atomic Energy Defense Activities.....	16,287,278	17,979,331	16,846,364	+559,086
Power Marketing Administrations /1				
Operation and maintenance, Southeastern Power				
Administration.....	78,444	8,428	8,428	-70,016
Offsetting collections.....	-78,444	-8,428	-8,428	+70,016
Subtotal.....	---	---	---	---
Operation and maintenance, Southwestern Power				
Administration.....	82,918	45,010	45,010	-37,908
Offsetting collection.....	-69,868	-33,118	-33,118	+36,750
Subtotal.....	13,050	11,892	11,892	-1,158
Construction, rehabilitation, operation and maintenance, Western Area Power Administration.....	610,179	285,900	285,900	-324,279

DIVISION B - ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Offsetting collections.....	-497,337	-189,932	-189,932	+307,405
Offsetting collection Colorado River Dam Fund...	-3,879	---	---	+3,879
Subtotal.....	108,963	95,968	95,968	-12,995
Falcon and Amistad operating and maintenance fund....	2,568	4,169	4,169	+1,601
Offsetting collections.....	-2,348	-3,949	-3,949	-1,601
Subtotal.....	220	220	220	---
Total, Power Marketing Administrations.....	122,233	108,080	108,080	-14,153
Federal Energy Regulatory Commission				
Salaries and expenses.....	298,000	304,600	304,600	+6,600
Revenues applied.....	-298,000	-304,600	-304,600	-6,600
General Provision				
Section 309 -- Contractor pay freeze:				
Non security (rescission).....	---	---	-46,000	-46,000
Total, title III, Department of Energy.....	25,591,176	30,683,802	25,748,081	+156,905
Appropriations.....	(26,285,806)	(30,925,134)	(26,639,290)	(+353,484)
Rescissions.....	(-694,630)	(-241,332)	(-891,209)	(-196,579)
TITLE IV - INDEPENDENT AGENCIES				
Appalachian Regional Commission.....	68,263	76,000	68,263	---
Defense Nuclear Facilities Safety Board.....	23,203	29,130	29,130	+5,927
Delta Regional Authority.....	11,677	13,000	11,677	---
Denali Commission.....	10,679	11,965	10,679	---
Rescission.....	-15,000	---	---	+15,000
Subtotal.....	-4,321	11,965	10,679	+15,000
Northern Border Regional Commission.....	1,497	1,500	1,497	---
Southeast Crescent Regional Commission.....	250	---	250	---
Nuclear Regulatory Commission:				
Salaries and expenses.....	1,043,208	1,027,240	1,027,240	-15,968
Revenues.....	-906,220	-899,726	-899,726	+6,494
Subtotal.....	136,988	127,514	127,514	-9,474
Office of Inspector General.....	10,858	10,860	10,860	+2
Revenues.....	-9,774	-9,774	-9,774	---
Subtotal.....	1,084	1,086	1,086	+2
Total, Nuclear Regulatory Commission.....	138,072	128,600	128,600	-9,472
Nuclear Waste Technical Review Board.....	3,883	3,400	3,400	-483
Office of the Federal Coordinator for Alaska natural gas transportation projects.....	4,457	4,032	1,000	-3,457
Total, title IV, Independent agencies.....	246,981	267,627	254,496	+7,515
Appropriations.....	(261,981)	(267,627)	(254,496)	(-7,485)
Rescissions.....	(-15,000)	---	---	(+15,000)
Grand total.....	31,789,895	36,575,809	32,081,000	+291,105
Appropriations.....	(32,697,525)	(36,875,141)	(32,972,209)	(+274,684)
Rescissions.....	(-907,630)	(-264,332)	(-891,209)	(+16,421)
Rescissions of emergency appropriations.....	---	(-35,000)	---	---

1/ Totals adjusted to net out alternative financing costs, reimbursable agreement funding, and power purchase and wheeling expenditures. Offsetting collection totals only reflect funds collected for annual expenses, excluding power purchase wheeling.

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
-----				
TITLE I - DEPARTMENT OF THE TREASURY				
Departmental Offices				
Salaries and expenses.....	306,388	324,889	308,388	+2,000
Department-wide systems and capital investments programs.....	3,992	---	---	-3,992
Office of Inspector General.....	29,641	29,855	29,641	---
Treasury Inspector General for Tax Administration....	151,696	157,831	151,696	---
Special Inspector General for TARP.....	36,227	47,374	41,800	+5,573
Financial Crimes Enforcement Network.....	110,788	84,297	110,788	---
Treasury forfeiture fund (rescission).....	-400,000	-600,000	-950,000	-550,000
Total, Departmental Offices.....	238,732	44,246	-307,687	-546,419
Financial Management Service.....	232,786	218,805	217,805	-14,981
Alcohol and Tobacco Tax and Trade Bureau.....	100,798	97,878	99,878	-920
Bureau of the Public Debt.....	174,635	165,635	165,635	-9,000
Community development financial institutions fund program account.....	226,546	227,259	221,000	-5,546
Payment of government losses in shipment.....	2,000	2,000	2,000	---
Total, Department of the Treasury, non-IRS.....	975,497	755,823	398,631	-576,866
Internal Revenue Service				
Taxpayer services.....	2,274,272	2,345,133	2,239,703	-34,569
Enforcement.....	5,492,992	5,030,619	5,299,367	-193,625
Enhanced tax enforcement activities.....	---	936,000	---	---
Subtotal.....	5,492,992	5,966,619	5,299,367	-193,625
Operations support.....	4,075,716	4,299,526	3,947,416	-128,300
Enhanced tax enforcement activities.....	---	321,000	---	---
Subtotal.....	4,075,716	4,620,526	3,947,416	-128,300
Business systems modernization.....	263,369	333,600	330,210	+66,841
Health Insurance Tax Credit Administration.....	15,481	18,029	---	-15,481
Total, Internal Revenue Service.....	12,121,830	13,283,907	11,816,696	-305,134
=====				
Total, title I, Department of the Treasury.....	13,097,327	14,039,730	12,215,327	-882,000
Appropriations.....	(13,497,327)	(14,639,730)	(13,165,327)	(-332,000)
Rescissions.....	(-400,000)	(-600,000)	(-950,000)	(-550,000)
(Mandatory).....	(2,000)	(2,000)	(2,000)	---
(Discretionary).....	(13,095,327)	(14,037,730)	(12,213,327)	(-882,000)
=====				
TITLE II - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT				
The White House				
Salaries and expenses.....	58,435	58,374	56,974	-1,461
Compensation of the President.....	450	450	450	---
Subtotal.....	58,885	58,824	57,424	-1,461
Executive Residence at the White House:				
Operating expenses.....	13,673	13,658	13,425	-248
White House repair and restoration.....	2,001	1,000	750	-1,251
Subtotal.....	15,674	14,658	14,175	-1,499
Council of Economic Advisers.....	4,192	4,403	4,192	---
National Security Council and Homeland Security Council.....	13,048	13,074	13,048	---
Office of Administration.....	115,049	115,848	112,952	-2,097
Total, The White House.....	206,848	206,807	201,791	-5,057
Office of Management and Budget.....	91,750	91,660	89,456	-2,294

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
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Office of National Drug Control Policy				
Salaries and expenses.....	27,084	23,413	24,500	-2,584
Rescission.....	---	-11,328	-11,328	-11,328
High intensity drug trafficking areas program.....	238,522	200,000	238,522	---
Other Federal drug control programs.....	140,618	143,600	105,550	-35,068
Total, Office of National Drug Control Policy...	406,224	355,685	357,244	-48,980
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Integrated, efficient and effective uses of information technology.....	---	60,000	5,000	+5,000
Unanticipated needs.....	998	1,000	988	-10
Partnership fund for program integrity innovation.....	---	20,000	---	---
Rescission.....	-5,000	---	---	+5,000
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Special Assistance to the President and Official Residence of the Vice President:				
Salaries and expenses.....	4,549	4,328	4,328	-221
Operating expenses.....	326	307	307	-19
Subtotal.....	4,875	4,635	4,635	-240
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Total, title II, Executive Office of the Presi- dent and Funds Appropriated to the President..	705,695	739,787	659,114	-46,581
(Mandatory).....	(450)	(450)	(450)	---
(Discretionary).....	(705,245)	(739,337)	(658,664)	(-46,581)
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TITLE III - THE JUDICIARY				
Supreme Court of the United States				
Salaries and expenses:				
Salaries of justices.....	2,197	2,197	2,197	---
Other salaries and expenses.....	71,724	73,354	72,622	+898
Subtotal.....	73,921	75,551	74,819	+898
Care of the building and grounds.....	8,159	8,504	8,159	---
Total, Supreme Court of the United States.....	82,080	84,055	82,978	+898
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United States Court of Appeals for the Federal Circuit				
Salaries and expenses:				
Salaries of judges.....	2,502	2,513	2,513	+11
Other salaries and expenses.....	30,009	32,626	29,998	-11
Total, United States Court of Appeals for the Federal Circuit.....	32,511	35,139	32,511	---
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United States Court of International Trade				
Salaries and expenses:				
Salaries of judges.....	1,851	1,718	1,718	-133
Other salaries and expenses.....	19,596	21,173	19,729	+133
Total, U.S. Court of International Trade.....	21,447	22,891	21,447	---
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Courts of Appeals, District Courts, and Other Judicial Services				
Salaries and expenses:				
Salaries of judges and bankruptcy judges.....	332,565	327,707	327,707	-4,858
Other salaries and expenses.....	4,671,656	4,908,459	4,687,293	+15,637
Subtotal.....	5,004,221	5,236,166	5,015,000	+10,779
Vaccine Injury Compensation Trust Fund.....	4,775	5,011	5,000	+225
Defender services.....	1,025,693	1,098,745	1,031,000	+5,307
Fees of jurors and commissioners.....	52,305	59,727	51,908	-397
Court security.....	466,672	513,058	500,000	+33,328
Total, Courts of Appeals, District Courts, and Other Judicial Services.....	6,553,666	6,912,707	6,602,908	+49,242

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
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Administrative Office of the United States Courts				
Salaries and expenses.....	82,909	88,455	82,909	---
Federal Judicial Center				
Salaries and expenses.....	27,273	29,029	27,000	-273
Judicial Retirement Funds				
Payment to judiciary trust funds.....	90,361	103,768	103,768	+13,407
United States Sentencing Commission				
Salaries and expenses.....	16,803	17,906	16,500	-303
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Total, title III, the Judiciary.....	6,907,050	7,293,950	6,970,021	+62,971
(Mandatory).....	(429,476)	(437,903)	(437,903)	(+8,427)
(Discretionary).....	(6,477,574)	(6,856,047)	(6,532,118)	(+54,544)
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TITLE IV - DISTRICT OF COLUMBIA				
FEDERAL FUNDS				
Federal payment for resident tuition support.....	35,030	35,100	30,000	-5,030
Federal payment for emergency planning and security costs in the District of Columbia.....	14,970	14,900	14,900	-70
Federal payment to the District of Columbia Courts....	242,933	229,068	232,841	-10,092
Federal payment for defender services in District of Columbia Courts.....	54,890	55,000	55,000	+110
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia.....	211,983	216,846	212,983	+1,000
Federal payment to the District of Columbia Public Defender Service.....	37,241	41,486	37,241	---
Federal payment to the District of Columbia Water and Sewer Authority.....	11,476	25,000	15,000	+3,524
Federal payment to the Criminal Justice Coordinating Council.....	1,796	1,800	1,800	+4
Federal payment for judicial commissions.....	499	500	500	+1
Federal payment for school improvement.....	77,545	67,000	60,000	-17,545
Federal payment for the D.C. National Guard.....	375	2,000	375	---
Federal payment for housing for the homeless.....	9,980	---	---	-9,980
Federal payment for redevelopment of the St. Elizabeth's Hospital campus.....	---	18,000	---	---
Federal payment for HIV/AIDS prevention.....	---	5,000	5,000	+5,000
Federal payment for D.C. Commission on the Arts and Humanities grants.....	---	5,000	---	---
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Total, Title IV, District of Columbia.....	698,718	716,700	665,640	-33,078
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TITLE V - OTHER INDEPENDENT AGENCIES				
Administrative Conference of the United States.....	2,744	3,200	2,900	+156
Christopher Columbus Fellowship Foundation.....	499	---	450	-49
Civilian Property Realignment Board				
Salaries and expenses.....	---	23,000	---	---
Asset Proceeds and Space Management Fund.....	---	65,000	---	---
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Total, Civilian Property Realignment Board.....	---	88,000	---	---
Consumer Product Safety Commission.....	114,788	122,000	114,500	-288
Election Assistance Commission				
Salaries and expenses.....	16,267	13,716	11,500	-4,767
Election reform programs.....	---	---	---	---
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Total, Election Assistance Commission.....	16,267	13,716	11,500	-4,767

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Federal Communications Commission</b>				
Salaries and expenses.....	335,794	358,801	339,844	+4,050
Offsetting fee collections - current year.....	-335,794	-358,801	-339,844	-4,050
Direct appropriation.....	---	---	---	---
<b>Federal Deposit Insurance Corporation: Office of</b>				
Inspector General (by transfer).....	(42,942)	(45,261)	(45,261)	(+2,319)
Federal Election Commission.....	66,367	67,014	66,367	---
Federal Labor Relations Authority.....	24,723	26,440	24,723	---
<b>Federal Trade Commission</b>				
Salaries and expenses.....	291,363	326,000	311,563	+20,200
Offsetting fee collections - current year.....	-96,000	-108,000	-108,000	-12,000
Offsetting fee collections, telephone database.....	-21,000	-19,000	-21,000	---
Direct appropriation.....	174,363	199,000	182,563	+8,200
<b>General Services Administration</b>				
<b>Federal Buildings Fund</b>				
Limitations on availability of revenue:				
Construction and acquisition of facilities.....	82,000	839,642	50,000	-32,000
Repairs and alterations.....	280,000	868,902	280,000	---
Installment acquisition payments.....	135,540	126,801	126,801	-8,739
Rental of space.....	4,830,000	5,285,198	5,210,198	+380,198
Building operations.....	2,270,000	2,387,968	2,350,968	+80,968
Subtotal, Limitations on availability of revenue.....	7,597,540	9,508,511	8,017,967	+420,427
Repayment of debt.....	71,270	80,000	80,000	+8,730
Rental income to fund.....	-8,871,000	-9,303,000	-9,303,000	-432,000
Rescission.....	-25,000	---	---	+25,000
Total, Federal Buildings Fund.....	-1,227,190	285,511	-1,205,033	+22,157
Government-wide policy.....	66,488	105,140	61,115	-5,373
Operating expenses.....	69,882	70,022	69,500	-382
Office of Inspector General.....	58,882	62,358	58,000	-882
Electronic Government Fund.....	7,984	34,000	12,400	+4,416
Allowances and Office Staff for Former Presidents.....	3,792	3,671	3,671	-121
Federal acquisition workforce initiatives fund.....	---	16,900	---	---
Federal Citizen Services Fund.....	34,116	39,933	34,100	-16
Policy and operations (rescission).....	---	---	-4,600	-4,600
Total, General Services Administration.....	-986,046	617,535	-970,847	+15,199
Harry S Truman Scholarship Foundation.....	748	---	748	---
<b>Merit Systems Protection Board</b>				
Salaries and expenses.....	40,258	42,116	40,258	---
Limitation on administrative expenses.....	2,574	2,345	2,345	-229
Total, Merit Systems Protection Board.....	42,832	44,461	42,603	-229
<b>Morris K. Udall and Stewart L. Udall Foundation</b>				
Morris K. Udall and Stewart L. Udall Trust Fund.....	2,495	2,200	2,200	-295
Environmental Dispute Resolution Fund.....	3,792	3,800	3,792	---
Total, Morris K. Udall and Stewart L. Udall Foundation.....	6,287	6,000	5,992	-295
<b>National Archives and Records Administration</b>				
Operating expenses.....	339,090	403,742	373,300	+34,210
Reduction of debt.....	-14,000	-15,000	-15,000	-1,000
Subtotal.....	325,090	388,742	358,300	+33,210
Office of the Inspector General.....	4,241	4,100	4,100	-141
Electronic records archive.....	71,856	---	---	-71,856

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Repairs and restoration.....	11,824	9,659	9,100	-2,724
Rescission.....	-3,198	---	---	+3,198
National Historical Publications and Records Commission: Grants program.....	6,986	5,000	5,000	-1,986
Total, National Archives and Records Admin.....	416,799	407,501	376,500	-40,299
National Credit Union Administration				
Community Development Revolving Loan Fund.....	1,247	2,000	1,247	---
Office of Government Ethics.....	13,972	13,664	13,664	-308
Office of Personnel Management				
Salaries and expenses.....	97,774	100,027	97,774	---
Limitation on administrative expenses.....	112,516	132,523	112,516	---
Office of Inspector General.....	3,142	3,804	3,142	---
Limitation on administrative expenses.....	21,174	21,559	21,174	---
Govt Payment for Annuity, Employees Health Benefits	10,467,000	10,862,000	10,862,000	+395,000
Govt Payment for Annuity, Employee Life Insurance..	50,000	52,000	52,000	+2,000
Payment to Civil Svc Retirement and Disability Fund...	10,076,000	9,979,000	9,979,000	-97,000
Total, Office of Personnel Management.....	20,827,606	21,150,913	21,127,606	+300,000
Mandatory .....	(20,593,000)	(20,893,000)	(20,893,000)	(+300,000)
Discretionary.....	(234,606)	(257,913)	(234,606)	---
Office of Special Counsel.....	18,458	19,486	18,972	+514
Postal Regulatory Commission.....	14,304	14,450	14,304	---
Privacy and Civil Liberties Oversight Board.....	998	1,683	900	-98
Rescission.....	-1,500	---	-998	+502
Recovery and Accountability Transparency Board.....	---	31,543	28,350	+28,350
Securities and Exchange Commission.....	1,185,000	1,407,483	1,321,000	+136,000
Selective Service System.....	24,226	24,500	23,984	-242
Small Business Administration				
Salaries and expenses.....	432,571	427,296	417,348	-15,223
Office of Inspector General.....	16,267	18,400	16,267	---
Office of Advocacy.....	---	9,120	9,120	+9,120
Business Loans Program Account:				
Direct loans subsidy.....	2,994	3,765	3,678	+684
Guaranteed loans subsidy.....	79,840	211,600	207,100	+127,260
Administrative expenses.....	152,694	147,958	147,958	-4,736
Total, Business loans program account.....	235,528	363,323	358,736	+123,208
Disaster Loans Program Account:				
Administrative expenses.....	45,372	167,300	117,300	+71,928
Total, Small Business Administration.....	729,738	985,439	918,771	+189,033
United States Postal Service				
Payment to the Postal Service Fund.....	11,776	---	---	-11,776
Advance appropriations.....	74,905	78,153	78,153	+3,248
Total, Payment to the Postal Service Fund.....	86,681	78,153	78,153	-8,528
Office of Inspector General.....	243,908	244,397	241,468	-2,440
Total, United States Postal Service.....	330,589	322,550	319,621	-10,968
United States Tax Court.....	51,989	59,996	51,079	-910
=====				
Total, title V, Independent Agencies.....	23,076,998	25,628,574	23,696,499	+619,501
Appropriations.....	(23,031,791)	(25,550,421)	(23,623,944)	(+592,153)
Rescissions.....	(-29,698)	---	(-5,598)	(+24,100)
Advances.....	(74,905)	(78,153)	(78,153)	(+3,248)
(Mandatory).....	(20,593,000)	(20,893,000)	(20,893,000)	(+300,000)
(Discretionary).....	(2,460,274)	(4,709,391)	(2,779,613)	(+319,339)
=====				

DIVISION C - FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Grand total.....	44,485,788	48,418,741	44,206,601	-279,187
Appropriations.....	(44,845,581)	(48,951,916)	(45,095,374)	(+249,793)
Rescissions.....	(-434,698)	(-611,328)	(-966,926)	(-532,228)
Advances.....	(74,905)	(78,153)	(78,153)	(+3,248)
(by transfer).....	(42,942)	(45,261)	(45,261)	(+2,319)
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DIVISION D - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>DEPARTMENT OF HOMELAND SECURITY</b>				
<b>TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS</b>				
Departmental Operations				
Office of the Secretary and Executive Management.....	136,544	142,533	133,159	-3,385
Office of the Under Secretary for Management.....	239,453	249,058	235,587	-3,866
Headquarters consolidation.....	77,245	---	---	-77,245
Subtotal.....	316,698	249,058	235,587	-81,111
Consolidated headquarters project.....	---	215,273	---	---
Office of the Chief Financial Officer.....	53,323	62,395	50,860	-2,463
Office of the Chief Information Officer.....	332,726	277,972	257,300	-75,426
Analysis and Operations.....	334,360	355,368	338,068	+3,708
Total, Departmental Operations.....	1,173,651	1,302,599	1,014,974	-158,677
Office of Inspector General				
Operating expenses.....	113,646	144,318	117,000	+3,354
(transfer from Disaster relief).....	(15,968)	---	(24,000)	(+8,032)
Total, Office of Inspector General.....	129,614	144,318	141,000	+11,386
Total, title I, Departmental Management and Operations.....	1,287,297	1,446,917	1,131,974	-155,323
(by transfer).....	(15,968)	---	(24,000)	(+8,032)
<b>TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS</b>				
U.S. Customs and Border Protection				
Salaries and expenses.....	8,192,924	8,722,281	8,676,844	+483,920
Harbor maintenance fee collection (trust fund)....	3,274	3,274	3,274	---
Subtotal.....	8,196,198	8,725,555	8,680,118	+483,920
Automation Modernization.....	335,902	364,030	334,275	-1,627
Border Security Fencing, Infrastructure, and Technology (BSFIT).....	573,024	527,623	400,000	-173,024
Air and Marine Interdiction, Operations, Maintenance and Procurement.....	515,294	470,566	503,966	-11,328
Construction and Facilities Management.....	259,480	283,822	236,596	-22,884
(Fee accounts).....	(1,408,819)	(1,468,185)	(1,496,185)	(+87,366)
Total, Customs and Border Protection.....	11,288,717	11,839,781	11,651,140	+362,423
(Appropriations).....	(9,879,898)	(10,371,596)	(10,154,955)	(+275,057)
(Fee accounts).....	(1,408,819)	(1,468,185)	(1,496,185)	(+87,366)
U.S. Immigration and Customs Enforcement				
Salaries and expenses.....	5,426,768	5,496,847	5,528,874	+102,106
Automation Modernization.....	73,852	13,860	21,710	-52,142
Construction, unobligated balances (rescission).....	---	-16,300	---	---
(Fee accounts).....	(311,387)	(311,869)	(311,869)	(+482)
Total, U.S. Immigration and Customs Enforcement.....	(5,812,007)	(5,806,276)	(5,862,453)	(+50,446)
(Appropriations).....	(5,500,620)	(5,510,707)	(5,550,584)	(+49,964)
(Rescissions).....	---	(-16,300)	---	---
(Fee accounts).....	(311,387)	(311,869)	(311,869)	(+482)
Transportation Security Administration				
Aviation Security.....	5,213,307	5,401,165	5,253,956	+40,649
Aviation security fees (offsetting collections).....	(-2,100,000)	(-2,030,000)	(-2,030,000)	(+70,000)
Additional offsetting collections (leg proposal)...	---	-280,000	---	---
Total, Aviation security.....	3,113,307	3,091,165	3,223,956	+110,649
Aviation Security Capital Fund (mandatory).....	(250,000)	(250,000)	(250,000)	---
Surface Transportation Security.....	105,749	134,748	134,748	+28,999

DIVISION D - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Transportation Threat Assessment and Credentialing.... (Fee accounts).....	162,672 (41,220)	183,954 (40,320)	163,954 (40,320)	+1,282 (-900)
Transportation Security Support..... Federal Air Marshals.....	986,661 927,942	1,113,697 991,375	1,031,926 966,115	+45,265 +38,173
Total, Transportation Security Administration (gross).....	7,687,551	8,115,259	7,841,019	+153,468
(Offsetting fee collections).....	(-2,100,000)	(-2,310,000)	(-2,030,000)	(+70,000)
(Aviation security capital fund).....	(250,000)	(250,000)	(250,000)	---
(Fee accounts).....	(41,220)	(40,320)	(40,320)	(-900)
Total, Transportation Security Administration...	5,296,331	5,514,939	5,520,699	+224,368
Coast Guard				
Operating Expenses.....	6,640,031	6,819,505	6,793,054	+153,023
Emergency appropriations (Overseas contingency operations).....	254,000	---	---	-254,000
Overseas contingency operations/Global war on terrorism.....	---	---	258,000	+258,000
Subtotal.....	6,894,031	6,819,505	7,051,054	+157,023
(Defense).....	(593,320)	(340,000)	(598,000)	(+4,680)
(Nondefense).....	(6,300,711)	(6,479,505)	(6,453,054)	(+152,343)
Environmental Compliance and Restoration.....	13,172	16,699	13,500	+328
Reserve Training.....	133,365	136,778	134,278	+913
Acquisition, Construction, and Improvements.....	1,516,744	1,421,924	1,403,924	-112,820
Research, Development, Test, and Evaluation.....	24,695	19,779	27,779	+3,084
Health care fund contribution (permanent indefinite appropriation).....	265,321	261,871	261,871	-3,450
Retired pay (mandatory).....	1,400,700	1,440,157	1,440,157	+39,457
Total, Coast Guard.....	10,248,028	10,116,713	10,332,563	+84,535
(mandatory).....	(1,400,700)	(1,440,157)	(1,440,157)	(+39,457)
(discretionary).....	(8,847,328)	(8,676,556)	(8,892,406)	(+45,078)
(Emergency appropriations/Overseas contingency operations).....	(254,000)	---	---	(-254,000)
(Overseas contingency operations/ Global war on terrorism).....	---	---	(258,000)	(+258,000)
United States Secret Service				
Salaries and expenses.....	1,511,332	1,691,751	1,661,237	+149,905
Acquisition, Construction, Improvements, and Related Expenses.....	3,967	6,780	5,380	+1,413
Total, United States Secret Service.....	1,515,299	1,698,531	1,666,617	+151,318
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Total, title II, Security, Enforcement, and Investigations.....	32,440,176	33,196,186	33,225,418	+785,242
(Appropriations).....	(32,186,176)	(33,212,486)	(32,967,418)	(+781,242)
(Rescissions).....	---	(-16,300)	---	---
(Emergency appropriations/Overseas contingency operations).....	(254,000)	---	---	(-254,000)
(Overseas contingency operations/Global war on terrorism).....	---	---	(258,000)	(+258,000)
(Fee accounts).....	(1,761,426)	(1,820,374)	(1,848,374)	(+86,948)
=====				
TITLE III - PROTECTION, PREPAREDNESS, RESPONSE AND RECOVERY				
National Protection and Programs Directorate				
Management and Administration.....	43,490	55,156	50,695	+7,205
Infrastructure Protection and Information Security....	838,762	936,485	888,243	+49,481
Federal Protective Service.....	1,115,000	1,261,537	1,261,537	+146,537
Offsetting collections.....	-1,115,000	-1,261,537	-1,261,537	-146,537

DIVISION D - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
U.S. Visitor and Immigrant Status Indicator Technology Rescission.....	333,944 ---	302,271 -25,642	306,802 ---	-27,142 ---
Subtotal.....	333,944	276,629	306,802	-27,142
Total, National Protection and Programs Directorate.....	1,216,196	1,268,270	1,245,740	+29,544
Office of Health Affairs.....	139,455	160,949	167,449	+27,994
Federal Emergency Management Agency				
Management and Administration.....	786,824	815,099	---	-786,824
(Defense).....	(103,792)	(99,099)	---	(-103,792)
(Nondefense).....	(683,032)	(716,000)	---	(-683,032)
Salaries and expenses.....	---	---	895,350	+895,350
(Defense).....	---	---	(99,099)	(+99,099)
(Nondefense).....	---	---	(796,251)	(+796,251)
(by transfer from Disaster Relief Fund).....	(105,389)	---	---	(-105,389)
(by transfer from State and Local Programs).....	(129,052)	(184,544)	(91,778)	(-37,274)
(by transfer from Firefighter Assistance Grants).....	(46,886)	---	---	(-46,886)
(available from Firefighter Assistance Grants).....	---	---	(33,750)	(+33,750)
(available from Emergency Management Performance Grants)(by transfer).....	(10,180)	---	---	(-10,180)
(available from Emergency Management Performance Grants).....	---	---	(10,500)	(+10,500)
Subtotal, Management and Administration/ Salaries and expenses.....	1,078,331	999,643	1,031,378	-46,953
Grants and training:				
State and Local Programs.....	2,225,041	3,844,663	1,349,681	-875,360
(Defense).....	---	(50,000)	(50,000)	(+50,000)
(Nondefense).....	(2,225,041)	(3,794,663)	(1,299,681)	(-925,360)
(transfer out - Management and Administration)	(-129,052)	(-184,544)	---	(+129,052)
(transfer out - Salaries and expenses).....	---	---	(-91,778)	(-91,778)
Subtotal (less transfers).....	2,095,989	3,660,119	1,257,903	-838,086
Firefighter Assistance Grants.....	808,380	---	675,000	-133,380
(transfer out - Management and Administration)	(-46,886)	---	---	(+46,886)
(available to Salaries and expenses).....	---	---	(-33,750)	(-33,750)
Subtotal (less transfers).....	761,494	---	641,250	-120,244
Emergency Management Performance Grants.....	339,320	---	350,000	+10,680
(available to Management and Administration)	---	---	---	---
(transfer out).....	(-10,180)	---	---	(+10,180)
(available to Salaries and expenses).....	---	---	(-10,500)	(-10,500)
Subtotal.....	329,140	---	339,500	+10,360
Subtotal, Grants and training.....	3,372,741	3,844,663	2,374,681	-998,060
(Subtotal, less transfers).....	(3,186,623)	(3,660,119)	(2,238,653)	(-947,970)
Radiological Emergency Preparedness Program.....	-265	-896	-896	-631
United States Fire Administration.....	45,497	42,538	44,038	-1,459
Disaster Relief Fund.....	2,644,700	1,800,000	700,000	-1,944,700
Disaster relief category.....	---	4,600,000	---	---
Subtotal (gross).....	2,644,700	6,400,000	700,000	-1,944,700
(transfer out - Management and Administration)....	(-105,389)	---	---	(+105,389)
(transfer out - Inspector General).....	(-15,968)	---	(-24,000)	(-8,032)
Subtotal (less transfers).....	2,523,343	6,400,000	676,000	-1,847,343
Disaster Assistance Direct Loan Program Account:				
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---
Direct loan subsidy.....	294	295	295	+1

DIVISION D - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Flood Map Modernization Fund.....	181,636	---	---	-181,636
Flood Hazard Mapping and Risk Analysis.....	---	102,712	97,712	+97,712
National Flood Insurance Fund:				
Salaries and expenses.....	22,145	---	22,000	-145
Flood Plain Management and Mapping.....	146,855	149,000	149,000	+2,145
Subtotal.....	169,000	149,000	171,000	+2,000
Offsetting fee collections.....	-169,000	-149,000	-171,000	-2,000
National Predisastrer Mitigation Fund.....	49,900	84,937	35,500	-14,400
Emergency Food and Shelter.....	119,760	100,000	120,000	+240
Total, Federal Emergency Management Agency.....	7,201,087	11,389,348	4,266,680	-2,934,407
(Appropriations).....	(7,201,087)	(6,789,348)	(4,266,680)	(-2,934,407)
(Disaster relief category).....	---	(4,600,000)	---	---
(by transfer).....	(291,507)	(184,544)	(91,778)	(-199,729)
(transfer out).....	(-307,475)	(-184,544)	(-115,778)	(+191,697)
=====	=====	=====	=====	=====
Total, title III, Protection, Preparedness				
Response and Recovery.....	8,556,738	12,818,567	5,679,869	-2,876,869
(Appropriations).....	(8,556,738)	(8,244,209)	(5,679,869)	(-2,876,869)
(Rescissions).....	---	(-25,642)	---	---
(Disaster relief category).....	---	(4,600,000)	---	---
(By transfer).....	(291,507)	(184,544)	(91,778)	(-199,729)
(Transfer out).....	(-307,475)	(-184,544)	(-115,778)	(+191,697)
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---
=====	=====	=====	=====	=====
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES				
United States Citizenship and Immigration Services				
Salaries and expenses.....	146,300	369,477	102,424	-43,876
(Fee accounts).....	(2,426,557)	(2,537,389)	(2,976,041)	(+549,484)
Total, United States Citizenship and Immigration Services.....	2,572,857	2,906,866	3,078,465	+505,608
(Appropriations).....	(146,300)	(369,477)	(102,424)	(-43,876)
(Fee accounts).....	(2,426,557)	(2,537,389)	(2,976,041)	(+549,484)
Federal Law Enforcement Training Center				
Salaries and expenses.....	235,447	238,957	238,957	+3,510
Acquisitions, construction, improvements, and related expenses: direct appropriations.....	35,385	37,456	32,456	-2,929
Total, Federal Law Enforcement Training Center	270,832	276,413	271,413	+581
Science and Technology				
Management and Administration.....	140,918	149,365	135,000	-5,918
Research, Development, Acquisition, and Operations....	686,659	1,027,067	533,000	-153,659
Total, Science and Technology.....	827,577	1,176,432	668,000	-159,577
Domestic Nuclear Detection Office				
Management and Administration.....	36,918	41,120	38,000	+1,082
Research, Development, and Operations.....	274,886	206,257	215,000	-59,886
Systems Acquisition.....	29,940	84,361	37,000	+7,060
Total, Domestic Nuclear Detection Office.....	341,744	331,738	290,000	-51,744
=====	=====	=====	=====	=====
Total, title IV, Research and Development, Training, and Services.....	1,586,453	2,154,060	1,331,837	-254,616
(Fee accounts).....	(2,426,557)	(2,537,389)	(2,976,041)	(+549,484)
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DIVISION D - DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
-----				
TITLE V - GENERAL PROVISIONS				
FY 2011 continuing resolution rescissions.....	-23,000	---	---	+23,000
FY 2011 continuing resolution rescissions (security) ..	-533,906	---	---	+533,906
Sale of Loran-C sites (legislative proposal).....	---	-5,000	-5,000	-5,000
Spending of proceeds.....	---	5,000	5,000	+5,000
U.S. Customs and Border Protection change in fee collection (sec. 540)(legislative proposal).....	---	-110,000	---	---
Spending of fees.....	---	110,000	---	---
NSSE reimbursement fund.....	7,500	---	7,500	---
Rescission of unobligated balances.....	---	---	-45,411	-45,411
International registered traveler.....	---	---	---	---
Data center migration (Sec. 553).....	---	---	70,000	+70,000
St. Elizabeth's/Mission support (Sec. 560).....	---	---	55,979	+55,979
Rescission of legacy funds.....	---	---	-20,654	-20,654
ICE Salaries and expenses (rescission) (Sec. 567).....	---	---	-7,000	-7,000
ICE Automation Modernization (rescission)(Sec. 568)...	---	---	-10,000	-10,000
TSA (rescission)(Sec. 569).....	---	---	-71,300	-71,300
CBP Automation Modernization (rescission).....	---	---	-5,000	-5,000
CBP BSFIT Program Management (rescission).....	---	---	-7,000	-7,000
ICE Salaries and expenses (rescission).....	---	---	-3,000	-3,000
USCG AC&I Great Lakes Icebreaker (rescission).....	---	---	-2,427	-2,427
TASC (rescission).....	---	---	-5,000	-5,000
US-VISIT (rescission).....	---	---	-27,400	-27,400
=====				
Total, title V, General Provisions.....	-549,406	---	-70,713	+478,693
(Appropriations).....	(7,500)	---	(133,479)	(+125,979)
(Rescissions).....	(-556,906)	---	(-204,192)	(+352,714)
Grand total.....	43,321,258	49,615,730	41,298,385	-2,022,873
(Appropriations).....	(43,624,164)	(45,057,672)	(41,244,577)	(-2,379,587)
(Disaster relief category).....	---	(4,600,000)	---	---
(Emergency appropriations/Overseas contingency operations).....	(254,000)	---	---	(-254,000)
(Overseas contingency operations/Global war on terrorism).....	---	---	(258,000)	(+258,000)
(Rescissions).....	(-556,906)	(-41,942)	(-204,192)	(+352,714)
(By transfer).....	(307,475)	(184,544)	(115,778)	(-191,697)
(Transfer out).....	(-307,475)	(-184,544)	(-115,778)	(+191,697)
(Fee accounts).....	(4,187,983)	(4,357,763)	(4,824,415)	(+636,432)
(Aviation security capital fund).....	(250,000)	(250,000)	(250,000)	---
(Limitation on direct loans).....	(25,000)	(25,000)	(25,000)	---
=====				

DIVISION E - DEPARTMENT OF THE INTERIOR - ENVIRONMENT - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
-----				
TITLE I - DEPARTMENT OF THE INTERIOR				
Bureau of Land Management				
Management of lands and resources.....	961,779	933,779	961,900	+121
Mining law administration.....	36,696	39,696	39,696	+3,000
Offsetting collections.....	-47,696	-54,000	-54,000	-6,304
Subtotal.....	950,779	919,475	947,596	-3,183
Construction.....	4,617	3,576	3,576	-1,041
Land acquisition.....	21,956	50,000	22,380	+424
Oregon and California grant lands.....	111,334	112,043	112,043	+709
Range improvements (indefinite).....	10,000	10,000	10,000	---
Service charges, deposits, & forfeitures (indefinite).....	33,300	32,125	32,125	-1,175
Offsetting fee collections.....	-33,300	-32,125	-32,125	+1,175
Miscellaneous trust funds (indefinite).....	15,200	19,700	19,700	+4,500
Total, Bureau of Land Management.....	1,113,886	1,114,794	1,115,295	+1,409
United States Fish and Wildlife Service				
Resource management.....	1,244,861	1,271,867	1,228,142	-16,719
Construction.....	20,804	23,088	23,088	+2,284
Land acquisition.....	54,890	140,000	54,720	-170
Landowner incentive program (rescission of prior year balances).....	-4,941	---	---	+4,941
Cooperative endangered species conservation fund.....	59,880	100,000	47,757	-12,123
National wildlife refuge fund.....	14,471	---	13,980	-491
North American wetlands conservation fund.....	37,425	50,000	35,554	-1,871
Neotropical migratory birds conservation fund.....	3,992	5,000	3,792	-200
Multinational species conservation fund.....	9,980	9,750	9,481	-499
State and tribal wildlife grants.....	61,876	95,000	61,421	-455
Total, United States Fish and Wildlife Service..	1,503,238	1,694,705	1,477,935	-25,303
National Park Service				
Operation of the national park system.....	2,250,050	2,296,877	2,240,152	-9,898
National recreation and preservation.....	57,870	51,567	59,975	+2,105
Historic preservation fund.....	54,391	61,000	56,000	+1,609
Construction.....	209,646	152,121	159,621	-50,025
Rescission of prior year balances.....	-25,000	---	-4,000	+21,000
Subtotal.....	184,646	152,121	155,621	-29,025
Land and water conservation fund (rescission of contract authority).....	-30,000	-30,000	-30,000	---
Land acquisition and state assistance.....	94,810	360,000	102,060	+7,250
Rescission of prior year balances.....	-625	---	---	+625
Total, National Park Service.....	2,611,142	2,891,565	2,583,808	-27,334
United States Geological Survey				
Surveys, investigations, and research.....	1,083,672	1,018,037	1,069,744	-13,928
National land imaging.....	---	99,817	---	---
Total, United State Geological Survey.....	1,083,672	1,117,854	1,069,744	-13,928
Bureau of Ocean Energy Management				
Ocean energy management.....	---	---	160,874	+160,874
Offsetting rental receipts.....	---	---	-98,993	-98,993
Cost recovery fees.....	---	---	-2,089	-2,089
Total, Bureau of Ocean Energy Management.....	---	---	59,792	+59,792

DIVISION E - DEPARTMENT OF THE INTERIOR - ENVIRONMENT - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Bureau of Safety and Environmental Enforcement</b>				
<b>Offshore Safety and Environmental Enforcement</b>				
Offshore safety and environmental enforcement.....	---	---	182,554	+182,554
Offsetting rental receipts.....	---	---	-52,587	-52,587
Inspection fees.....	---	---	-62,000	-62,000
Cost recovery fees.....	---	---	-6,494	-6,494
<b>Total, Offshore Safety and Environmental Enforcement.....</b>	<b>---</b>	<b>---</b>	<b>61,473</b>	<b>+61,473</b>
Oil spill research.....	---	---	14,923	+14,923
<b>Total, Bureau of Safety and Environmental Enforcement.....</b>	<b>---</b>	<b>---</b>	<b>76,396</b>	<b>+76,396</b>
<b>Bureau of Ocean Energy Management, Regulation and Enforcement</b>				
Ocean energy management.....	403,889	343,428	---	-403,889
Use of receipts and cost recovery fees.....	-154,890	-160,163	---	+154,890
Inspection fees.....	-10,000	-62,000	---	+10,000
<b>Subtotal.....</b>	<b>238,999</b>	<b>121,265</b>	<b>---</b>	<b>-238,999</b>
Oil spill research.....	11,744	14,923	---	-11,744
OCS Connect (rescission).....	-25,000	---	---	+25,000
<b>Total, Bureau of Ocean Energy Management, Regulation and Enforcement.....</b>	<b>225,743</b>	<b>136,188</b>	<b>---</b>	<b>-225,743</b>
<b>Office of Surface Mining Reclamation and Enforcement</b>				
Regulation and technology.....	126,926	118,469	122,950	-3,976
Receipts from performance bond forfeitures (indefinite).....	100	---	100	---
<b>Subtotal.....</b>	<b>127,026</b>	<b>118,469</b>	<b>123,050</b>	<b>-3,976</b>
Abandoned mine reclamation fund (definite, trust fund)	35,517	27,443	27,443	-8,074
<b>Total, Office of Surface Mining Reclamation and Enforcement.....</b>	<b>162,543</b>	<b>145,912</b>	<b>150,493</b>	<b>-12,050</b>
<b>Bureau of Indian Affairs</b>				
Operation of Indian programs.....	2,329,846	2,359,692	2,371,532	+41,686
Construction.....	209,580	104,992	123,828	-85,752
Indian land and water claim settlements and miscellaneous payments to Indians.....	46,387	32,855	32,855	-13,532
Indian guaranteed loan program account.....	8,199	3,114	7,114	-1,085
<b>Total, Bureau of Indian Affairs.....</b>	<b>2,594,012</b>	<b>2,500,653</b>	<b>2,535,329</b>	<b>-58,683</b>
<b>Departmental Offices</b>				
Office of the Secretary.....	118,598	283,670	262,317	+143,719
<b>Insular Affairs:</b>				
Assistance to Territories.....	56,462	56,397	60,277	+3,815
Northern Marianas.....	27,720	27,720	27,720	---
<b>Subtotal.....</b>	<b>84,182</b>	<b>84,117</b>	<b>87,997</b>	<b>+3,815</b>
Compact of Free Association.....	5,307	3,054	3,318	-1,989
Payments to Palau.....	12,000	---	14,000	+2,000
<b>Subtotal.....</b>	<b>17,307</b>	<b>3,054</b>	<b>17,318</b>	<b>+11</b>
<b>Total, Insular Affairs.....</b>	<b>101,489</b>	<b>87,171</b>	<b>105,315</b>	<b>+3,826</b>

DIVISION E - DEPARTMENT OF THE INTERIOR - ENVIRONMENT - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of the Solicitor.....	64,946	68,476	66,296	+1,350
Office of Inspector General.....	48,493	49,471	49,471	+978
Office of Special Trustee for American Indians: Federal trust programs.....	160,678	152,319	152,319	-8,359
Total, Departmental Offices.....	494,204	641,107	635,718	+141,514
Department-wide Programs				
Wildland fire management:				
Preparedness.....	290,452	276,964	276,964	-13,488
Fire suppression operations.....	398,951	270,611	270,611	-128,340
Use of emergency suppression funds.....	---	---	-189,577	-189,577
Other operations.....	228,654	181,946	208,497	-20,157
Subtotal, Wildland fire management.....	918,057	729,521	566,495	-351,562
Rescission.....	-200,000	---	-82,000	+118,000
Total, Wildland fire management.....	718,057	729,521	484,495	-233,562
FLAME Wildfire Suppression Reserve Account				
FLAME wildfire suppression reserve account.....	60,878	92,000	92,000	+31,122
Total, all wildland fire management accounts....	778,935	821,521	576,495	-202,440
Central hazardous materials fund.....	10,155	10,149	10,149	-6
Natural resource damage assessment fund.....	6,449	6,263	6,263	-186
Working capital fund.....	85,651	73,119	62,019	-23,632
Total, Department-wide programs.....	881,190	911,052	654,926	-226,264
General Provisions				
State royalty administrative cost deduction.....	-42,000	-42,000	-42,000	---
Geothermal energy receipts (Sec. 423).....	-8,000	---	---	+8,000
Geothermal receipts in current CR.....	8,000	---	---	-8,000
Total, General provisions.....	-42,000	-42,000	-42,000	---
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Total, title I, Department of the Interior.....	10,627,630	11,111,830	10,317,436	-310,194
Appropriations.....	(10,913,196)	(11,141,830)	(10,433,436)	(-479,760)
Rescissions.....	(-285,566)	(-30,000)	(-116,000)	(+169,566)
(Mandatory).....	(52,920)	(57,420)	(57,420)	(+4,500)
(Discretionary).....	(10,574,710)	(11,054,410)	(10,260,016)	(-314,694)
=====				
TITLE II - ENVIRONMENTAL PROTECTION AGENCY				
Science and Technology.....	813,480	825,596	795,000	-18,480
(By transfer from Hazardous substance superfund).. Environmental programs and management.....	(24,478)	(23,016)	(23,016)	(-1,462)
Office of Inspector General.....	2,756,470	2,876,634	2,682,514	-73,956
(By transfer from Hazardous substance superfund).. Buildings and facilities.....	44,701	45,997	42,000	-2,701
	(9,955)	(10,009)	(9,955)	---
	36,428	41,969	36,428	---
Hazardous substance superfund.....	1,280,908	1,236,231	1,215,753	-65,155
Transfer to Office of Inspector General.....	(-9,955)	(-10,009)	(-9,955)	---
Transfer to Science and Technology.....	(-24,478)	(-23,016)	(-23,016)	(+1,462)
Leaking underground storage tank program.....	112,875	112,481	104,309	-8,566
Oil spill response.....	18,342	23,662	18,274	-68
State and tribal assistance grants.....	2,654,680	2,659,041	2,528,169	-126,511
Categorical grants.....	1,104,233	1,201,389	1,090,558	-13,675
Subtotal.....	3,758,913	3,860,430	3,618,727	-140,186



DIVISION E - DEPARTMENT OF THE INTERIOR - ENVIRONMENT - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rescission.....	-140,000	-50,000	-50,000	+90,000
=====				
Total, title II, Environmental Protection				
Agency.....	8,682,117	8,973,000	8,463,005	-219,112
Appropriations.....	(8,822,117)	(9,023,000)	(8,513,005)	(-309,112)
Rescissions.....	(-140,000)	(-50,000)	(-50,000)	(+90,000)
(By transfer).....	(34,433)	(33,025)	(32,971)	(-1,462)
(Transfer out).....	(-34,433)	(-33,025)	(-32,971)	(+1,462)
=====				

TITLE III - RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Forest Service

Forest and rangeland research.....	306,637	295,773	295,773	-10,864
State and private forestry.....	277,596	341,582	253,331	-24,265
National forest system.....	1,542,248	1,704,526	1,556,628	+14,380
Capital improvement and maintenance.....	472,644	349,927	394,721	-77,923
Deferral of road and trail fund payment.....	-13,000	-12,000	-12,000	+1,000
Subtotal.....	459,644	337,927	382,721	-76,923
Land acquisition.....	32,934	90,000	52,605	+19,671
Acquisition of lands for national forests, special acts.....	1,048	955	955	-93
Acquisition of lands to complete land exchanges (indefinite).....	250	227	227	-23
Range betterment fund (indefinite).....	3,600	3,262	3,262	-338
Gifts, donations and bequests for forest and rangeland research.....	50	45	45	-5
Management of national forest lands for subsistence uses.....	2,577	---	2,577	---
Wildland fire management:				
Wild fire preparedness.....	673,650	1,006,052	1,006,052	+332,402
Wild fire suppression operations.....	995,511	538,720	538,720	-456,791
Use of emergency suppression funds.....	---	---	-240,000	-240,000
Other operations.....	498,881	162,290	432,859	-66,022
Subtotal, Wildland fire management.....	2,168,042	1,707,062	1,737,631	-430,411
Rescission.....	-200,000	-192,000	---	+200,000
Total, Wildland fire management.....	1,968,042	1,515,062	1,737,631	-230,411
FLAME Wildfire Suppression Reserve Account				
FLAME wildfire suppression reserve account.....	290,418	315,886	315,886	+25,468
Rescission.....	-200,000	---	---	+200,000
Total, all wildland fire management accounts....	2,058,460	1,830,948	2,053,517	-4,943
Forest Service payments to communities (leg proposal).....	---	328,000	---	---
Total, Forest Service.....	4,685,044	4,933,245	4,601,641	-83,403

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Indian health services.....	3,665,273	4,166,139	3,872,377	+207,104
Indian health facilities.....	403,947	457,669	441,052	+37,105
Total, Indian Health Service.....	4,069,220	4,623,808	4,313,429	+244,209

National Institute of Health

National Institute of Environmental Health Sciences...	79,054	81,085	79,054	---
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DIVISION E - DEPARTMENT OF THE INTERIOR - ENVIRONMENT - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<hr/>				
Agency for Toxic Substances and Disease Registry				
Toxic substances and environmental public health.....	76,638	76,337	76,337	-301
Total, Department of Health and Human Services..	4,224,912	4,781,230	4,468,820	+243,908
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OTHER RELATED AGENCIES				
Executive Office of the President				
Council on Environmental Quality and Office of Environmental Quality.....	3,153	3,444	3,153	---
Chemical Safety and Hazard Investigation Board				
Salaries and expenses.....	10,777	11,147	11,147	+370
Office of Navajo and Hopi Indian Relocation				
Salaries and expenses.....	7,984	9,570	7,750	-234
Institute of American Indian and Alaska Native Culture and Arts Development				
Payment to the Institute.....	8,283	9,225	8,533	+250
Smithsonian Institution				
Salaries and expenses.....	634,889	636,530	636,530	+1,641
Facilities capital.....	124,750	225,000	175,000	+50,250
Total, Smithsonian Institution.....	759,639	861,530	811,530	+51,891
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National Gallery of Art				
Salaries and expenses.....	110,525	118,781	114,066	+3,541
Repair, restoration and renovation of buildings.....	48,125	19,219	14,516	-33,609
Total, National Gallery of Art.....	158,650	138,000	128,582	-30,068
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John F. Kennedy Center for the Performing Arts				
Operations and maintenance.....	22,455	23,200	23,200	+745
Capital repair and restoration.....	13,892	13,650	13,650	-242
Total, John F. Kennedy Center for the Performing Arts.....	36,347	36,850	36,850	+503
Woodrow Wilson International Center for Scholars				
Salaries and expenses.....	11,203	11,005	11,005	-198
National Foundation on the Arts and the Humanities				
National Endowment for the Arts				
Grants and administration.....	154,690	146,255	146,255	-8,435
National Endowment for the Humanities				
Grants and administration.....	140,419	134,755	135,500	-4,919
Matching grants.....	14,271	11,500	10,755	-3,516
Total, National Endowment for the Humanities....	154,690	146,255	146,255	-8,435
Total, National Foundation on the Arts and the Humanities.....	309,380	292,510	292,510	-16,870
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Commission of Fine Arts				
Salaries and expenses.....	2,289	2,400	2,400	+111
National Capital Arts and Cultural Affairs grants.....	2,984	---	2,000	-984
Advisory Council on Historic Preservation				
Salaries and expenses.....	5,896	6,108	6,108	+212

DIVISION E - DEPARTMENT OF THE INTERIOR - ENVIRONMENT - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
-----				
National Capital Planning Commission				
Salaries and expenses.....	8,490	8,154	8,154	-336
United States Holocaust Memorial Museum				
Holocaust Memorial Museum.....	49,024	52,694	50,798	+1,774
Presidio Trust				
Presidio trust fund.....	14,970	12,000	12,000	-2,970
Dwight D. Eisenhower Memorial Commission				
Salaries and expenses.....	---	6,000	2,000	+2,000
Construction design.....	---	83,768	30,990	+30,990
Total, Dwight D. Eisenhower Memorial Commission.	---	89,768	32,990	+32,990
=====				
Total, title III, Related agencies.....	10,299,035	11,258,880	10,495,971	+196,936
Appropriations.....	(10,699,035)	(11,450,880)	(10,495,971)	(-203,064)
Rescissions.....	(-400,000)	(-192,000)	---	(+400,000)
=====				
TITLE IV - GENERAL PROVISIONS				
Cabin user fee.....	2,000	---	---	-2,000
Across-the-board cut (.16%).....	---	---	-47,000	-47,000
TITLE VI - FOREST JOBS AND RECREATION ACT				
Forest Jobs and Recreation Act.....	---	---	---	---
=====				
Grand total.....	29,610,782	31,343,710	29,229,412	-381,370
Appropriations.....	(30,436,348)	(31,615,710)	(29,395,412)	(-1,040,936)
Rescissions.....	(-825,566)	(-272,000)	(-166,000)	(+659,566)
(By transfer).....	(34,433)	(33,025)	(32,971)	(-1,462)
(Transfer out).....	(-34,433)	(-33,025)	(-32,971)	(+1,462)
=====				

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
-----				
TITLE I - DEPARTMENT OF LABOR				
EMPLOYMENT AND TRAINING ADMINISTRATION				
TRAINING AND EMPLOYMENT SERVICES				
Grants to States:				
Adult Training, current year.....	58,922	136,645	58,922	---
Advance from prior year.....	(710,576)	(712,000)	(712,000)	(+1,424)
FY 2013.....	712,000	655,040	712,000	---
Subtotal.....	770,922	791,685	770,922	---
Youth Training.....	825,914	850,000	825,914	---
Dislocated Worker Assistance, current year.....	203,432	289,435	148,432	-55,000
Advance from prior year.....	(858,280)	(860,000)	(860,000)	(+1,720)
FY 2013.....	860,000	791,200	860,000	---
Subtotal.....	1,063,432	1,080,635	1,008,432	-55,000
Workforce Innovation Fund.....	124,750	110,963	---	-124,750
FY 2013.....	---	125,760	---	---
Subtotal.....	124,750	236,723	---	-124,750
Subtotal, Grants to States.....	2,785,018	2,959,043	2,605,268	-179,750
Current Year.....	(1,213,018)	(1,387,043)	(1,033,268)	(-179,750)
FY 2013.....	(1,572,000)	(1,572,000)	(1,572,000)	---
Federally Administered Programs:				
Dislocated Worker Assistance National Reserve:				
Current year.....	24,112	29,160	24,112	---
Advance from prior year.....	(199,600)	(200,000)	(200,000)	(+400)
FY 2013.....	200,000	200,000	200,000	---
Subtotal.....	224,112	229,160	224,112	---
Subtotal, Dislocated Worker Assistance.....	1,287,544	1,309,795	1,232,544	-55,000
Native Americans.....	52,652	54,158	47,652	-5,000
Migrant and Seasonal Farmworker programs.....	84,451	86,620	84,451	---
Women in Apprenticeship.....	998	1,000	998	---
YouthBuild activities.....	79,840	115,000	79,840	---
Workforce Innovation Fund.....	---	---	50,000	+50,000
Subtotal, Federally Administered Programs (FAP).....	442,053	485,938	487,053	+45,000
Current Year.....	(242,053)	(285,938)	(287,053)	(+45,000)
FY 2013.....	(200,000)	(200,000)	(200,000)	---
National Activities:				
Pilots, Demonstrations, and Research.....	9,980	6,616	6,616	-3,364
Reintegration of Ex-Offenders.....	85,390	90,000	80,390	-5,000
Evaluation.....	9,581	11,600	9,581	---
Green Jobs Innovation Fund.....	---	60,000	---	---
Workforce Data Quality Initiative.....	12,475	13,750	6,475	-6,000
Subtotal.....	117,426	181,966	103,062	-14,364
Total, Training and Employment Services (TES).....	3,344,497	3,626,947	3,195,383	-149,114
Current Year.....	(1,572,497)	(1,854,947)	(1,423,383)	(-149,114)
FY 2013.....	(1,772,000)	(1,772,000)	(1,772,000)	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
-----				
OFFICE OF JOB CORPS				
Administration.....	29,132	31,430	29,132	---
Operations.....	981,049	998,817	1,572,049	+591,000
Advance from prior year.....	(589,818)	(591,000)	(591,000)	(+1,182)
FY 2013.....	591,000	591,000	---	-591,000
Construction, Rehabilitation and Acquisition.....	4,990	3,500	104,990	+100,000
Advance from prior year.....	(99,800)	(100,000)	(100,000)	(+200)
FY 2013.....	100,000	75,000	---	-100,000
-----				
Total, Office of Job Corps.....	1,706,171	1,699,747	1,706,171	---
Current Year.....	(1,015,171)	(1,033,747)	(1,706,171)	(+691,000)
FY 2013.....	(691,000)	(666,000)	---	(-691,000)
-----				
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS 1/..	449,100	---	449,100	---
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES.....	721,312	1,100,100	1,100,100	+378,788
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS				
Unemployment Compensation (UI):				
State Operations.....	3,239,154	3,275,610	3,231,154	-8,000
National Activities.....	11,287	11,310	11,287	---
-----				
Subtotal, Unemployment Compensation.....	3,250,441	3,286,920	3,242,441	-8,000
Employment Service (ES):				
Allotments to States:				
Federal Funds.....	22,638	83,864	22,638	---
(Workforce Innovation Fund) NA.....	---	(61,181)	---	---
Trust Funds.....	679,531	680,893	679,531	---
-----				
Subtotal.....	702,169	764,757	702,169	---
ES National Activities.....	20,952	20,994	20,952	---
=====				
Subtotal, Employment Service.....	723,121	785,751	723,121	---
Federal Funds.....	(22,638)	(83,864)	(22,638)	---
Trust Funds.....	(700,483)	(701,887)	(700,483)	---
Foreign Labor Certification:				
Federal Administration.....	50,418	50,537	50,418	---
Grants to States.....	15,099	15,129	15,099	---
-----				
Subtotal, Foreign Labor Certification.....	65,517	65,666	65,517	---
One-Stop Career Centers/Labor Market Information.....	63,593	63,720	63,593	---
=====				
Total, State UI and ES.....	4,102,672	4,202,057	4,094,672	-8,000
Federal Funds.....	(86,231)	(147,584)	(86,231)	---
Trust Funds.....	(4,016,441)	(4,054,473)	(4,008,441)	(-8,000)
STATE PAID LEAVE FUND.....	---	23,000	---	---
ADVANCES TO THE UI AND OTHER TRUST FUNDS 2/.....	290,000	---	---	-290,000

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<b>PROGRAM ADMINISTRATION</b>				
Adult Employment and Training.....	46,765	51,577	46,765	---
Trust Funds.....	8,536	9,960	8,536	---
Youth Employment and Training.....	12,283	14,442	12,283	---
Employment Security.....	3,483	4,713	3,483	---
Trust Funds.....	39,417	41,298	39,417	---
Apprenticeship Services.....	27,728	28,718	27,728	---
Executive Direction.....	7,061	7,083	7,061	---
Trust Funds.....	2,087	2,091	2,087	---
Total, Program Administration.....	147,360	159,882	147,360	---
Federal Funds.....	(97,320)	(106,533)	(97,320)	---
Trust Funds.....	(50,040)	(53,349)	(50,040)	---
Total, Employment and Training Admin. (ETA).....	10,761,112	10,811,733	10,692,786	-68,326
Federal Funds.....	6,694,631	6,703,911	6,634,305	-60,326
Current Year.....	(4,231,631)	(4,265,911)	(4,862,305)	(+630,674)
FY 2013.....	(2,463,000)	(2,438,000)	(1,772,000)	(-691,000)
Trust Funds.....	4,066,481	4,107,822	4,058,481	-8,000
<b>EMPLOYEE BENEFITS SECURITY ADMINISTRATION (EBSA)</b>				
<b>SALARIES AND EXPENSES</b>				
Enforcement and Participant Assistance .....	131,137	149,884	142,956	+11,819
Policy and Compliance Assistance.....	21,571	40,926	33,826	+12,255
Executive Leadership, Program Oversight and Admin.....	6,655	6,718	6,718	+63
Total, EBSA.....	159,363	197,528	183,500	+24,137
<b>PENSION BENEFIT GUARANTY CORPORATION (PBGC)</b>				
Pension Insurance Activities.....	(74,506)	(86,023)	(86,023)	(+11,517)
Pension Plan Termination.....	(242,300)	(243,372)	(243,372)	(+1,072)
Operational Support.....	(147,261)	(147,506)	(147,506)	(+245)
Total, PBGC (program level).....	(464,067)	(476,901)	(476,901)	(+12,834)
WAGE AND HOUR DIVISION.....	227,491	240,937	227,491	---
OFFICE OF LABOR-MANAGEMENT STANDARDS.....	41,367	41,367	41,367	---
FEDERAL CONTRACT COMPLIANCE PROGRAMS.....	105,386	109,010	105,386	---
<b>FEDERAL PROGRAMS FOR WORKERS' COMPENSATION</b>				
Salaries and Expenses.....	115,939	121,354	115,939	---
Trust Funds.....	2,124	2,184	2,124	---
Total, Salaries and Expenses.....	118,063	123,538	118,063	---
Federal Funds.....	(115,939)	(121,354)	(115,939)	---
Trust Funds.....	(2,124)	(2,184)	(2,124)	---
<b>SPECIAL BENEFITS</b>				
Federal Employees' Compensation Benefits.....	180,000	347,000	347,000	+167,000
Longshore and Harbor Workers' Benefits.....	3,000	3,000	3,000	---
Total, Special Benefits.....	183,000	350,000	350,000	+167,000
<b>SPECIAL BENEFITS FOR DISABLED COAL MINERS</b>				
Benefit Payments.....	198,000	177,000	177,000	-21,000
Administration.....	5,220	5,227	5,227	+7
Subtotal, FY 2012 program level.....	203,220	182,227	182,227	-20,993
Less funds advanced in prior year.....	-45,000	-41,000	-41,000	+4,000
Total, Current Year, FY 2012.....	158,220	141,227	141,227	-16,993
New advances, 1st quarter FY 2013.....	41,000	40,000	40,000	-1,000
Total, Special Benefits for Disabled Coal Miners	199,220	181,227	181,227	-17,993
<b>ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND</b>				
Part B Administrative Expenses.....	53,778	52,147	52,147	-1,631

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012 (Amounts in Thousands)				
	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
BLACK LUNG DISABILITY TRUST FUND				
Benefit Payments and Interest on Advances.....	237,808	241,689	241,689	+3,881
Workers' Compensation Programs, Salaries and Expenses..	33,075	32,906	32,906	-169
Departmental Management, Salaries and Expenses.....	25,394	25,217	25,217	-177
Departmental Management, Inspector General.....	327	327	327	---
Subtotal, Black Lung Disability.....	296,604	300,139	300,139	+3,535
Treasury Department Administrative Costs.....	356	356	356	---
Total, Black Lung Disability Trust Fund.....	296,960	300,495	300,495	+3,535
Total, Federal Programs for Workers' Compensation	851,021	1,007,407	1,001,932	+150,911
Federal Funds.....	848,897	1,005,223	999,808	+150,911
Current year.....	(807,897)	(965,223)	(959,808)	(+151,911)
FY 2013.....	(41,000)	(40,000)	(40,000)	(-1,000)
Trust Funds.....	2,124	2,184	2,124	---
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)				
SALARIES AND EXPENSES				
Safety and Health Standards.....	20,288	25,982	20,000	-288
Federal Enforcement.....	208,146	216,365	208,146	---
Whistleblower enforcement.....	14,806	20,948	15,903	+1,097
State Programs.....	104,393	105,893	104,393	---
Technical Support.....	25,868	25,950	25,868	---
Compliance Assistance:				
Federal Assistance.....	73,383	74,039	76,500	+3,117
State Consultation Grants.....	54,688	55,798	58,000	+3,312
Training Grants.....	10,729	12,000	10,729	---
Subtotal, Compliance Assistance.....	138,800	141,837	145,229	+6,429
Safety and Health Statistics.....	34,805	34,875	34,805	---
Executive Direction and Administration.....	11,513	11,536	11,513	---
Total, OSHA.....	558,619	583,386	565,857	+7,238
MINE SAFETY AND HEALTH ADMINISTRATION				
SALARIES AND EXPENSES				
Coal Enforcement.....	160,369	161,303	164,210	+3,841
Metal/Non-Metal Enforcement.....	87,644	89,990	88,831	+1,187
Standards Development.....	4,352	5,550	4,473	+121
Assessments.....	6,221	6,574	7,116	+895
Educational Policy and Development.....	38,148	36,338	38,398	+250
Technical Support.....	31,031	33,403	33,677	+2,646
Program Evaluation and Information Resources (PEIR)...	18,173	20,654	18,191	+18
Program Administration.....	15,906	30,465	19,104	+3,198
Total, Mine Safety and Health Administration....	361,844	384,277	374,000	+12,156
Total, Worker Protection Agencies.....	1,572,133	1,680,043	1,615,664	+43,531
Federal Funds.....	(1,570,009)	(1,677,859)	(1,613,540)	(+43,531)
Trust Funds.....	(2,124)	(2,184)	(2,124)	---
BUREAU OF LABOR STATISTICS				
SALARIES AND EXPENSES				
Employment and Unemployment Statistics.....	210,673	219,043	210,673	---
Labor Market Information.....	67,303	69,136	67,303	---
Prices and Cost of Living.....	205,410	232,839	205,410	---
Compensation and Working Conditions.....	80,418	81,197	80,418	---
Productivity and Technology.....	12,078	10,201	12,078	---
Executive Direction and Staff Services.....	34,342	34,614	34,342	---
Total, Bureau of Labor Statistics.....	610,224	647,030	610,224	---
Federal Funds.....	542,921	577,894	542,921	---
Trust Funds.....	67,303	69,136	67,303	---
OFFICE OF DISABILITY EMPLOYMENT POLICY				
SALARIES AND EXPENSES.....	38,953	39,031	38,953	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<b>DEPARTMENTAL MANAGEMENT</b>				
<b>SALARIES AND EXPENSES</b>				
Executive Direction.....	33,283	33,213	33,283	---
Departmental IT Crosscut.....	---	---	---	---
Departmental Program Evaluation.....	8,500	18,400	8,500	---
Legal Services.....	119,121	132,578	129,121	+10,000
Trust Funds.....	326	331	326	---
International Labor Affairs.....	92,484	101,504	92,484	---
Administration and Management.....	30,339	30,745	30,339	---
Adjudication.....	29,227	30,576	29,227	---
Women's Bureau.....	11,581	11,620	11,581	---
Civil Rights Activities.....	6,798	7,223	6,798	---
Chief Financial Officer.....	5,350	5,364	5,350	---
Total, Salaries and expenses.....	337,009	371,554	347,009	+10,000
Federal Funds.....	(336,683)	(371,223)	(346,683)	(+10,000)
Federal Funds (emergency).....	---	---	---	---
Trust Funds.....	(326)	(331)	(326)	---
<b>VETERANS EMPLOYMENT AND TRAINING</b>				
State Administration, Grants.....	165,063	165,394	165,394	+331
Transition Assistance Program.....	6,986	9,000	9,000	+2,014
Federal Administration.....	35,242	35,222	35,222	-20
National Veterans Training Institute.....	2,444	2,449	2,444	---
Homeless Veterans Program.....	36,257	39,330	38,257	+2,000
Veterans Workforce Investment Programs.....	9,622	9,641	14,622	+5,000
Total, Veterans Employment and Training.....	255,614	261,036	264,939	+9,325
Federal Funds.....	45,879	48,971	52,879	+7,000
Trust Funds.....	209,735	212,065	212,060	+2,325
<b>INFRASTRUCTURE TECHNOLOGY MODERNIZATION</b>				
Departmental support systems.....	11,852	17,000	11,852	---
Infrastructure technology modernization.....	8,000	8,000	8,000	---
Total, IT Modernization.....	19,852	25,000	19,852	---
<b>OFFICE OF INSPECTOR GENERAL</b>				
Program Activities.....	77,937	78,453	77,937	---
Trust Funds.....	5,909	5,992	5,909	---
Total, Office of Inspector General.....	83,846	84,445	83,846	---
<b>Total, Departmental Management.....</b>				
Federal Funds.....	480,351	523,647	497,351	+17,000
Current Year.....	(480,351)	(523,647)	(497,351)	(+17,000)
Trust Funds.....	215,970	218,388	218,295	+2,325
Working Capital Fund.....	---	4,620	---	---
<b>Total, Workforce Investment Act Programs.....</b>				
Current Year.....	5,059,292	5,335,335	4,915,178	-144,114
FY 2013.....	(2,596,292)	(2,897,335)	(3,143,178)	(+546,886)
FY 2013.....	(2,463,000)	(2,438,000)	(1,772,000)	(-691,000)
<b>Total, Title I, Department of Labor.....</b>				
Federal Funds.....	14,411,701	14,808,361	14,557,142	+145,441
Current Year.....	10,059,823	10,410,831	10,210,939	+151,116
FY 2013.....	(7,555,823)	(7,932,831)	(8,398,939)	(+843,116)
FY 2013.....	(2,504,000)	(2,478,000)	(1,812,000)	(-692,000)
Trust Funds.....	4,351,878	4,397,530	4,346,203	-5,675

## Title I Footnotes:

- 1/ FY2012 Budget requested \$450 million in Department of Health and Human Services, Administration on Aging.  
2/ Two year availability



DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
-----				
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES				
HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA)				
HEALTH RESOURCES AND SERVICES				
Primary Health Care				
Community Health Centers.....	1,580,749	2,117,814	1,580,749	---
Free Clinics Medical Malpractice.....	40	40	40	---
National Hansen's Disease Program.....	16,077	16,075	16,075	-2
Hansen's Disease Program Buildings and Facilities.....	129	129	129	---
Payment to Hawaii, Treatment of Hansen's.....	1,964	1,976	1,964	---
Subtotal.....	1,598,959	2,136,034	1,598,957	-2
Bureau of Health Professions (BHP)				
National Health Service Corps:				
Field placements.....	---	24,695	---	---
Marketing.....	---	---	---	---
Recruitment.....	24,848	98,782	---	-24,848
Undistributed.....	---	---	---	---
Total, NHS Corps program level.....	24,848	123,477	---	-24,848
Health Professions				
Health Professions, Training for Diversity:				
Centers of Excellence.....	24,452	24,602	22,952	-1,500
Health Careers Opportunity Program.....	21,998	22,133	15,000	-6,998
Faculty Loan Repayment.....	1,258	1,266	1,258	---
Scholarships for Disadvantaged Students.....	49,042	52,921	47,542	-1,500
Evaluation Tap Funding.....	---	(7,079)	---	---
Subtotal, Training for Diversity.....	96,750	108,001	86,752	-9,998
Training in Primary Care Medicine.....	39,036	53,018	39,036	---
Evaluation Tap Funding.....	---	(86,914)	---	---
Subtotal, Training in Primary Care Medicine	39,036	139,932	39,036	---
Oral Health Training.....	32,781	35,419	32,781	---
Evaluation Tap Funding.....	---	(14,509)	---	---
Subtotal, Oral Health programs	32,781	49,928	32,781	---
Interdisciplinary Community-Based Linkages:				
Area Health Education Centers.....	33,142	33,345	30,142	-3,000
Evaluation Tap Funding.....	---	(1,488)	---	---
Allied Health and Other Disciplines.....	1,933	---	---	-1,933
Geriatric Programs.....	33,542	36,907	30,997	-2,545
Evaluation Tap Funding.....	---	(6,840)	---	---
Mental and Behavioral Health.....	2,927	17,945	2,927	---
Subtotal, Interdisciplinary Community Linkages..	71,544	88,197	64,066	-7,478
Subtotal, Evaluation Tap Funding.....	---	8,328	---	---
Workforce Information and Analysis.....	2,815	---	2,815	---
Evaluation Tap Funding.....	---	(20,000)	---	---
State Grants for Health Workforce Development.....	---	51,000	---	---
Public Health and Preventive Medicine programs.....	9,609	---	8,209	-1,400
Evaluation Tap Funding.....	---	(10,068)	---	---
Subtotal.....	9,609	10,068	8,209	-1,400

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<b>Nursing Programs:</b>				
Advanced Education Nursing.....	64,046	64,438	64,046	---
Evaluation Tap Funding.....	---	(40,000)	---	---
Nurse Education, Practice, and Retention.....	39,653	40,141	39,653	---
Evaluation Tap Funding.....	---	(19,632)	---	---
Nursing Workforce Diversity.....	16,009	16,107	16,009	---
Evaluation Tap Funding.....	---	(3,893)	---	---
Loan Repayment and Scholarship Program.....	93,292	93,864	83,292	-10,000
Comprehensive Geriatric Education.....	4,539	---	4,539	---
Evaluation Tap Funding.....	---	(5,000)	---	---
Nurse Managed Health Centers.....	---	10,000	---	---
Evaluation Tap Funding.....	---	(10,000)	---	---
Nursing Faculty Loan Program.....	24,848	---	24,848	---
Evaluation Tap Funding.....	---	(30,000)	---	---
Subtotal, Nursing programs.....	242,387	224,550	232,387	-10,000
Subtotal, Evaluation Tap Funding.....	---	(108,525)	---	---
Subtotal, Health Professions.....	494,922	553,106	466,046	-28,876
Subtotal, Evaluation tap funding.....	---	255,423	---	---
Total, Health Professions.....	494,922	808,529	466,046	-28,876
=====				
Children's Hospitals Graduate Medical Education.....	268,356	---	268,356	---
Patient Navigator.....	4,990	---	---	-4,990
Teaching Health Centers Planning Grants.....	---	10,000	---	---
National Practitioner Data Bank.....	19,750	28,016	28,016	+8,266
User Fees.....	-19,750	-28,016	-28,016	-8,266
Health Care Integrity and Protection Data Bank.....	3,758	---	---	-3,758
User Fees.....	-3,758	---	---	+3,758
Total, BHP program level.....	793,116	686,583	734,402	-58,714
<b>Maternal and Child Health Bureau</b>				
Maternal and Child Health Block Grant.....	656,319	654,489	646,319	-10,000
Sickle Cell Anemia Demonstration Program.....	4,721	4,740	4,721	---
Traumatic Brain Injury.....	9,878	9,918	9,878	---
Autism and Other Developmental Disorders.....	47,708	55,000	47,708	---
Heritable Disorders.....	9,952	9,992	9,952	---
Congenital Disabilities.....	---	499	---	---
Healthy Start.....	104,361	104,776	104,776	+415
Universal Newborn Hearing.....	18,884	18,960	18,884	---
Emergency Medical Services for Children.....	21,369	21,454	21,369	---
Subtotal, Maternal and Child Health Bureau.....	873,192	879,828	863,607	-9,585
<b>HIV/AIDS Bureau</b>				
<b>Ryan White AIDS Programs:</b>				
Emergency Assistance.....	672,529	679,074	672,529	---
Comprehensive Care Programs.....	1,308,141	1,358,791	1,323,141	+15,000
AIDS Drug Assistance Program (ADAP) (NA).....	(885,000)	(940,000)	(900,000)	(+15,000)
Early Intervention Program.....	205,564	211,522	205,564	---
Children, Youth, Women, and Families.....	77,313	77,787	77,313	---
AIDS Dental Services.....	13,511	13,594	13,511	---
Education and Training Centers.....	34,607	34,819	34,607	---
Subtotal, Ryan White AIDS programs.....	2,311,665	2,375,587	2,326,665	+15,000
Evaluation Tap Funding (NA).....	(25,000)	(25,000)	(25,000)	---
Subtotal, Ryan White AIDS program level.....	(2,336,665)	(2,400,587)	(2,351,665)	(+15,000)
Subtotal, HIV/AIDS Bureau.....	2,311,665	2,375,587	2,326,665	+15,000
<b>Healthcare Systems Bureau</b>				
Organ Transplantation.....	24,896	25,991	24,896	---
National Cord Blood Inventory.....	11,910	13,883	11,910	---
Bone Marrow Program.....	23,374	26,544	23,374	---
Office of Pharmacy Affairs.....	4,480	5,220	4,480	---
340B Drug Pricing User Fees.....	---	5,000	---	---
User Fees.....	---	-5,000	---	---
Poison Control.....	21,866	29,250	18,866	-3,000
Subtotal, Healthcare systems bureau.....	86,526	100,888	83,526	-3,000

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<hr/>				
Rural Health				
Rural Outreach Grants.....	55,658	57,266	55,658	---
Rural Health Research/Policy Development.....	9,885	9,929	9,885	---
Rural Hospital Flexibility Grants.....	41,118	26,200	41,118	---
Rural and Community Access to Emergency Devices.....	236	---	2,500	+2,264
State Offices of Rural Health.....	10,055	10,075	10,055	---
Black Lung Clinics.....	7,153	7,185	7,153	---
Radiation Exposure Screening and Education Program....	1,939	1,948	1,939	---
Telehealth.....	11,524	11,575	11,524	---
Subtotal, Rural health.....	137,568	124,178	139,832	+2,264
Family Planning.....	299,400	327,356	297,400	-2,000
Program Management.....	161,815	170,808	161,815	---
Total, Health resources and services (HRSA).....	6,262,241	6,801,262	6,206,204	-56,037
Total, Health resources & services program level	(6,287,241)	(7,081,685)	(6,231,204)	(-56,037)
Total, Evaluation tap funding.....	(25,000)	(280,423)	(25,000)	---
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HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT				
HEAL Liquidating Account.....	(1,000)	---	(1,000)	---
HEAL Program Management.....	2,841	---	2,841	---
Total, HEAL.....	2,841	---	2,841	---
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VACCINE INJURY COMPENSATION PROGRAM TRUST FUND				
Post-FY 1988 Claims.....	220,000	235,000	235,000	+15,000
HRSA Administration.....	6,489	6,502	6,489	---
Total, Vaccine Injury Compensation Trust Fund...	226,489	241,502	241,489	+15,000
Total, Health Resources & Services Administration	6,491,571	7,042,764	6,450,534	-41,037
Total, Evaluation tap funding.....	(25,000)	(280,423)	(25,000)	---
Total, HRSA program level.....	(6,516,571)	(7,323,187)	(6,475,534)	(-41,037)
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CENTERS FOR DISEASE CONTROL AND PREVENTION				
DISEASE CONTROL, RESEARCH, AND TRAINING				
Immunization and Respiratory Diseases.....	479,049	647,200	579,375	+100,326
Evaluation Tap Funding.....	(12,864)	(12,864)	(12,864)	---
Pandemic Flu balances (Public Law 111-32).....	(156,344)	---	---	(-156,344)
Subtotal.....	(648,257)	(660,064)	(592,239)	(-56,018)
HIV/AIDS, Viral Hepatitis, STD, and TB Prevention....	1,075,995	1,157,133	1,105,995	+30,000
Emerging and Zoonotic Infectious Diseases.....	252,443	289,118	253,919	+1,476
Chronic Disease Prevention and Health Promotion.....	813,987	725,207	760,700	-53,287
Birth Defects and Developmental Disabilities.....	136,072	143,899	138,072	+2,000
Public Health Scientific Services.....	147,795	205,942	144,795	-3,000
Evaluation Tap Funding.....	(247,769)	(217,674)	(247,769)	---
Subtotal.....	(395,564)	(423,616)	(392,564)	(-3,000)
Environmental Health.....	134,855	128,715	105,598	-29,257
Injury Prevention and Control.....	143,714	147,501	138,480	-5,234
National Institute for Occupational Safety & Health 1/ Evaluation Tap Funding.....	224,355	---	182,903	-41,452
	(91,724)	(259,934)	(110,724)	(+19,000)
Subtotal.....	(316,079)	(259,934)	(293,627)	(-22,452)
Energy Employees Occupational Illness Compensation Program.....	55,358	55,358	55,358	---
Global Health.....	340,265	381,245	349,547	+9,282
Public Health Preparedness and Response.....	1,336,901	1,422,618	1,306,906	-29,995
Pandemic Flu balances (Public Law 111-32).....	(68,515)	(30,000)	(30,000)	(-38,515)
Subtotal.....	1,405,416	1,452,618	1,336,906	-68,510

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
CDC-Wide Activities and Program Support.....	563,539	568,834	621,445	+57,906
CDC contracting and administrative reduction.....	---	---	-20,000	-20,000
	=====	=====	=====	=====
Total, Centers for Disease Control.....	5,704,328	5,872,770	5,723,093	+18,765
Discretionary .....	5,648,970	5,817,412	5,667,735	+18,765
Evaluation Tap Funding (NA).....	(352,357)	(490,472)	(371,357)	(+19,000)
Pandemic Flu balances (Public Law 111-32)...	(224,859)	(30,000)	(30,000)	(-194,859)
	=====	=====	=====	=====
Total, Centers for Disease Control Program Level	(6,281,544)	(6,393,242)	(6,124,450)	(-157,094)
NATIONAL INSTITUTES OF HEALTH				
National Cancer Institute.....	5,058,577	5,196,136	5,081,788	+23,211
National Heart, Lung, and Blood Institute.....	3,069,723	3,147,992	3,084,851	+15,128
National Institute of Dental & Craniofacial Research..	409,608	420,369	411,488	+1,880
National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK).....	1,792,224	1,837,957	1,800,447	+8,223
National Institute of Neurological Disorders & Stroke.	1,622,003	1,664,253	1,629,445	+7,442
National Institute of Allergy and Infectious Diseases.	4,478,668	4,615,970	4,499,215	+20,547
Global HIV/AIDS Fund Transfer.....	297,300	300,000	---	-297,300
	=====	=====	=====	=====
Subtotal, NIAID program level.....	4,775,968	4,915,970	4,499,215	-276,753
National Institute of General Medical Sciences.....	2,033,782	2,102,300	2,434,637	+400,855
National Institute of Child Health & Human Development	1,317,854	1,352,189	1,323,900	+6,046
National Eye Institute.....	700,828	719,059	704,043	+3,215
National Institute of Environmental Health Sciences...	683,724	700,537	686,869	+3,145
National Institute on Aging.....	1,100,481	1,129,987	1,105,530	+5,049
National Institute of Arthritis and Musculoskeletal and Skin Diseases.....	534,349	547,891	536,801	+2,452
National Institute on Deafness and Other Communication Disorders.....	415,155	426,043	417,061	+1,906
National Institute of Nursing Research.....	144,381	148,114	145,043	+662
National Institute on Alcohol Abuse and Alcoholism....	458,286	469,197	460,389	+2,103
National Institute on Drug Abuse.....	1,050,542	1,080,018	1,055,362	+4,820
National Institute of Mental Health.....	1,477,292	1,517,006	1,483,068	+5,776
National Human Genome Research Institute.....	511,497	524,807	513,844	+2,347
National Institute of Biomedical Imaging and Bioengineering.....	313,802	322,106	338,998	+25,196
National Center for Research Resources.....	1,257,754	1,297,900	---	-1,257,754
National Center for Complementary and Alternative Medicine.....	127,713	131,002	128,299	+586
National Institute on Minority Health and Health Disparities.....	209,714	214,608	276,963	+67,249
John E. Fogarty International Center.....	69,436	71,328	69,754	+318
National Center for Advancing Translation Sciences....	---	---	576,456	+576,456
National Library of Medicine (NLM).....	336,733	387,153	338,278	+1,545
Evaluation Tap Funding.....	(8,200)	(8,200)	(8,200)	---
	=====	=====	=====	=====
Subtotal.....	344,933	395,353	346,478	+1,545
Office of the Director .....	1,166,963	1,298,412	1,461,880	+294,917
Common fund.....	(543,021)	(556,890)	(545,962)	(+2,941)
Buildings and Facilities.....	49,900	125,581	125,581	+75,681
	=====	=====	=====	=====
Total, National Institutes of Health (NIH).....	30,688,289	31,747,915	30,689,990	+1,701
Global HIV/AIDS Fund Transfer out.....	-297,300	-300,000	---	+297,300
Pandemic Flu balances (Public Law 111-32)...	---	---	---	---
Evaluation Tap Funding.....	(8,200)	(8,200)	(8,200)	---
	=====	=====	=====	=====
Total, NIH Program Level.....	(30,399,189)	(31,456,115)	(30,698,190)	(+299,001)

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
-----				
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA)				
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES				
Mental Health:				
Programs of Regional and National Significance....	338,276	273,342	276,278	-61,998
Mental Health block grant.....	398,936	413,645	439,548	+40,612
Evaluation Tap Funding.....	(20,997)	(21,039)	(21,039)	(+42)
Subtotal, Program level.....	(419,933)	(434,684)	(460,587)	(+40,654)
Children's Mental Health.....	117,803	121,316	117,803	---
Grants to States for the Homeless (PATH).....	64,917	65,047	64,917	---
Protection and Advocacy.....	36,307	36,380	36,307	---
State prevention grants.....	---	90,000	---	---
Subtotal, Mental Health.....	956,239	999,730	934,853	-21,386
Subtotal, Mental health program level.....	(977,236)	(1,020,769)	(955,892)	(-21,344)
Substance Abuse Treatment:				
Programs of Regional and National Significance....	404,480	401,822	399,602	-4,878
Evaluation Tap Funding.....	(2,000)	(2,000)	(2,000)	---
Subtotal, Program level.....	(406,480)	(403,822)	(401,602)	(-4,878)
Substance Abuse block grant.....	1,703,452	1,419,603	1,724,391	+20,939
Evaluation Tap Funding.....	(79,200)	(74,711)	(79,200)	---
Subtotal, Program level.....	(1,782,652)	(1,494,314)	(1,803,591)	(+20,939)
Subtotal, Substance Abuse Treatment.....	2,107,932	1,821,425	2,123,993	+16,061
Subtotal, Program level.....	(2,189,132)	(1,898,136)	(2,205,193)	(+16,061)
Substance Abuse Prevention:				
Programs of Regional and National Significance....	186,061	74,582	186,361	+300
Substance abuse prevention grants.....	---	395,000	---	---
Subtotal.....	186,061	469,582	186,361	+300
Total, Substance Abuse.....	2,375,193	2,367,718	2,391,554	+16,361
Health Surveillance and Program Support.....	129,306	96,166	109,106	-20,200
Evaluation Tap Funding (NA).....	(29,346)	(71,995)	(27,428)	(-1,918)
Subtotal, Program level.....	158,652	168,161	136,534	-22,118
Total, SAMHSA.....	3,379,538	3,386,903	3,354,313	-25,225
Evaluation Tap Funding.....	(131,543)	(169,745)	(129,667)	(-1,876)
Total, SAMHSA Program Level.....	(3,511,081)	(3,556,648)	(3,483,980)	(-27,101)
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY (AHRQ)				
HEALTHCARE RESEARCH AND QUALITY				
Research on Health Costs, Quality, and Outcomes				
Program Level.....	(265,653)	(256,612)	(247,768)	(-17,885)
Comparative Effectiveness Research (NA).....	21,000	21,600	16,600	-4,400
Evaluation Tap funding.....	(21,000)	(21,600)	(16,600)	(-4,400)
Patient Safety Research and Health (NA).....	(93,230)	(92,194)	(91,157)	(-2,073)
Preventive/Care Management (NA).....	15,904	23,304	15,904	---
Evaluation Tap funding.....	(15,904)	(23,304)	(15,904)	---
Value Research (NA).....	(3,730)	(3,730)	(3,730)	---
Crosscutting (NA).....	(111,789)	(91,784)	(108,377)	(-3,412)
Subtotal, Health Costs, Quality, and Outcomes...	(265,653)	(256,612)	(247,768)	(-17,885)
Subtotal, Evaluation Tap Funding.....	(245,653)	(232,612)	(235,768)	(-9,885)
Medical Expenditures Panel Surveys:				
Evaluation Tap Funding (NA).....	(58,800)	(59,300)	(59,300)	(+500)

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
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Program Support:				
Evaluation Tap Funding (NA).....	(67,600)	(74,485)	(73,985)	(+6,385)
Evaluation Tap Funding (NA).....	(372,053)	(366,397)	(369,053)	(-3,000)
Total, AHRQ Program Level.....	(372,053)	(366,397)	(369,053)	(-3,000)
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Total, Public Health Service (PHS) appropriation	46,263,726	48,050,352	46,217,930	-45,796
Total, Public Health Service Program Level.....	(47,378,738)	(49,395,589)	(47,152,207)	(-226,531)
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CENTERS FOR MEDICARE AND MEDICAID SERVICES				
GRANTS TO STATES FOR MEDICAID				
Medicaid Current Law Benefits.....	242,714,348	253,884,907	253,884,907	+11,170,559
State and Local Administration.....	13,567,479	12,808,496	12,808,496	-758,983
Vaccines for Children.....	3,651,354	4,030,996	4,030,996	+379,642
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Subtotal, Medicaid Program Level.....	259,933,181	270,724,399	270,724,399	+10,791,218
Less funds advanced in prior year.....	-86,789,382	-86,445,289	-86,445,289	+344,093
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Total, Grants to States for Medicaid.....	173,143,799	184,279,110	184,279,110	+11,135,311
New advance, 1st quarter.....	86,445,289	90,614,082	90,614,082	+4,168,793
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PAYMENTS TO HEALTH CARE TRUST FUNDS				
Supplemental Medical Insurance.....	172,697,622	178,041,000	178,041,000	+5,343,378
Federal Uninsured Payment.....	275,000	262,000	262,000	-13,000
Program Management.....	229,000	222,000	222,000	-7,000
General Revenue for Part D Benefit.....	55,548,000	51,431,000	51,431,000	-4,117,000
General Revenue for Part D Administration.....	404,000	475,000	475,000	+71,000
HCFAC Reimbursement.....	310,378	581,000	310,378	---
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Total, Payments to Trust Funds, Program Level...	229,464,000	231,012,000	230,741,378	+1,277,378
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PROGRAM MANAGEMENT				
Research, Demonstration, Evaluation.....	35,529	31,200	21,200	-14,329
Medicare Operations.....	2,419,569	---	---	-2,419,569
Program operations.....	---	3,062,025	2,663,935	+2,663,935
State Survey and Certification.....	362,076	400,283	355,876	-6,200
High Risk Insurance Pools.....	54,890	44,000	44,000	-10,890
Federal Administration.....	766,791	859,465	794,465	+27,674
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Total, Program management, Limitation on new BA.	3,638,855	4,396,973	3,879,476	+240,621
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HEALTH CARE FRAUD AND ABUSE CONTROL				
Part D Drug Benefit/Medicare Advantage (MIP).....	219,879	345,295	219,879	---
HHS Office of Inspector General.....	29,730	97,556	29,730	---
Medicaid/CHIP.....	31,038	44,644	31,038	---
Department of Justice.....	29,730	93,085	29,730	---
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Total, Health Care Fraud and Abuse Control.....	310,377	580,580	310,377	---
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Total, Centers for Medicare and Medicaid Services	493,002,320	510,882,745	509,824,423	+16,822,103
Federal funds.....	489,053,088	505,905,192	505,634,570	+16,581,482
Current year.....	(402,607,799)	(415,291,110)	(415,020,488)	(+12,412,689)
New advance, FY 2013.....	(86,445,289)	(90,614,082)	(90,614,082)	(+4,168,793)
Trust Funds.....	3,949,232	4,977,553	4,189,853	+240,621
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ADMINISTRATION FOR CHILDREN AND FAMILIES				
PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND				
FAMILY SUPPORT PROGRAMS				
Payments to Territories.....	33,000	33,000	33,000	---
Repatriation.....	1,000	1,000	1,000	---
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Subtotal, Welfare payments.....	34,000	34,000	34,000	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
Child Support Enforcement:				
State and Local Administration.....	3,507,323	2,942,035	2,942,035	-565,288
Federal Incentive Payments.....	513,000	519,000	519,000	+6,000
Access and Visitation.....	10,000	10,000	10,000	---
Subtotal, Child Support Enforcement.....	4,030,323	3,471,035	3,471,035	-559,288
Total, Family Support Payments Program Level....	4,064,323	3,505,035	3,505,035	-559,288
Less funds advanced in previous years.....	-1,100,000	-1,200,000	-1,200,000	-100,000
Total, Family Support Payments, current year....	2,964,323	2,305,035	2,305,035	-659,288
New advance, 1st quarter, FY 2013.....	1,200,000	1,100,000	1,100,000	-100,000
LOW-INCOME HOME ENERGY ASSISTANCE (LIHEAP)				
Formula Grants.....	4,500,653	1,980,000	3,478,246	-1,022,407
Contingency Fund.....	199,927	589,551	---	-199,927
Total, LIHEAP, Program Level.....	4,700,580	2,569,551	3,478,246	-1,222,334
REFUGEE AND ENTRANT ASSISTANCE				
Transitional and Medical Services.....	352,625	394,224	373,000	+20,375
Victims of Trafficking.....	9,794	9,814	9,794	---
Social Services.....	153,697	179,005	153,697	---
Preventive Health.....	4,739	4,748	4,739	---
Targeted Assistance.....	48,493	48,590	48,493	---
Unaccompanied Minors.....	149,052	177,225	169,000	+19,948
Victims of Torture.....	11,066	11,088	11,066	---
Total, Refugee and Entrant Assistance.....	729,466	824,694	769,789	+40,323
PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT				
Child Care and Development Block Grant.....	2,222,627	2,926,757	2,282,627	+60,000
SOCIAL SERVICES BLOCK GRANT (TITLE XX).....	1,700,000	1,700,000	1,700,000	---
CHILDREN AND FAMILIES SERVICES PROGRAMS				
Programs for Children, Youth and Families:				
Head Start, current funded.....	7,559,633	8,099,783	7,983,633	+424,000
Consolidated Runaway, Homeless Youth Program.....	97,539	102,734	97,539	---
Prevention Grants to Reduce Abuse of Runaway Youth	17,935	17,971	17,935	---
Child Abuse State Grants.....	26,482	26,535	26,482	---
Child Abuse Discretionary Activities.....	25,793	29,020	25,793	---
Community Based Child Abuse Prevention.....	41,606	41,689	41,606	---
Abandoned Infants Assistance.....	11,605	11,575	11,575	-30
Child Welfare Services.....	281,181	281,744	281,181	---
Child Welfare Training/				
Innovative Approaches to Foster Care.....	27,153	27,207	26,141	-1,012
Adoption Opportunities.....	39,253	39,332	39,253	---
Adoption Incentive.....	39,421	49,875	39,421	---
Strengthening Communities Fund.....	---	20,000	---	---
Social Services and Income Maintenance Research.....	---	3,000	---	---
Evaluation Tap Funding.....	(5,762)	(5,762)	(5,762)	---
Developmental Disabilities Programs:				
State Councils.....	74,916	75,066	74,916	---
Protection and Advocacy.....	40,942	41,024	40,942	---
Voting Access for Individuals with Disabilities...	17,375	---	5,245	-12,130
Developmental Disabilities Projects of National				
Significance.....	14,134	8,333	8,333	-5,801
University Centers for Excellence in Developmental				
Disabilities.....	38,865	38,943	38,865	---
Subtotal, Developmental Disabilities Programs...	186,232	163,366	168,301	-17,931

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
Native American Programs.....	48,675	48,773	48,675	---
Community Services:				
Community Services Block Grant Act programs:				
Grants to States for Community Services.....	678,640	350,000	678,640	---
Economic Development.....	17,964	20,000	30,000	+12,036
Rural Community Facilities.....	4,990	---	4,990	---
Subtotal.....	701,594	370,000	713,630	+12,036
Job Opportunities for Low-Income Individuals..	1,641	---	---	-1,641
Individual Development Account Initiative.....	23,977	23,907	19,907	-4,070
Subtotal, Community Services.....	727,212	393,907	733,537	+6,325
Domestic Violence Hotline.....	3,202	4,500	3,203	+1
Family Violence/Battered Women's Shelters.....	129,792	135,052	129,792	---
Mentoring Children of Prisoners.....	---	25,000	---	---
Independent Living Training Vouchers.....	45,260	45,351	45,260	---
Faith-Based Center.....	1,373	1,376	1,373	---
Disaster Human Services Case Management.....	1,996	2,000	1,996	---
Program Direction.....	208,013	224,808	204,013	-4,000
=====				
Total, Children and Families Services Programs..	9,519,356	9,794,598	9,926,709	+407,353
Current Year.....	(9,519,356)	(9,794,598)	(9,926,709)	(+407,353)
Evaluation Tap Funding.....	(5,762)	(5,762)	(5,762)	---
Total, Program Level.....	(9,525,118)	(9,800,360)	(9,932,471)	(+407,353)
PROMOTING SAFE AND STABLE FAMILIES .....	365,000	365,000	345,000	-20,000
Discretionary Funds.....	63,184	63,311	63,184	---
PAYMENTS FOR FOSTER CARE AND PERMANENCY				
Foster Care.....	3,967,000	4,288,000	4,288,000	+321,000
Adoption Assistance.....	2,480,000	2,495,000	2,495,000	+15,000
Kinship Guardianship.....	32,000	80,000	80,000	+48,000
Independent Living.....	140,000	140,000	140,000	---
Total, Payments to States.....	6,619,000	7,003,000	7,003,000	+384,000
Less Advances from Prior Year.....	-1,850,000	-1,850,000	-1,850,000	---
Total, payments, current year.....	4,769,000	5,153,000	5,153,000	+384,000
New Advance, 1st quarter.....	1,850,000	2,100,000	2,100,000	+250,000
=====				
Total, Administration for Children & Families.	30,083,536	28,901,946	29,223,590	-859,946
Current year.....	(27,033,536)	(25,701,946)	(26,023,590)	(-1,009,946)
FY 2013.....	(3,050,000)	(3,200,000)	(3,200,000)	(+150,000)
Evaluation Tap Funding.....	(5,762)	(5,762)	(5,762)	---
Total, ACF Program Level.....	30,089,298	28,907,708	29,229,352	-859,946



DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<b>ADMINISTRATION ON AGING</b>				
<b>AGING SERVICES PROGRAMS</b>				
<b>Grants to States:</b>				
Home and Community-based Supportive Services.....	367,611	416,476	367,611	---
Preventive Health.....	20,984	21,026	20,984	---
Protection of Vulnerable Older Americans-Title VII	21,839	26,880	21,839	---
Subtotal.....	410,434	464,382	410,434	---
Family Caregivers.....	153,912	192,220	153,912	---
Native American Caregivers Support.....	6,376	8,388	6,376	---
Subtotal, Caregivers.....	160,288	200,608	160,288	---
<b>Nutrition:</b>				
Congregate Meals.....	439,901	440,718	439,901	---
Home Delivered Meals.....	217,241	217,644	217,241	---
Nutrition Services Incentive Program.....	160,693	160,991	160,693	---
Subtotal.....	817,835	819,353	817,835	---
Subtotal, Grants to States.....	1,388,557	1,484,343	1,388,557	---
Grants for Native Americans.....	27,653	27,704	27,653	---
Program Innovations.....	19,069	11,509	---	-19,069
Aging Network Support Activities.....	8,183	7,948	7,888	-295
Alzheimer's Disease Demonstrations.....	11,441	11,462	4,018	-7,423
Lifespan Respite Care.....	2,495	10,000	2,495	---
Chronic Disease Self-Management Program.....	---	10,000	---	---
Adult Protective Services Demonstration.....	---	16,500	---	---
Community Service Employment for Older Americans.....	---	450,000	---	---
Program Administration--Aging services.....	19,939	24,543	23,107	+3,168
Program Administration--CLASS Administration.....	---	120,000	---	---
Senior Medicare Patrol Program.....	9,420	9,438	9,420	---
Elder Rights Support Activities.....	4,096	4,103	4,096	---
Aging and Disability Resources.....	6,469	3,434	6,469	---
State Health Insurance Program.....	---	46,960	---	---
Total, Administration on Aging.....	1,497,322	2,237,944	1,473,703	-23,619
Federal funds.....	1,497,322	2,190,984	1,473,703	-23,619
Trust Funds.....	---	(46,960)	---	---
Total, Administration on Aging program level....	1,497,322	2,237,944	1,473,703	-23,619

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<hr/>				
OFFICE OF THE SECRETARY GENERAL DEPARTMENTAL MANAGEMENT				
General Departmental Management:				
Federal Funds.....	201,713	250,905	220,014	+18,301
Trust Funds.....	5,851	---	---	-5,851
Subtotal.....	207,564	250,905	220,014	+12,450
Teen Pregnancy Prevention Community Grants.....	104,790	---	104,790	---
Teen Pregnancy Prevention approaches Evaluation Tap Funding.....	(4,455)	(8,455)	(8,455)	(+4,000)
Subtotal, Pregnancy Grants.....	(109,245)	(8,455)	(113,245)	(+4,000)
Abstinence Education.....	---	---	5,000	+5,000
Adolescent Family Life (Title XX).....	12,474	---	---	-12,474
Minority Health.....	55,888	57,980	55,888	---
Office of Women's Health.....	33,746	33,746	33,746	---
Minority HIV/AIDS.....	53,783	---	53,783	---
Evaluation Tap Funding.....	---	(53,891)	---	---
Transformation of the Commissioned Corps.....	8,071	7,013	---	-8,071
Embryo Adoption Awareness Campaign.....	2,004	2,000	2,000	-4
Healthcare-associated infections activities.....	1,450	5,000	---	-1,450
Acquisition reform.....	---	7,000	---	---
Planning and Evaluation, Evaluation Tap Funding .....	(60,756)	(64,356)	(60,756)	---
Total, General Departmental Management.....	479,770	363,644	475,221	-4,549
Federal Funds.....	(473,919)	(363,644)	(475,221)	(+1,302)
Trust Funds.....	5,851	---	---	-5,851
Evaluation Tap Funding (NA).....	(65,211)	(126,702)	(69,211)	(+4,000)
Total, General Departmental Management Program..	544,981	490,346	544,432	-549
OFFICE OF MEDICARE HEARINGS AND APPEALS.....	71,005	81,019	72,147	+1,142
OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY .....	42,246	57,013	16,446	-25,800
Evaluation Tap Funding.....	(19,011)	(21,400)	(44,811)	(+25,800)
Total, Program Level.....	(61,257)	(78,413)	(61,257)	---
OFFICE OF INSPECTOR GENERAL				
Inspector General Federal Funds.....	50,178	53,329	50,178	---
Evaluation tap funding, Planning and Evaluation ..	---	(10,000)	---	---
HIPAA/HCFAC funding (NA).....	(197,998)	(193,387)	(193,387)	(-4,611)
HCFAC funding (NA).....	(29,730)	(97,556)	(97,556)	(+67,826)
HCFAC collections (NA).....	---	(12,000)	(12,000)	(+12,000)
Medicaid Integrity Program Deficit Reduction Act (P.L. 109-171) (NA).....	---	(25,000)	(25,000)	(+25,000)
Total, Inspector General Program Level.....	(277,906)	(391,272)	(378,121)	(+100,215)
OFFICE FOR CIVIL RIGHTS:				
Federal Funds.....	37,709	46,717	41,016	+3,307
Trust Funds.....	3,307	---	---	-3,307
Total, Office for Civil Rights.....	41,016	46,717	41,016	---
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS				
Retirement Payments.....	386,040	418,082	418,082	+32,042
Survivors Benefits.....	27,888	31,625	31,625	+3,737
Dependents' Medical Care.....	103,608	114,798	114,798	+11,190
Total, Medical Benefits for Commissioned Officers	517,536	564,505	564,505	+46,969

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<b>PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND</b>				
<b>Assistant Secretary for Preparedness and Response</b>				
Operations.....	12,548	38,624	33,053	+20,505
ASPR Co-located Office Facility.....	---	10,000	---	---
Preparedness and Emergency Operations.....	32,999	34,647	29,647	-3,352
National Disaster Medical System.....	55,925	52,850	52,850	-3,075
Hospital Preparedness Cooperative Agreement Grants:				
Formula Grants.....	377,997	352,411	352,411	-25,586
Other Costs.....	---	23,055	23,055	+23,055
Emergency Systems for Advanced Registration of Volunteer Health Professionals (ESAR-VHP).....	5,861	5,000	5,000	-861
Bioterrorism Advanced Research and Development Authority.....	415,000	765,000	415,000	---
Medical Countermeasure Dispensing.....	---	5,000	---	---
Global Medicine, Science, and Public Health.....	8,731	---	---	-8,731
Policy, Strategic Planning, and Communications.....	4,358	15,708	15,708	+11,350
Subtotal, AS for Preparedness and Response.....	913,419	1,302,295	926,724	+13,305
<b>Assistant Secretary for Administration</b>				
Assistant Secretary for Administration, Cybersecurity Office of Security and Strategic Information.....	56,680 7,428	40,000 6,460	40,000 6,460	-16,680 -968
<b>Public Health and Science</b>				
Medical Reserve Corps.....	11,925	11,268	11,268	-657
<b>Office of the Secretary</b>				
Parklawn Lease Expiration.....	34,930	---	---	-34,930
Pandemic Influenza Preparedness: Fiscal year 2013.....	65,447	---	---	-65,447
Subtotal, Office of the Secretary.....	100,377	---	---	-100,377
Subtotal, Non-pandemic flu/BARDA/BioShield/Parklawn	574,452	585,023	569,452	-5,000
Total, PHSSEF.....	1,089,829	1,360,023	984,452	-105,377
Total, Office of the Secretary.....	2,291,580	2,526,250	2,203,965	-87,615
Federal Funds.....	2,211,417	2,445,231	2,131,818	-79,599
Trust Funds.....	80,163	81,019	72,147	-8,016
Evaluation Tap Funding (NA).....	(84,222)	(158,102)	(114,022)	(+29,800)
Total, Office of the Secretary Program Level....	2,375,802	2,684,352	2,317,987	-57,815
Total, Title II, Dept of Health & Human Services	573,138,484	592,599,237	588,943,611	+15,805,127
Federal Funds.....	569,109,089	587,493,705	584,681,611	+15,572,522
Current year.....	(479,613,800)	(493,679,623)	(490,867,529)	(+11,253,729)
FY 2013.....	(89,495,289)	(93,814,082)	(93,814,082)	(+4,318,793)
Trust Funds.....	4,029,395	5,105,532	4,262,000	+232,605
Pandemic Flu balances (Public Law 111-32)...	(224,859)	(30,000)	(30,000)	(-194,859)

Title II Footnotes:

1/ Includes Mine Safety and Health

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
-----				
TITLE III - DEPARTMENT OF EDUCATION				
EDUCATION FOR THE DISADVANTAGED				
Grants to Local Educational Agencies (LEAs)				
Basic Grants:				
Advance from prior year.....	(3,448,145)	(2,962,510)	(2,962,510)	(-485,635)
Forward funded.....	3,618,248	2,806,504	3,618,248	---
Current funded.....	3,992	4,000	3,992	---
-----				
Subtotal, Basic grants current year approp..	3,622,240	2,810,504	3,622,240	---
Subtotal, Basic grants total funds available	(7,070,385)	(5,773,014)	(6,584,750)	(-485,635)
-----				
Basic Grants FY 2013 Advance.....	2,962,510	3,787,442	2,962,510	---
-----				
Subtotal, Basic grants, program level.....	6,584,750	6,597,946	6,584,750	---
-----				
Concentration Grants:				
Advance from prior year.....	(1,365,031)	(1,362,301)	(1,362,301)	(-2,730)
FY 2013 Advance.....	1,362,301	1,365,031	1,362,301	---
-----				
Targeted Grants:				
Forward funded.....	---	---	30,000	+30,000
Advance from prior year.....	(3,014,000)	(3,258,183)	(3,258,183)	(+244,183)
FY 2013 Advance.....	3,258,183	3,264,712	3,258,183	---
-----				
Subtotal (excluding emergencies).....	3,258,183	3,264,712	3,288,183	+30,000
-----				
Education Finance Incentive Grants:				
Forward Funded .....	---	---	30,000	+30,000
Advance from prior year.....	(3,014,000)	(3,258,183)	(3,258,183)	(+244,183)
FY 2013 Advance.....	3,258,183	3,264,712	3,258,183	---
-----				
Subtotal.....	3,258,183	3,264,712	3,288,183	+30,000
=====				
Subtotal, Grants to LEAs, program level.....	14,463,417	14,792,401	14,523,417	+60,000
-----				
Title I Rewards.....	---	300,000	---	---
-----				
Subtotal, Grants to LEAs, program level.....	14,463,417	14,792,401	14,523,417	+60,000
-----				
School Improvement Grants.....	534,562	600,000	534,562	---
Early Learning Challenge Fund.....	---	350,000	---	---
Striving Readers.....	---	---	160,000	+160,000
State Agency Programs:				
Migrant.....	393,981	394,771	393,981	---
Neglected and Delinquent/High Risk Youth.....	50,326	50,427	50,326	---
-----				
Subtotal, State Agency programs.....	444,307	445,198	444,307	---
-----				
Evaluation.....	8,151	---	3,200	-4,951
High School Graduation Initiative.....	48,902	---	48,902	---
Migrant Education:				
High School Equivalency Program.....	36,595	36,668	36,595	---
=====				
Total, Education for the disadvantaged.....	15,535,934	16,224,267	15,750,983	+215,049
Current Year.....	(4,694,757)	(4,542,370)	(4,909,806)	(+215,049)
FY 2013.....	(10,841,177)	(11,681,897)	(10,841,177)	---
Subtotal, Forward Funded.....	(4,597,117)	(4,201,702)	(4,817,117)	(+220,000)

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<b>IMPACT AID</b>				
Basic Support Payments.....	1,135,724	1,138,000	1,155,724	+20,000
Payments for Children with Disabilities.....	48,505	48,602	48,505	---
Facilities Maintenance (Sec. 8008).....	4,854	4,864	4,854	---
Construction (Sec. 8007).....	17,474	17,509	17,474	---
Payments for Federal Property (Sec. 8002).....	67,074	67,208	67,074	---
	=====	=====	=====	=====
Total, Impact aid.....	1,273,631	1,276,183	1,293,631	+20,000
<b>SCHOOL IMPROVEMENT PROGRAMS</b>				
Effective Teaching and Learning: Literacy.....	---	383,348	---	---
Effective Teaching and Learning: STEM.....	---	206,046	---	---
Effective Teaching and Learning for Well-Rounded Educ.	---	246,084	---	---
College Pathways.....	---	86,000	---	---
State Grants for Improving Teacher Quality.....	786,613	---	786,613	---
Advance from prior year.....	(1,678,078)	(1,681,441)	(1,681,441)	(+3,363)
FY 2013.....	1,681,441	---	1,681,441	---
	=====	=====	=====	=====
Subtotal, State Grants for Improving Teacher Quality, program level.....	2,468,054	---	2,468,054	---
Mathematics and Science Partnerships.....	175,127	---	150,000	-25,127
Supplemental Education Grants.....	17,652	17,687	17,652	---
21st Century Community Learning Centers.....	1,153,854	1,266,166	1,153,854	---
State Assessments/Enhanced Assessment Instruments.....	389,951	420,000	389,951	---
Foreign Language Assistance.....	26,874	---	---	-26,874
Consolidated Runaway and Homeless Youth programs.....	65,296	65,427	65,296	---
Training and Advisory Services (Civil Rights).....	6,975	6,989	6,975	---
Education for Native Hawaiians.....	34,246	34,315	34,246	---
Alaska Native Education Equity.....	33,248	33,315	33,248	---
Rural Education.....	174,532	174,882	179,532	+5,000
Comprehensive Centers.....	51,210	56,313	51,210	---
	=====	=====	=====	=====
Total, School improvement programs.....	4,597,019	2,996,572	4,550,018	-47,001
Current Year.....	(2,915,578)	(2,996,572)	(2,868,577)	(-47,001)
FY 2013.....	(1,681,441)	---	(1,681,441)	---
Subtotal, Forward Funded.....	(2,745,373)	(1,926,475)	(2,725,246)	(-20,127)
<b>INDIAN EDUCATION</b>				
Grants to Local Educational Agencies.....	104,122	104,331	106,122	+2,000
Federal Programs:				
Special Programs for Indian Children.....	19,022	19,060	19,022	---
National Activities.....	3,883	3,891	5,883	+2,000
	=====	=====	=====	=====
Subtotal, Federal Programs.....	22,905	22,951	24,905	+2,000
	=====	=====	=====	=====
Total, Indian Education.....	127,027	127,282	131,027	+4,000

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<b>INNOVATION AND IMPROVEMENT</b>				
Race to the Top.....	698,600	900,000	550,000	-148,600
Investing in Innovation Fund.....	149,700	300,000	149,700	---
Effective Teachers and Leaders State Grants.....	---	2,500,000	---	---
Teacher and Leader Innovation Fund.....	---	500,000	---	---
Teacher and Leader Pathways.....	---	250,000	---	---
Expanding Educational Options.....	---	372,000	---	---
Transition to Teaching.....	41,124	---	26,103	-15,021
Teaching of Traditional American History.....	45,908	---	---	-45,908
School Leadership.....	29,162	---	29,162	---
Charter Schools Grants.....	255,519	---	255,519	---
Voluntary Public School Choice.....	25,767	---	---	-25,767
Magnet Schools Assistance.....	99,800	110,000	99,800	---
Fund for the Improvement of Education (FIE).....	40,900	13,000	65,900	+25,000
Advanced research projects.....	---	50,000	---	---
Teacher Incentive Fund.....	399,200	---	300,000	-99,200
Ready-to-Learn television.....	27,245	---	27,245	---
Advanced Placement.....	43,253	---	27,000	-16,253
=====				
Total, Innovation and Improvement.....	1,856,178	4,995,000	1,530,429	-325,749
Current Year.....	(1,856,178)	(4,995,000)	(1,530,429)	(-325,749)
<b>SAFE SCHOOLS AND CITIZENSHIP EDUCATION</b>				
Safe and Healthy Students.....	---	364,966	---	---
Promise Neighborhoods.....	29,940	150,000	60,000	+30,060
National Programs.....	119,226	---	65,000	-54,226
Alcohol Abuse Reduction.....	6,907	---	---	-6,907
Elementary and Secondary School Counseling.....	52,395	---	52,395	---
Carol M. White Physical Education Program.....	78,842	---	78,842	---
Civic Education.....	1,155	---	---	-1,155
=====				
Total, Safe Schools and Citizenship Education...	288,465	514,966	256,237	-32,228
<b>ENGLISH LANGUAGE ACQUISITION</b>				
Current funded.....	47,679	48,750	47,679	---
Forward funded.....	685,851	701,250	685,851	---
-----				
Total, English Language Acquisition.....	733,530	750,000	733,530	---
<b>SPECIAL EDUCATION</b>				
State Grants:				
Grants to States Part B current year.....	2,889,817	2,272,108	2,298,817	-591,000
Part B advance from prior year.....	(8,575,198)	(8,592,383)	(8,592,383)	(+17,185)
Grants to States Part B (FY 2013).....	8,592,383	9,433,103	9,283,383	+691,000
-----				
Subtotal, program level.....	11,482,200	11,705,211	11,582,200	+100,000
Preschool Grants:				
Preschool Grants.....	373,351	374,099	373,351	---
Grants for Infants and Families.....	438,548	489,427	443,548	+5,000
-----				
Subtotal, program level.....	12,294,099	12,568,737	12,399,099	+105,000
IDEA National Activities (current funded):				
State Personnel Development.....	46,846	48,000	44,000	-2,846
Technical Assistance and Dissemination.....	56,885	57,644	54,885	-2,000
Personnel Preparation.....	88,466	90,653	88,466	---
Parent Information Centers.....	27,972	28,028	28,972	+1,000
Technology and Media Services.....	28,644	33,289	29,644	+1,000
-----				
Subtotal, IDEA special programs.....	248,813	257,614	245,967	-2,846
Mentoring for Individuals with Disabilities.....	---	5,000	---	---
PROMISE.....	---	30,000	2,000	+2,000
=====				
Total, Special education.....	12,542,912	12,861,351	12,647,066	+104,154
Current Year.....	(3,950,529)	(3,428,248)	(3,363,683)	(-586,846)
FY 2013.....	(8,592,383)	(9,433,103)	(9,283,383)	(+691,000)
Subtotal, Forward Funded.....	(3,701,716)	(3,135,634)	(3,115,716)	(-586,000)

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<b>REHABILITATION SERVICES AND DISABILITY RESEARCH</b>				
Vocational Rehabilitation State Grants.....	3,084,696	3,121,712	3,121,712	+37,016
Discretionary supplement .....	---	19,266	---	---
Subtotal, VR State grants program level.....	3,084,696	3,140,978	3,121,712	+37,016
Client Assistance State grants.....	12,263	12,288	12,263	---
Training.....	35,582	33,251	35,582	---
Demonstration and Training programs.....	6,459	---	5,335	-1,124
Migrant and Seasonal Farmworkers.....	1,856	---	1,264	-592
Protection and Advocacy of Individual Rights (PAIR)...	18,065	18,101	18,065	---
Supported Employment State grants.....	29,123	---	29,123	---
Independent Living:				
Independent Living grants.....	---	103,716	---	---
State Grants.....	23,403	---	23,403	---
Centers.....	80,105	---	80,105	---
Services for Older Blind Individuals.....	34,083	34,151	34,083	---
Subtotal.....	137,591	137,867	137,591	---
National activities to improve rehabilitation.....	---	8,000	---	---
Access through cloud computing.....	---	10,000	---	---
Workforce innovation fund.....	---	30,000	---	---
Helen Keller National Center for Deaf/Blind Youth and Adults.....	9,163	9,181	9,163	---
National Inst. Disability and Rehab. Research (NIDRR)...	109,023	110,485	109,023	---
Assistive Technology.....	30,898	30,960	32,898	+2,000
Subtotal, Discretionary programs.....	390,023	419,399	390,307	+284
Total, Rehabilitation services.....	3,474,719	3,541,111	3,512,019	+37,300
<b>SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES</b>				
AMERICAN PRINTING HOUSE FOR THE BLIND.....	24,551	24,600	24,551	---
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF (NTID):				
Operations.....	65,306	63,037	65,546	+240
Construction.....	240	2,000	---	-240
Total, NTID.....	65,546	65,037	65,546	---
GALLAUDET UNIVERSITY:				
Operations.....	117,764	118,000	117,764	---
Construction.....	4,990	---	7,990	+3,000
Total, Gallaudet University.....	122,754	118,000	125,754	+3,000
Total, Special Institutions for Persons with Disabilities.....	212,851	207,637	215,851	+3,000
<b>CAREER, TECHNICAL AND ADULT EDUCATION</b>				
Career Education:				
Basic State Grants/Secondary & Technical Education				
State Grants, current funded.....	332,659	209,000	332,659	---
Advance from prior year.....	(791,000)	(791,000)	(791,000)	---
FY 2013.....	791,000	791,000	791,000	---
Subtotal, Basic State Grants, program level.....	1,123,659	1,000,000	1,123,659	---
National Programs.....	7,844	7,860	7,844	---
Subtotal, Career Education.....	1,131,503	1,007,860	1,131,503	---

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<b>Adult Education:</b>				
State Grants/Adult Basic and Literacy Education:				
State Grants, current funded.....	596,120	635,000	596,120	---
National Leadership Activities.....	11,323	23,346	11,323	---
	=====	=====	=====	=====
Subtotal, Adult education.....	607,443	658,346	607,443	---
State Grants for Incarcerated Youth Offenders.....	---	17,186	---	---
	=====	=====	=====	=====
Total, Career and adult education.....	1,738,946	1,683,392	1,738,946	---
Current Year.....	(947,946)	(892,392)	(947,946)	---
FY 2013.....	(791,000)	(791,000)	(791,000)	---
Subtotal, Forward Funded.....	(947,946)	(892,392)	(947,946)	---
<b>STUDENT FINANCIAL ASSISTANCE</b>				
Pell Grants -- maximum grant (NA).....	(4,860)	(4,860)	(4,860)	---
Pell Grants.....	22,955,996	28,600,059	22,824,000	-131,996
Federal Supplemental Educational Opportunity Grants...	735,990	757,465	735,990	---
Federal Work Study.....	978,531	980,492	978,531	---
	=====	=====	=====	=====
Total, Student Financial Assistance (SFA).....	24,670,517	30,338,016	24,538,521	-131,996
<b>STUDENT AID ADMINISTRATION</b>				
Salaries and Expenses .....	675,363	725,104	675,363	---
Servicing Activities.....	316,649	370,314	370,000	+53,351
	=====	=====	=====	=====
Total, Student Aid Administration.....	992,012	1,095,418	1,045,363	+53,351
<b>HIGHER EDUCATION</b>				
Aid for Institutional Development:				
Strengthening Institutions.....	83,832	84,000	80,776	-3,056
Hispanic Serving Institutions.....	104,395	117,429	100,622	-3,773
Promoting Post-Baccalaureate Opportunities for				
Hispanic Americans.....	9,336	10,500	9,028	-308
Strengthening Historically Black Colleges (HBCUs).	236,991	266,586	228,412	-8,579
Strengthening Historically Black Graduate				
Institutions.....	61,302	61,425	59,070	-2,232
Strengthening Predominantly Black Institutions....	9,602	10,801	9,280	-322
Asian American Pacific Islander.....	3,199	3,600	3,125	-74
Strengthening Alaska Native and				
Native Hawaiian-Serving Institutions.....	13,412	15,084	12,883	-529
Strengthening Native American-Serving Nontribal				
Institutions.....	3,199	3,600	3,125	-74
Strengthening Tribal Colleges.....	26,820	30,169	25,762	-1,058
	=====	=====	=====	=====
Subtotal, Aid for Institutional development.....	552,088	603,194	532,083	-20,005
International Education and Foreign Language:				
Domestic Programs.....	66,712	108,360	66,712	---
Overseas Programs.....	7,465	15,576	7,465	---
Institute for International Public Policy.....	1,552	1,945	---	-1,552
	=====	=====	=====	=====
Subtotal, International Education & Foreign Lang	75,729	125,881	74,177	-1,552
Fund for the Improvement of Postsec. Ed. (FIPSE).....	19,607	150,000	3,500	-16,107
Postsecondary Program for Students with Intellectual				
Disabilities.....	10,978	---	10,978	---
Minority Science and Engineering Improvement.....	9,484	9,503	9,484	---
Tribally Controlled Postsec Voc/Tech Institutions.....	8,146	8,162	8,146	---
Federal TRIO Programs.....	826,522	920,089	841,522	+15,000
GEAR UP.....	302,816	323,212	302,816	---
Javits Fellowships.....	8,084	---	---	-8,084
Graduate Assistance in Areas of National Need.....	30,968	40,717	30,968	---
Teacher Quality Partnerships.....	42,914	---	42,914	---
Child Care Access Means Parents in School.....	16,002	16,034	16,000	-2
GPRA Data/HEA Program Evaluation.....	608	609	608	---
Hawkins Centers of Excellence.....	---	40,000	---	---
Thurgood Marshall Legal Education Opportunities.....	---	3,000	---	---
	=====	=====	=====	=====
Total, Higher Education.....	1,903,946	2,240,401	1,873,196	-30,750



DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
-----				
HOWARD UNIVERSITY				
Academic Program.....	202,026	202,431	202,019	-7
Endowment Program.....	3,593	3,600	3,600	+7
Howard University Hospital.....	28,888	28,946	28,888	---
Total, Howard University.....	234,507	234,977	234,507	---
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS(CHAFL)..	460	478	460	---
HBCU CAPITAL FINANCING PROGRAM				
HBCU Federal Administration.....	353	354	353	---
HBCU Loan Subsidies.....	20,188	20,228	20,188	---
Total, HBCU Capital Financing Program.....	20,541	20,582	20,541	---
INSTITUTE OF EDUCATION SCIENCES (IES)				
Research, Development and Dissemination.....	199,796	260,413	190,146	-9,650
Statistics.....	108,304	117,021	108,954	+650
Regional Educational Laboratories.....	57,535	69,650	57,535	---
Research in Special Education.....	50,983	58,085	50,000	-983
Special Education Studies and Evaluations.....	11,437	11,460	11,437	---
Statewide Data Systems.....	42,166	100,000	38,149	-4,017
Assessment:				
National Assessment.....	129,861	135,121	129,861	---
National Assessment Governing Board.....	8,706	8,723	8,706	---
Subtotal, Assessment.....	138,567	143,844	138,567	---
Total, IES.....	608,788	760,473	594,788	-14,000
DEPARTMENTAL MANAGEMENT				
PROGRAM ADMINISTRATION				
Salaries and Expenses.....	447,104	476,327	447,104	---
Building Modernization.....	8,184	2,711	---	-8,184
Total, Program administration.....	455,288	479,038	447,104	-8,184
OFFICE FOR CIVIL RIGHTS.....	102,818	107,772	102,818	---
OFFICE OF THE INSPECTOR GENERAL.....	59,933	67,187	59,933	---
Total, Departmental management.....	618,039	653,997	609,855	-8,184
Total, Title III, Department of Education.....	71,430,022	80,522,103	71,276,968	-153,054
Current Year.....	(49,524,021)	(58,616,103)	(48,679,967)	(-844,054)
FY 2013.....	(21,906,001)	(21,906,000)	(22,597,001)	(+691,000)

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
-----				
TITLE IV - RELATED AGENCIES				
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.....	5,385	5,841	5,385	---
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE				
OPERATING EXPENSES				
Domestic Volunteer Service Programs:				
Volunteers in Service to America (VISTA).....	98,876	100,000	95,000	-3,876
National Senior Volunteer Corps:				
Foster Grandparents Program.....	110,774	111,100	110,774	---
Senior Companion Program.....	46,810	47,000	46,810	---
Senior Corps Demonstration.....	---	5,000	---	---
Retired Senior Volunteer Program.....	50,299	63,000	50,299	---
Subtotal, Senior Volunteers.....	207,883	226,100	207,883	---
	=====	=====	=====	=====
Subtotal, Domestic Volunteer Service Programs...	306,759	326,100	302,883	-3,876
National and Community Service Programs:				
AmeriCorps State and National Grants.....	347,360	399,790	345,000	-2,360
Disability Placement Funds.....	4,990	5,000	---	-4,990
Innovation, Assistance, and Other Activities.....	60,379	80,500	53,381	-6,998
Evaluation.....	5,988	6,000	3,000	-2,988
National Civilian Community Corps.....	28,942	35,000	31,942	+3,000
Learn and Serve America.....	---	39,500	---	---
State Commission Administrative Grants.....	16,966	17,000	13,466	-3,500
Training and Technical Assistance.....	7,485	7,500	2,000	-5,485
Subtotal, National & Community Service Programs.	472,110	590,290	448,789	-23,321
Total, Operating expenses.....	778,869	916,390	751,672	-27,197
National Service Trust.....	201,200	235,326	212,198	+10,998
Salaries and Expenses.....	87,824	97,694	83,000	-4,824
Office of Inspector General.....	7,685	8,450	4,000	-3,685
	=====	=====	=====	=====
Total, Corp. for National and Community Service.	1,075,578	1,257,860	1,050,870	-24,708
CORPORATION FOR PUBLIC BROADCASTING:				
FY 2014 (current) with FY 2013 comparable.....	445,000	451,000	445,000	---
FY 2013 advance with FY 2012 comparable (NA).....	(445,000)	(445,000)	(445,000)	---
FY 2012 advance with FY 2011 comparable (NA).....	(445,000)	(445,000)	(445,000)	---
Digitalization program, current funded.....	5,988	6,000	---	-5,988
Subtotal, FY 2012 appropriation.....	5,988	6,000	---	-5,988

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<hr/>				
FEDERAL MEDIATION AND CONCILIATION SERVICE.....	46,559	48,025	46,250	-309
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.....	10,337	22,417	17,637	+7,300
INSTITUTE OF MUSEUM AND LIBRARY SERVICES.....	237,393	242,605	232,393	-5,000
MEDICARE PAYMENT ADVISORY COMMISSION.....	12,425	13,100	11,800	-625
MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION.....	---	11,000	6,000	+6,000
NATIONAL COUNCIL ON DISABILITY.....	3,264	3,400	3,264	---
NATIONAL HEALTH CARE WORKFORCE COMMISSION.....	---	3,000	---	---
NATIONAL LABOR RELATIONS BOARD.....	282,833	287,699	278,833	-4,000
NATIONAL MEDIATION BOARD.....	13,436	13,961	13,436	---
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.....	11,689	12,773	11,689	---
RAILROAD RETIREMENT BOARD				
Dual Benefits Payments Account.....	56,886	51,000	51,000	-5,886
Less Income Tax Receipts on Dual Benefits.....	-3,000	-2,000	-2,000	+1,000
Subtotal, Dual Benefits.....	53,886	49,000	49,000	-4,886
Federal Payment to the RR Retirement Account.....	150	150	150	---
Limitation on Administration.....	108,855	112,239	108,855	---
Inspector General.....	8,170	9,259	8,170	---
SOCIAL SECURITY ADMINISTRATION				
Payments to Social Security Trust Funds.....	21,404	20,404	20,404	-1,000
SUPPLEMENTAL SECURITY INCOME				
Federal Benefit Payments.....	52,387,000	47,554,000	47,554,000	-4,833,000
Beneficiary Services.....	60,000	47,000	47,000	-13,000
Research and Demonstration.....	42,928	38,000	8,000	-34,928
Administration.....	3,486,286	3,844,000	3,373,991	-112,295
Subtotal, SSI program level.....	55,976,214	51,483,000	50,982,991	-4,993,223
Less funds advanced in prior year.....	-16,000,000	-13,400,000	-13,400,000	+2,600,000
Subtotal, regular SSI current year.....	39,976,214	38,083,000	37,582,991	-2,393,223
New advance, 1st quarter, FY 2013.....	13,400,000	18,200,000	18,200,000	+4,800,000
Total, SSI program.....	53,376,214	56,283,000	55,782,991	+2,406,777
LIMITATION ON ADMINISTRATIVE EXPENSES				
OASDI Trust Funds.....	5,556,741	5,931,407	5,310,602	-246,139
HI/SMI Trust Funds.....	2,049,942	2,253,780	2,093,751	+43,809
Social Security Advisory Board.....	2,295	2,150	2,150	-145
Acquisition Workforce Capacity and Capabilities.....	---	1,863	---	---
SSI.....	3,144,970	3,546,000	3,148,991	+4,021
Program Integrity adjustment.....	-272,454	-315,000	---	+272,454
Subtotal, regular LAE.....	10,481,494	11,420,200	10,555,494	+74,000
User Fees:				
SSI User Fee activities.....	185,628	163,000	155,000	-30,628
SSPA User Fee Activities.....	---	1,000	---	---
Subtotal, User fees.....	185,628	164,000	155,000	-30,628
Subtotal, Limitation on administrative expenses.....	10,667,122	11,584,200	10,710,494	+43,372
Program Integrity Funding:				
SSI Limitation on administrative expenses.....	272,454	315,000	---	-272,454
OASDI Trust Funds.....	142,714	325,000	49,000	-93,714
SSI.....	341,316	298,000	225,000	-116,316
Subtotal, Program integrity funding.....	756,484	938,000	274,000	-482,484
Total, Limitation on Administrative Expenses.....	11,423,606	12,522,200	10,984,494	-439,112

DIVISION F: LABOR - HEALTH AND HUMAN SERVICES - EDUCATION - AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Comparable	FY 2012 Request	Conference	Conference Vs Comparable
<b>OFFICE OF THE INSPECTOR GENERAL</b>				
Federal Funds.....	28,942	30,000	28,942	---
Trust Funds.....	73,535	77,113	73,535	---
Total, Office of the Inspector General.....	102,477	107,113	102,477	---
Adjustment: Trust fund transfers from general revenues	-3,486,286	-3,844,000	-3,373,991	+112,295
Total, Social Security Administration.....	61,437,415	65,088,717	63,516,375	+2,078,960
Federal funds.....	53,612,188	56,499,267	55,987,337	+2,375,149
Current year.....	(40,212,188)	(38,299,267)	(37,787,337)	(-2,424,851)
New advances, 1st quarter.....	(13,400,000)	(18,200,000)	(18,200,000)	(+4,800,000)
Trust funds.....	7,825,227	8,589,450	7,529,038	-296,189
Total, Title IV, Related Agencies.....	63,758,363	67,638,046	65,805,107	+2,046,744
Federal Funds.....	55,803,686	58,913,998	58,147,244	+2,343,558
Current Year.....	(41,958,686)	(40,262,998)	(39,502,244)	(-2,456,442)
FY 2013 Advance.....	(13,400,000)	(18,200,000)	(18,200,000)	(+4,800,000)
FY 2014 Advance.....	(445,000)	(451,000)	(445,000)	---
Trust Funds.....	7,954,677	8,724,048	7,657,863	-296,814
<b>RECAP</b>				
Mandatory, total in bill.....	557,434,753	577,048,325	576,727,703	+19,292,950
Less advances for subsequent years.....	-102,936,289	-112,054,082	-112,054,082	-9,117,793
Plus advances provided in prior years.....	105,784,382	102,936,289	102,936,289	-2,848,093
Total, mandatory, current year.....	560,282,846	567,930,532	567,609,910	+7,327,064
Discretionary, total in bill.....	165,303,817	178,519,422	163,855,125	-1,448,692
Less advances for subsequent years.....	-24,814,001	-24,795,000	-24,814,001	---
Plus advances provided in prior years.....	24,772,666	24,814,001	24,814,001	+41,335
Subtotal, discretionary, current year.....	165,262,482	178,538,423	163,855,125	-1,407,357
Discretionary Scorekeeping adjustments:				
Office of Job Corps (DOL) (rescission).....	-75,000	-25,000	---	+75,000
Investment in Reinvention Fund (DOL) (rescission).....	-3,900	---	---	+3,900
PHSSEF (PL111-32) (rescission) (emergency).....	-1,259,000	---	---	+1,259,000
SSI User Fee Collection.....	-185,628	-164,000	-155,000	+30,628
SSA no-year IT funds (rescission).....	-275,000	---	---	+275,000
Average Weekly Insured Unemployment (AWIU) Conting	5,000	5,000	5,000	---
Career Pathways Innovation Fund (rescission).....	-125,000	---	---	+125,000
Refugee and Entrant Assistance (rescission).....	-25,000	---	---	+25,000
Academic Competitiveness & SMART grants (rescission)	-560,000	---	---	+560,000
Pell grants (CBO adjustment).....	---	3,175,984	---	---
Higher Ed reconciliation (rescission).....	-31,000	---	---	+31,000
Medicare Eligible Accruals (permanent, indefinite).....	37,470	38,614	38,614	+1,144
BARDA Transfer (from Bioshield to PHSSEF).....	-415,000	-765,000	-415,000	---
Highly Qualified Teacher fix (Sec. 163).....	3,000	---	---	-3,000
Childrens Health Insurance Program (rescission)...	-3,500,000	---	-6,367,964	-2,867,964
Rescissions (CHIMPs) (PL111-148):				
Consumer Operated and Oriented Plan (CO-OP).....	-2,200,000	---	-400,000	+1,800,000
Independent Payment Advisory Board.....	---	---	-10,000	-10,000
Pell grant mandatory adjustment.....	-492,000	---	---	+492,000
CBO estimate of discretionary FY12				
across-the-board (excluding Pell) (rescission)...	---	---	-267,000	-267,000
Plus rescissions of emergency appropriations.....	1,259,000	---	---	-1,259,000
Total, discretionary.....	157,420,424	180,804,021	156,283,775	-1,136,649
Adjustment to balance with 2011 enacted.....	21,576	---	---	-21,576
Total, discretionary (FY 2011 enacted).....	157,442,000	180,804,021	156,283,775	-1,158,225
Grand total, current year (incl FY 2011 comparable)...	717,703,270	748,734,553	723,893,685	+6,190,415

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
-----				
TITLE I - LEGISLATIVE BRANCH				
SENATE				
Expense allowances:				
Vice President.....	20	20	19	-1
President Pro Tempore of the Senate.....	40	40	38	-2
Majority Leader of the Senate.....	40	40	40	---
Minority Leader of the Senate.....	40	40	40	---
Majority Whip of the Senate.....	10	10	10	---
Minority Whip of the Senate.....	10	10	10	---
Chairman of the Majority Conference Committee.....	5	5	5	---
Chairman of the Minority Conference Committee.....	5	5	5	---
Chairman of the Majority Policy Committee.....	5	5	5	---
Chairman of the Minority Policy Committee.....	5	5	5	---
-----				
Subtotal, expense allowances.....	180	180	177	-3
Representation allowances for the Majority and Minority Leaders.....	30	30	28	-2
-----				
Total, Expense allowances and representation....	210	210	205	-5
Salaries, Officers and Employees				
Office of the Vice President.....	2,512	2,517	2,361	-151
Office of the President Pro Tempore.....	750	752	705	-45
Offices of the Majority and Minority Leaders.....	5,202	5,212	5,202	---
Offices of the Majority and Minority Whips.....	3,281	3,288	3,281	---
Committee on Appropriations.....	15,812	15,844	14,864	-948
Conference committees.....	3,445	3,452	3,238	-207
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority.....	848	850	797	-51
Policy Committees.....	3,519	3,526	3,308	-211
Office of the Chaplain.....	414	415	406	-8
Office of the Secretary.....	25,738	25,790	24,194	-1,544
Office of the Sergeant at Arms and Doorkeeper.....	76,846	77,588	73,000	-3,846
Offices of the Secretaries for the Majority and Minority.....	1,832	1,836	1,722	-110
Agency contributions and related expenses.....	45,409	45,500	42,684	-2,725
-----				
Total, Salaries, officers and employees.....	185,608	186,570	175,762	-9,846
Office of the Legislative Counsel of the Senate				
Salaries and expenses.....	7,140	7,411	6,995	-145
Office of Senate Legal Counsel				
Salaries and expenses.....	1,541	1,544	1,449	-92
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances.....	30	30	28	-2
Contingent Expenses of the Senate				
Inquiries and investigations.....	140,219	161,346	131,306	-8,913
Expenses of United States Senate Caucus on International Narcotics Control.....	519	520	488	-31
Secretary of the Senate.....	6,188	6,200	5,816	-372
Sergeant at Arms and Doorkeeper of the Senate.....	142,116	141,588	130,722	-11,394
Miscellaneous items.....	21,103	18,860	19,360	-1,743
Senators' Official Personnel and Office Expense Account.....	409,180	446,967	396,180	-13,000
Official Mail Costs				
Expenses.....	299	300	281	-18
-----				
Total, Contingent expenses of the Senate.....	719,624	775,781	684,153	-35,471
=====				
Total, Senate.....	914,153	971,546	868,592	-45,561

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>HOUSE OF REPRESENTATIVES</b>				
Salaries and Expenses				
House Leadership Offices				
Office of the Speaker.....	4,878	4,877	6,943	+2,065
Speaker's Office for Legislative Floor Activities...	498	497	---	-498
Republican Steering Committee.....	941	942	---	-941
Republican Policy Committee.....	344	348	---	-344
Training and Program Development, Majority.....	278	279	---	-278
Cloakroom Personnel, Majority.....	477	477	---	-477
Subtotal, Office of the Speaker.....	7,416	7,420	6,943	-473
Office of the Majority Floor Leader.....	2,433	2,430	2,278	-155
Office of the Minority Floor Leader.....	4,378	4,385	7,433	+3,055
Democratic Steering and Policy Committee.....	1,319	1,312	---	-1,319
Nine minority employees.....	1,487	1,491	---	-1,487
Training and Program Development, Minority.....	277	279	---	-277
Cloakroom Personnel, Minority.....	477	477	---	-477
Subtotal, Office of the Minority Floor Leader...	7,938	7,944	7,433	-505
Office of the Majority Whip.....	2,105	2,108	1,971	-134
Office of the Minority Whip.....	1,629	1,624	1,525	-104
Republican Conference.....	1,680	1,679	1,573	-107
Democratic Caucus.....	1,660	1,657	1,554	-106
Subtotal, House Leadership Offices.....	24,861	24,862	23,277	-1,584
Transition to Calendar Year Funding				
Office of the Speaker.....	---	---	1,736	+1,736
Office of the Majority Floor Leader.....	---	---	569	+569
Office of the Minority Floor Leader.....	---	---	1,858	+1,858
Office of the Majority Whip.....	---	---	493	+493
Office of the Minority Whip.....	---	---	381	+381
Republican Conference.....	---	---	393	+393
Democratic Caucus.....	---	---	388	+388
Subtotal, Transition to Calendar Year Funding...	---	---	5,818	+5,818
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail				
Expenses.....	613,052	633,848	573,939	-39,113
Committee Employees				
Standing Committees, Special and Select.....	134,549	134,549	125,965	-8,584
Committee on Appropriations (including studies and investigations).....	28,483	28,483	26,666	-1,817
Subtotal, Committee employees.....	163,032	163,032	152,631	-10,401
Salaries, Officers and Employees				
Office of the Clerk.....	28,589	30,516	26,114	-2,475
Office of the Sergeant at Arms.....	9,034	15,009	8,140	-894
Office of Emergency Management.....	---	4,445	4,445	+4,445
Office of the Chief Administrative Officer.....	127,782	130,782	116,782	-11,000
Office of the Inspector General.....	5,045	5,045	5,045	---
Office for Emergency Planning, Preparedness and Operations.....	4,445	---	---	-4,445
Office of General Counsel.....	1,415	1,415	1,415	---
Office of the Chaplain.....	179	179	179	---
Office of the Parliamentarian.....	2,060	2,060	2,060	---
Office of the Parliamentarian.....	(1,466)	(1,466)	(1,466)	---
Compilation of precedents of the House of Representatives.....	(594)	(594)	(594)	---
Office of the Law Revision Counsel of the House.....	3,258	3,258	3,258	---
Office of the Legislative Counsel of the House.....	8,814	8,814	8,814	---

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Office of Interparliamentary Affairs.....	859	859	859	---
Other authorized employees.....	1,249	1,249	347	-902
Office of the Historian.....	597	170	170	-427
Subtotal, Salaries, officers and employees.....	193,326	203,801	177,628	-15,698
Allowances and Expenses				
Supplies, materials, administrative costs and Federal tort claims.....	3,948	3,948	3,696	-252
Official mail for committees, leadership offices, and administrative offices of the House.....	201	201	201	---
Government contributions.....	280,349	276,703	264,848	-15,501
Business Continuity and Disaster Recovery.....	22,912	17,098	17,112	-5,800
Transition activities.....	2,907	2,907	1,722	-1,185
Wounded Warrior program.....	2,000	2,500	2,500	+500
Energy demonstration projects.....	2,500	2,500	---	-2,500
Office of Congressional Ethic.....	1,548	1,548	1,548	---
Miscellaneous items.....	760	760	760	---
Subtotal, Allowances and expenses.....	317,125	308,165	292,387	-24,738
Total, House of Representatives.....	1,311,396	1,333,708	1,225,680	-85,716
JOINT ITEMS				
Joint Economic Committee.....	4,490	4,814	4,203	-287
Joint Congressional Committee on Inaugural Ceremonies.....	---	---	1,237	+1,237
Joint Committee on Taxation.....	10,530	11,327	10,004	-526
Office of the Attending Physician				
Medical supplies, equipment, expenses, and allowances.....	3,400	3,403	3,400	---
Office of Congressional Accessibility Services.....	1,374	1,363	1,363	-11
Total, Joint items.....	19,794	20,907	20,207	+413
CAPITOL POLICE				
Salaries.....	277,133	299,343	277,133	---
General expenses.....	63,004	88,273	63,004	---
Total, Capitol Police.....	340,137	387,616	340,137	---
OFFICE OF COMPLIANCE				
Salaries and expenses.....	4,077	4,782	3,817	-260
CONGRESSIONAL BUDGET OFFICE				
Salaries and expenses.....	46,771	46,865	43,787	-2,984
ARCHITECT OF THE CAPITOL				
General administration.....	106,569	119,150	101,340	-5,229
Capitol building.....	33,116	41,545	36,154	+3,038
Capitol grounds.....	10,952	10,799	9,852	-1,100
Senate office buildings.....	74,243	87,253	71,128	-3,115
House of Representatives buildings:				
House office buildings.....	100,265	119,647	94,154	-6,111
House Historic buildings revitalization fund.....	49,900	50,000	30,000	-19,900
Capitol Power Plant.....	126,879	150,101	132,229	+5,350
Offsetting collections.....	-7,984	-8,000	-9,000	-1,016
Subtotal, Capitol Power Plant.....	118,895	142,101	123,229	+4,334
Library buildings and grounds.....	45,703	67,888	46,876	+1,173
Capitol police buildings, grounds and security.....	26,958	32,312	21,500	-5,458
Botanic garden.....	11,367	12,344	12,000	+633
Capitol Visitor Center:				
CVC Operations.....	22,414	23,016	21,276	-1,138
Total, Architect of the Capitol.....	600,382	706,055	567,509	-32,873

DIVISION G - LEGISLATIVE BRANCH APPROPRIATIONS ACT 2012  
(Amounts in Thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
LIBRARY OF CONGRESS				
Salaries and expenses.....	438,122	462,329	420,093	-18,029
Authority to spend receipts.....	-6,337	-6,350	-6,350	-13
Subtotal, Salaries and expenses.....	431,785	455,979	413,743	-18,042
Copyright Office, salaries and expenses.....	54,367	56,440	51,650	-2,717
Authority to spend receipts.....	-36,539	-34,717	-35,513	+1,026
Subtotal, Copyright Office.....	17,828	21,723	16,137	-1,691
Congressional Research Service, salaries and expenses, Books for the blind and physically handicapped	111,018	117,102	106,790	-4,228
Salaries and expenses.....	68,046	71,927	50,674	-17,372
Total, Library of Congress.....	628,677	666,731	587,344	-41,333
GOVERNMENT PRINTING OFFICE				
Congressional printing and binding.....	93,580	100,001	90,700	-2,880
Office of the Superintendent of Documents, salaries and expenses.....	39,831	42,173	35,000	-4,831
Government Printing Office Revolving Fund.....	1,656	6,300	500	-1,156
Total, Government Printing Office.....	135,067	148,474	126,200	-8,867
GOVERNMENT ACCOUNTABILITY OFFICE				
Salaries and expenses.....	565,715	575,153	533,600	-32,115
Offsetting collections.....	-19,461	-18,304	-22,304	-2,843
Total, Government Accountability Office.....	546,254	556,849	511,296	-34,958
OPEN WORLD LEADERSHIP CENTER				
Payment to the Open World Leadership Center Trust Fund.....	11,377	12,600	10,000	-1,377
JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT				
Stennis Center for Public Service.....	429	430	430	+1
GENERAL PROVISIONS				
Architect of the Capitol, Capitol Visitor Center (rescission).....	-14,600	---	---	+14,600
Grand total.....	4,543,914	4,856,563	4,304,999	-238,915
RECAPITULATION				
Senate.....	914,153	971,546	868,592	-45,561
House of Representatives.....	1,311,396	1,333,708	1,225,680	-85,716
Joint Items.....	19,794	20,907	20,207	+413
Capitol Police.....	340,137	387,616	340,137	---
Office of Compliance.....	4,077	4,782	3,817	-260
Congressional Budget Office.....	46,771	46,865	43,787	-2,984
Architect of the Capitol.....	600,382	706,055	567,509	-32,873
Library of Congress.....	628,677	666,731	587,344	-41,333
Government Printing Office.....	135,067	148,474	126,200	-8,867
Government Accountability Office.....	546,254	556,849	511,296	-34,958
Open World Leadership Center.....	11,377	12,600	10,000	-1,377
Stennis Center for Public Service.....	429	430	430	+1
General provisions.....	-14,600	---	---	+14,600
Grand total.....	4,543,914	4,856,563	4,304,999	-238,915
Scorekeeping adjustments:				
GAO buyout authority (CB0 estimate).....	---	---	2,000	+2,000
Grand total, discretionary.....	4,543,914	4,856,563	4,306,999	-236,915



DIVISION H - MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
-----				
TITLE I - DEPARTMENT OF DEFENSE				
Military construction, Army.....	3,780,023	3,235,991	3,006,491	-773,532
Rescission.....	-263,000	---	---	+263,000
Total.....	3,517,023	3,235,991	3,006,491	-510,532
Military construction, Navy and Marine Corps.....	3,297,004	2,461,547	2,112,823	-1,184,181
Rescission.....	-61,050	---	---	+61,050
Total.....	3,235,954	2,461,547	2,112,823	-1,123,131
Military construction, Air Force.....	1,104,781	1,364,858	1,227,058	+122,277
Rescission.....	-121,700	---	---	+121,700
Total.....	983,081	1,364,858	1,227,058	+243,977
Military construction, Defense-Wide.....	2,867,316	3,848,757	3,431,957	+564,641
Rescission.....	-148,500	---	---	+148,500
Total.....	2,718,816	3,848,757	3,431,957	+713,141
=====				
Total, Active components.....	10,454,874	10,911,153	9,778,329	-676,545
Military construction, Army National Guard.....	871,917	773,592	773,592	-98,325
Military construction, Air National Guard.....	194,596	116,246	116,246	-78,350
Military construction, Army Reserve.....	317,539	280,549	280,549	-36,990
Military construction, Navy Reserve.....	61,434	26,299	26,299	-35,135
Military construction, Air Force Reserve.....	7,816	33,620	33,620	+25,804
=====				
Total, Reserve components.....	1,453,302	1,230,306	1,230,306	-222,996
=====				
Total, Military construction.....	11,908,176	12,141,459	11,008,635	-899,541
Appropriations.....	(12,502,426)	(12,141,459)	(11,008,635)	(-1,493,791)
Rescissions.....	(-594,250)	---	---	(+594,250)
Emergency appropriations.....	---	---	---	---
North Atlantic Treaty Organization Security Investment Program.....	258,366	272,611	247,611	-10,755
Family housing construction, Army.....	92,184	186,897	176,897	+84,713
Family housing operation and maintenance, Army.....	517,104	494,858	493,458	-23,646
Family housing construction, Navy and Marine Corps.....	186,071	100,972	100,972	-85,099
Family housing operation and maintenance, Navy and Marine Corps.....	365,613	367,863	367,863	+2,250
Family housing construction, Air Force.....	77,869	84,804	60,042	-17,827
Family housing operation and maintenance, Air Force...	512,764	404,761	429,523	-83,241
Family housing construction, Defense-Wide.....	---	---	---	---
Family housing operation and maintenance, Defense-Wide	50,363	50,723	50,723	+360
Department of Defense Family Housing Improvement Fund.....	1,094	2,184	2,184	+1,090
Homeowners assistance fund.....	16,482	1,284	1,284	-15,198
=====				
Total, Family housing.....	1,819,544	1,694,346	1,682,946	-136,598
Appropriations.....	(1,819,544)	(1,694,346)	(1,682,946)	(-136,598)
Rescissions.....	---	---	---	---
Emergency appropriations.....	---	---	---	---
Chemical demilitarization construction, Defense-Wide..	124,721	75,312	75,312	-49,409
Base realignment and closure:				
Base realignment and closure account, 1990.....	359,753	323,543	323,543	-36,210
Base realignment and closure account, 2005.....	2,349,576	258,776	258,776	-2,090,800
Rescission.....	-232,363	---	---	+232,363
Total.....	2,117,213	258,776	258,776	-1,858,437
=====				
Total, Base realignment and closure.....	2,476,966	582,319	582,319	-1,894,647
Rescission (Sec. 126):				
Base Realignment and Closure, 1990	---	---	---	---

DIVISION H - MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rescissions (Sec. 131):				
Military Construction, Army.....	---	---	-100,000	-100,000
Military Construction, Navy and Marine Corps.....	---	---	-25,000	-25,000
Military Construction, Air Force.....	---	---	-32,000	-32,000
Military Construction, Defense-Wide.....	---	---	-131,400	-131,400
Rescission (Sec. 132):				
Base Realignment and Closure, 2005.....	---	---	-258,776	-258,776
=====				
Total, title I.....	16,587,773	14,766,047	13,049,647	-3,538,126
Appropriations.....	(17,414,386)	(14,766,047)	(13,596,823)	(-3,817,563)
Rescissions.....	(-826,613)	---	(-547,176)	(+279,437)
=====				

TITLE II - DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Administration

Compensation and pensions.....	53,978,000	58,067,319	51,237,567	-2,740,433
Readjustment benefits.....	10,396,245	11,011,086	12,108,488	+1,712,243
Veterans insurance and indemnities.....	77,589	100,252	100,252	+22,663
Veterans housing benefit program fund				
(indefinite).....	19,078	318,612	318,612	+299,534
(Limitation on direct loans).....	(500)	(500)	(500)	---
Credit subsidy.....	-165,000	---	---	+165,000
Administrative expenses.....	164,752	154,698	154,698	-10,054
Guaranteed Transitional Housing Loans for Homeless Veterans.....	(750)	---	---	(-750)
Vocational rehabilitation loans program account.....	29	19	19	-10
(Limitation on direct loans).....	(2,298)	(3,019)	(3,019)	(+721)
Administrative expenses.....	328	343	343	+15
Native American veteran housing loan program account..	662	1,116	1,116	+454
=====				
Total, Veterans Benefits Administration.....	64,471,683	69,653,445	63,921,095	-550,588

Veterans Health Administration

Medical services:				
Advance from prior year.....	(37,061,728)	(39,649,985)	(39,649,985)	(+2,588,257)
Advance appropriation, FY 2013.....	39,649,985	41,354,000	41,354,000	+1,704,015
Subtotal.....	39,649,985	41,354,000	41,354,000	+1,704,015
Medical support and compliance:				
Advance from prior year.....	(5,296,454)	(5,535,000)	(5,535,000)	(+238,546)
Fiscal year 2011 payraise rescission.....	(-34,000)	---	---	(+34,000)
Advance appropriation, FY 2013.....	5,535,000	5,746,000	5,746,000	+211,000
Subtotal.....	5,535,000	5,746,000	5,746,000	+211,000
Medical facilities:				
Advance from prior year.....	(5,728,550)	(5,426,000)	(5,426,000)	(-302,550)
Fiscal year 2011 payraise rescission.....	(-15,000)	---	---	(+15,000)
Advance appropriation, FY 2013.....	5,426,000	5,441,000	5,441,000	+15,000
Subtotal.....	5,426,000	5,441,000	5,441,000	+15,000
Medical and prosthetic research.....	579,838	508,774	581,000	+1,162
Medical care cost recovery collections:				
Offsetting collections.....	-3,393,000	-3,326,000	-3,326,000	+67,000
Appropriations (indefinite).....	3,393,000	3,326,000	3,326,000	-67,000
=====				
Total, Veterans Health Administration.....	51,141,823	53,049,774	53,122,000	+1,980,177
Appropriations.....	(579,838)	(508,774)	(581,000)	(+1,162)
Emergency appropriations.....	---	---	---	---
Rescissions.....	-49,000	---	---	+49,000
Advance from prior year.....	(48,086,732)	(50,610,985)	(50,610,985)	(+2,524,253)
Advance appropriations, FY 2013.....	(50,610,985)	(52,541,000)	(52,541,000)	(+1,930,015)
=====				
National Cemetery Administration				
National Cemetery Administration.....	249,500	250,934	250,934	+1,434

DIVISION H - MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<b>Departmental Administration</b>				
General operating expenses.....	2,529,207	2,466,989	---	-2,529,207
General administration.....	---	---	416,737	+416,737
General operating expenses, VBA.....	---	---	2,018,764	+2,018,764
Information technology systems.....	3,140,604	3,161,376	3,111,376	-29,228
Rescission.....	-147,000	---	---	+147,000
Office of Inspector General.....	108,782	109,391	112,391	+3,609
Construction, major projects.....	1,148,734	589,604	589,604	-559,130
Rescission.....	-75,000	---	---	+75,000
Construction, minor projects.....	466,765	550,091	482,386	+15,621
Grants for construction of State extended care facilities.....	84,830	85,000	85,000	+170
Grants for the construction of veterans cemeteries.....	45,908	46,000	46,000	+92
=====				
Total, Departmental Administration.....	7,302,830	7,008,451	6,862,258	-440,572
Appropriations.....	(7,524,830)	(7,008,451)	(6,862,258)	(-662,572)
Rescissions.....	(-222,000)	---	---	(+222,000)
Medical Care - Section 225 (Rescission).....	---	-713,000	---	---
Medical Care - Section 226.....	---	953,000	---	---
=====				
Total, title II.....	123,165,836	130,202,604	124,156,287	+990,451
Appropriations.....	(72,825,851)	(78,374,604)	(71,615,287)	(-1,210,584)
Emergency appropriations.....	---	---	---	---
Rescissions.....	(-271,000)	(-713,000)	---	(+271,000)
Advance from prior year.....	(48,086,732)	(50,610,985)	(50,610,985)	(+2,524,253)
Advance appropriations, FY 2013.....	(50,610,985)	(52,541,000)	(52,541,000)	(+1,930,015)
(Limitation on direct loans).....	(2,798)	(3,519)	(3,519)	(+721)
Discretionary.....	(58,859,924)	(60,705,335)	(60,391,368)	(+1,531,444)
Mandatory.....	(64,305,912)	(69,497,269)	(63,764,919)	(-540,993)
=====				
<b>TITLE III - RELATED AGENCIES</b>				
American Battle Monuments Commission				
Salaries and expenses.....	64,072	61,100	61,100	-2,972
Foreign currency fluctuations account.....	20,168	16,000	16,000	-4,168
Total, American Battle Monuments Commission.....	84,240	77,100	77,100	-7,140
U.S. Court of Appeals for Veterans Claims				
Salaries and expenses.....	27,560	55,770	30,770	+3,210
Department of Defense - Civil				
Cemeterial Expenses, Army				
Salaries and expenses.....	45,010	45,800	45,800	+790
Armed Forces Retirement Home - Trust Fund				
Operation and maintenance.....	69,058	65,700	65,700	-3,358
Capital program.....	2,000	2,000	2,000	---
Armed Forces Retirement Home - General Fund				
Capital program.....	---	---	14,630	+14,630
Total, Armed Forces Retirement Home.....	71,058	67,700	82,330	+11,272
=====				
Total, title III.....	227,868	246,370	236,000	+8,132
=====				
<b>TITLE IV - OVERSEAS CONTINGENCY OPERATIONS</b>				
Military Construction, Army.....	981,346	---	80,000	-901,346
Military Construction, Navy and Marine Corps.....	---	---	189,703	+189,703
Military Construction, Air Force.....	195,006	---	---	-195,006
Military Construction, Defense-Wide.....	46,500	---	---	-46,500

DIVISION H - MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
-----	-----	-----	-----	-----
Rescission from Title IV, Division E of P.L. 111-117..	---	---	-269,703	-269,703
=====	=====	=====	=====	=====
Total, title IV.....	1,222,852	---	---	-1,222,852
=====	=====	=====	=====	=====
Grand total.....	141,204,329	145,215,021	137,441,934	-3,762,395
Appropriations.....	(90,468,105)	(93,387,021)	(85,448,110)	(-5,019,995)
Rescissions.....	(-1,097,613)	(-713,000)	(-547,176)	(+550,437)
Emergency appropriations.....	---	---	---	---
Rescission of emergency funding.....	---	---	---	---
Advance from prior year.....	(48,086,732)	(50,610,985)	(50,610,985)	(+2,524,253)
Advance appropriations, FY 2013.....	(50,610,985)	(52,541,000)	(52,541,000)	(+1,930,015)
Overseas contingency operations.....	(1,222,852)	---	---	(-1,222,852)
(By transfer).....	---	---	---	---
(Limitation on direct loans).....	(2,798)	(3,519)	(3,519)	(+721)
=====	=====	=====	=====	=====

DIVISION I - DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED PROGRAMS APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF STATE AND RELATED AGENCY				
DEPARTMENT OF STATE				
Administration of Foreign Affairs				
Diplomatic and consular programs.....	7,275,420	6,116,472	5,195,947	-2,079,473
Agency acquisition workforces (Sec. 7059).....	---	(3,000)	---	---
Worldwide security protection.....	1,497,000	1,453,730	1,355,000	-142,000
Total, Diplomatic and consular programs...	8,772,420	7,570,202	6,550,947	-2,221,473
Conflict stabilization operations.....	34,930	92,200	---	-34,930
Capital investment fund.....	59,380	125,000	59,380	---
Office of Inspector General.....	99,800	65,154	61,904	-37,896
Educational and cultural exchange programs.....	598,800	637,100	583,200	-15,600
Representation allowances.....	7,484	8,175	7,300	-184
Protection of foreign missions and officials.....	27,944	27,744	27,000	-944
Embassy security, construction, and maintenance.....	823,350	863,317	762,000	-61,350
Worldwide security upgrades.....	793,410	938,200	775,000	-18,410
Total, Embassy security.....	1,616,760	1,801,517	1,537,000	-79,760
Emergencies in the diplomatic and consular service....	9,480	10,000	9,300	-180
Repatriation Loans Program Account:				
Direct loans subsidy.....	737	1,089	737	---
Administrative expenses.....	710	711	710	---
Total, Repatriation loans program account.....	1,447	1,800	1,447	---
Payment to the American Institute in Taiwan.....	21,108	23,320	21,108	---
Payment to the Foreign Service Retirement and Disability Fund.....	158,900	158,900	158,900	---
Total, Administration of Foreign Affairs.....	11,408,453	10,521,112	9,017,486	-2,390,967
International Organizations				
Contributions to international organizations, current year assessment.....	1,578,651	1,619,400	1,449,700	-128,951
Contributions for international peacekeeping activities, current year assessment.....	1,883,931	1,920,000	1,828,182	-55,749
Total, International Organizations.....	3,462,582	3,539,400	3,277,882	-184,700
International Commissions				
International Boundary and Water Commission, United States and Mexico:				
Salaries and expenses.....	43,213	45,591	44,722	+1,509
Construction.....	26,447	31,900	31,453	+5,006
Total, Boundary and Water Commission.....	69,660	77,491	76,175	+6,515
American sections, international commissions.....	12,583	11,996	11,687	-896
International fisheries commissions.....	50,399	31,291	36,300	-14,099
Total, International commissions.....	132,642	120,778	124,162	-8,480
RELATED AGENCY				
Broadcasting Board of Governors				
International Broadcasting Operations.....	730,037	754,261	740,100	+10,063
Broadcasting capital improvements.....	6,861	12,769	7,030	+169
Total, Broadcasting Board of Governors.....	736,898	767,030	747,130	+10,232
Related Programs				
The Asia Foundation.....	17,864	14,906	17,000	-864
United States Institute of Peace operating expenses...	39,420	42,740	30,589	-8,831
Center for Middle Eastern-Western dialogue.....	838	840	840	+2
Eisenhower Exchange Fellowship program.....	499	500	500	+1
Israeli Arab scholarship program.....	374	375	375	+1
East-West Center.....	20,958	10,830	16,700	-4,258

DIVISION I - DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED PROGRAMS APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
National Endowment for Democracy.....	117,764	104,000	117,764	---
Total, Related programs.....	197,717	174,191	183,768	-13,949
OTHER COMMISSIONS				
Commission for the Preservation of America's Heritage Abroad				
Salaries and expenses.....	634	656	634	---
Commission on International Religious Freedom				
Salaries and expenses.....	4,291	4,400	3,000	-1,291
Commission on Security and Cooperation in Europe				
Salaries and expenses.....	2,605	2,715	2,715	+110
Congressional-Executive Commission on the People's Republic of China				
Salaries and expenses.....	1,996	2,000	1,996	---
United States - China Economic and Security Review Commission				
Salaries and expenses.....	3,493	3,500	3,493	---
=====				
Total, title I, Department of State and Related Agency.....	15,951,311	15,135,782	13,362,266	-2,589,045
TITLE II - ADMINISTRATION OF FOREIGN ASSISTANCE				
Funds Appropriated to the President				
United States Agency for International Development				
Operating expenses of the U.S. Agency for				
International Development (USAID).....	1,347,300	1,503,420	1,092,300	-255,000
Agency acquisition workforces (Sec. 7058).....	---	(3,530)	---	---
Conflict stabilization operations.....	4,990	---	---	-4,990
Capital Investment Fund.....	129,740	189,200	129,700	-40
Operating expenses of the U.S. Agency for Inter- national Development Office of Inspector General....	44,910	51,500	46,500	+1,590
=====				
Total, title II, Administration of Foreign Assistance.....	1,526,940	1,744,120	1,268,500	-258,440
=====				
TITLE III - BILATERAL ECONOMIC ASSISTANCE				
Funds Appropriated to the President				
Global Health Initiative:				
Global Health Initiative.....	---	---	---	---
U.S. Agency for International Development.....	2,495,000	3,073,600	2,625,000	+130,000
Department of State.....	5,334,310	5,641,900	5,542,860	+208,550
(Global fund contribution).....	(748,500)	(1,000,000)	(1,050,000)	(+301,500)
=====				
Total, Global Health and Child Survival.....	7,829,310	8,715,500	8,167,860	+338,550
=====				
Development assistance.....	2,519,950	2,918,002	2,519,950	---
(Transfer out).....	(-30,000)	(-50,000)	---	(+30,000)
International disaster assistance.....	863,270	860,700	825,000	-38,270
Transition initiatives.....	54,890	56,000	50,141	-4,749
Complex Crisis fund.....	39,920	75,000	10,000	-29,920
=====				
Development Credit Authority:				
(By transfer).....	(30,000)	(50,000)	(40,000)	(+10,000)
Administrative expenses.....	8,283	8,300	8,300	+17
=====				
Economic Support Fund:				
Egypt.....	249,500	250,000	250,000	+500

DIVISION I - DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED PROGRAMS APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Other.....	5,696,685	5,718,663	2,751,745	-2,944,940
Total, Economic support fund.....	5,946,185	5,968,663	3,001,745	-2,944,440
Democracy Fund.....	114,770	---	114,770	---
Assistance for Europe, Eurasia, and Central Asia.....	695,740	626,718	626,718	-69,022
Department of State				
Migration and refugee assistance.....	1,686,620	1,613,100	1,639,100	-47,520
United States Emergency Refugee and Migration Assistance Fund.....	49,900	32,000	27,200	-22,700
Total, Department of State.....	1,736,520	1,645,100	1,666,300	-70,220
Independent Agencies				
Peace Corps.....	374,250	439,600	375,000	+750
Millenium Challenge Corporation.....	898,200	1,125,100	898,200	---
Inter-American Foundation.....	22,454	19,100	22,500	+46
African Development Foundation.....	29,441	24,000	30,000	+559
Total, Independent Agencies.....	1,324,345	1,607,800	1,325,700	+1,355
Department of the Treasury				
International Affairs Technical Assistance.....	25,448	30,120	25,448	---
Debt restructuring.....	49,900	15,000	12,000	-37,900
Total, Department of the Treasury.....	75,348	45,120	37,448	-37,900
Total, title III, Bilateral economic assistance, Appropriations.....	21,208,531	22,526,903	18,353,932	-2,854,599
(By transfer).....	(30,000)	(50,000)	(40,000)	(+10,000)
(Transfer out).....	(-30,000)	(-50,000)	---	(+30,000)

TITLE IV - INTERNATIONAL SECURITY ASSISTANCE

Department of State				
International narcotics control and law enforcement...	1,593,806	1,511,838	1,061,100	-532,706
Total, International narcotics control.....	1,593,806	1,511,838	1,061,100	-532,706
Nonproliferation, anti-terrorism, demining and related programs.....	738,520	708,540	590,113	-148,407
Peacekeeping operations.....	304,390	292,000	302,818	-1,572
Funds Appropriated to the President				
International Military Education and Training.....	105,788	109,954	105,788	---
Foreign Military Financing Program:				
Grants:				
Israel.....	2,994,000	3,075,000	3,075,000	+81,000
Egypt.....	1,297,400	1,300,000	1,300,000	+2,600
Other.....	1,082,830	1,175,463	835,000	-247,830
Total, Foreign Military Financing Program.....	5,374,230	5,550,463	5,210,000	-164,230
Global security contingency fund.....	---	50,000	---	---
Total, title IV, Security assistance, Appropriations.....	8,116,734	8,222,795	7,269,819	-846,915
	(8,116,734)	(8,222,795)	(7,269,819)	(-846,915)

TITLE V - MULTILATERAL ASSISTANCE

Funds Appropriated to the President				
International Organizations and Programs.....	354,290	348,705	348,705	-5,585
International Financial Institutions				
World Bank Group				
Clean Technology Fund.....	184,630	400,000	184,630	---
Strategic Climate Fund.....	49,900	190,000	49,900	---

DIVISION I - DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED PROGRAMS APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
<hr/>				
The International Bank for Reconstruction and Development (IBRD):				
Contribution to the IBRD paid in capital.....	---	117,364	117,364	+117,364
(Limitation on callable capital).....	---	(2,928,991)	(2,928,991)	(+2,928,991)
Global Environment Facility.....	89,820	143,750	89,820	---
Subtotal, IBRD.....	89,820	261,114	207,184	+117,364
Contribution to the International Development Association.....	1,232,530	1,358,500	1,325,000	+92,470
Multilateral debt relief initiative.....	---	167,000	167,000	+167,000
Total, World Bank Group.....	1,556,880	2,376,614	1,933,714	+376,834
Contribution to the Enterprise for the Americas Multilateral Investment Fund.....	24,950	25,000	25,000	+50
Contribution to the Inter-American Development Bank paid in capital.....	---	102,018	75,000	+75,000
(Limitation on callable capital).....	---	(4,098,795)	(4,098,795)	(+4,098,795)
Inter-American Development Bank, Inter-American Investment Corporation.....	20,958	20,429	4,670	-16,288
Total, Inter-American Development Bank.....	20,958	122,447	79,670	+58,712
Contribution to the Asian Development Fund.....	---	115,250	100,000	+100,000
Asian development bank paid in capital.....	106,373	106,586	106,586	+213
(Limitation on callable capital).....	(2,558,049)	(2,558,049)	(2,558,049)	---
Contribution to the African Development Bank:				
Paid in capital.....	---	32,418	32,418	+32,418
(Limitation on callable capital).....	---	(507,861)	(507,861)	(+507,861)
Contribution to the African Development Fund.....	109,780	195,000	172,500	+62,720
Total, African Development Bank.....	109,780	227,418	204,918	+95,138
Multilateral debt relief initiative.....	---	7,500	7,500	+7,500
European Bank for Reconstruction and Development (Limitation on callable capital).....	---	---	(1,252,332)	(+1,252,332)
Contribution to the International Fund for Agricultural Development.....	29,440	30,000	30,000	+560
Global agriculture and food security program.....	99,800	308,000	135,000	+35,200
Total, International Financial Institutions...	1,948,181	3,318,815	2,622,388	+674,207
<hr/>				
Total, title V, Multilateral assistance....	2,302,471	3,667,520	2,971,093	+668,622
(Limitation on callable capital).....	(2,558,049)	(10,093,696)	(11,346,028)	(+8,787,979)
<hr/>				
TITLE VI - EXPORT AND INVESTMENT ASSISTANCE				
Export-Import Bank of the United States				
Subsidy appropriation.....	58,000	76,400	58,000	---
Administrative expenses.....	83,880	124,600	89,900	+6,020
Inspector General.....	2,495	4,000	4,000	+1,505
Offsetting collections.....	-141,800	-417,900	-417,900	-276,100
Total, Export-Import Bank of the United States..	2,575	-212,900	-266,000	-268,575
Overseas Private Investment Corporation				
Noncredit account:				
Administrative expenses.....	52,310	57,890	54,990	+2,680
Insurance fees and other offsetting collections...	-272,300	-277,000	-277,000	-4,700
Subtotal.....	-219,990	-219,110	-222,010	-2,020
Program account.....	18,115	31,000	25,000	+6,885
Total, Overseas Private Investment Corporation....	-201,875	-188,110	-197,010	+4,865



DIVISION I - DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED PROGRAMS APPROPRIATIONS ACT 2012  
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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
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Funds Appropriated to the President				
Trade and Development Agency.....	49,900	56,270	50,000	+100
=====				
Total, title VI, Export and investment assistance	-149,400	-344,740	-413,010	-263,610
=====				

## TITLE VII - GENERAL PROVISIONS

Intl Broadcasting Operations (BBG) (Sec. 2121 (g)(2))..	9,980	---	---	-9,980
Diplomatic and Consular (Sec. 2118 (f)) (Rescission)..	-55,000	---	---	+55,000
Dev Assistance Prior Yr (Sec. 2118 (c)) (Rescission)..	-1,000	---	---	+1,000
Economic Support Funds (Sec. 2118 (g)) (Rescission)...	-120,000	---	---	+120,000
Visa Fraud Prevention (Sec. 2118 (h)) (Rescission)....	-140,000	---	---	+140,000
Buying Power Maint Acct (BPMA) (Sec. 2118 (b)) (Resc)..	-17,000	---	---	+17,000
Export Import Bank - Balances (Rescission)				
(Sec. 2118 (a)).....	-275,000	---	-400,000	-125,000
Assistance for the newly independent states of the former Soviet Union - FY2007 (Resc) (Sec. 2118 (d))..	-11,700	---	---	+11,700
Assistance for Europe, Eurasia, Central Asia (AEECA) (Sec. 2118 (i)) (Rescission).....	-19,000	---	---	+19,000
Intl Narcotics Control and Law Enforcement - FY2002 (Sec. 2118 (e)) (Rescission).....	-7,183	---	---	+7,183
ESF - MRA (By transfer).....	(7,000)	---	---	(-7,000)
Fraud Prevention & Detection Fees.....	---	---	---	---
Sec. 7041 debt relief, enterprise funds, Tunisia.....	---	---	---	---
Diplomatic and consular programs (Rescission).....	---	---	-13,700	-13,700
Economic Support Funds (Rescission).....	---	---	-100,000	-100,000
SDAF Transfer (Sec. 7083(a)).....	---	-100,000	-100,000	-100,000
SDAF Obligation Limitation (Sec. 7083(b)).....	---	100,000	100,000	+100,000
=====				
Total, title VII, General Provisions.....	-635,903	---	-513,700	+122,203
Appropriations.....	(9,980)	---	---	(-9,980)
Rescissions.....	(-645,883)	---	(-513,700)	(+132,183)
(By transfer).....	(7,000)	---	---	(-7,000)
=====				

TITLE VIII - OVERSEAS CONTINGENCY OPERATIONS /  
GLOBAL WAR ON TERRORISM

Diplomatic and consular programs (OCO/GWOT).....	---	4,323,255	4,389,064	+4,389,064
(Worldwide security protection).....	---	(246,854)	(236,201)	(+236,201)
(Transfer to other agencies).....	---	(-230,000)	(-230,000)	(-230,000)
Conflict stabilization operations.....	---	---	8,500	+8,500
Office of Inspector General (OCO/GWOT).....	---	62,932	67,182	+67,182
Education and cultural exchange programs (OCO/GWOT)...	---	---	15,600	+15,600
Embassy security, construction, and maintenance.....	---	---	33,000	+33,000
Contributions to intl'l organizations (OCO/GWOT).....	---	---	101,300	+101,300
Broadcasters board of governors (OCO/GWOT).....	---	---	4,400	+4,400
United States Institute of Peace (USIP) (OCO/GWOT)....	---	---	8,411	+8,411
Contributions for international peacekeeping activities, current year assessment.....	---	---	---	---
United States Institute of Peace - Operating expenses.	---	---	---	---
Operating expenses of USAID (OCO/GWOT).....	---	---	255,000	+255,000
Operating expenses of USAID International Development: OIG (OCO/GWOT).....	---	---	4,500	+4,500
International Disaster Assistance (OCO/GWOT).....	---	---	150,000	+150,000
Transition Initiatives (OCO/GWOT).....	---	---	6,554	+6,554
Complex Crises fund.....	---	---	30,000	+30,000
Economic Support Fund (OCO/GWOT).....	---	1,216,600	2,761,462	+2,761,462
Migration and Refugee assistance (MRA) (OCO/GWOT)....	---	---	229,000	+229,000
International Affairs Technical Assistance.....	---	---	1,552	+1,552
International narcotics control and law enforcement (OCO/GWOT).....	---	1,000,000	983,605	+983,605
Nonproliferation, Anti-terrorism, Demining and Related programs (NADR) (OCO/GWOT).....	---	---	120,657	+120,657
Peacekeeping Operations (PKO) (OCO/GWOT).....	---	---	81,000	+81,000
Foreign Military Financing program (OCO/GWOT).....	---	1,000,000	1,102,000	+1,102,000
Pakistan Counterinsurgency Capability Fund (OCO/GWOT)...	---	1,100,000	850,000	+850,000
Global Stability contingency fund (OCO/GWOT).....	---	---	---	---
=====				
Total, Title VIII - OCO / GWOT	---	8,702,787	11,202,787	+11,202,787
=====				

DIVISION I - DEPARTMENT OF STATE - FOREIGN OPERATIONS - AND RELATED PROGRAMS APPROPRIATIONS ACT 2012  
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Grand total.....	48,320,684	59,655,167	53,501,687	+5,181,003
Appropriations.....	(48,966,567)	(50,952,380)	(42,812,600)	(-6,153,967)
Overseas contingency operations.....	---	(8,702,787)	(11,202,787)	(+11,202,787)
Rescissions.....	(-645,883)	---	(-513,700)	(+132,183)
(By transfer).....	(37,000)	(50,000)	(40,000)	(+3,000)
(Transfer out).....	(-30,000)	(-50,000)	---	(+30,000)
(Limitation on callable capital).....	(2,558,049)	(10,093,696)	(11,346,028)	(+8,787,979)
	=====	=====	=====	=====

Mr. DICKS. Mr. Speaker, I yield myself 2 minutes.

The conference report before us contains nine separate bills: Defense; Energy and Water; Financial Services; Homeland Security; Interior; Labor-HHS and Education; Legislative Branch; Military Construction and VA; and State and Foreign Operations. It is a bipartisan agreement reached after many hours of deliberation and debate. It reflects the fact that neither party can pass this bill on its own in either the House or the Senate.

The conference report is a remarkable product of the hard work of all members of the Appropriations Committee and, as the chairman mentioned, especially the ranking members and the cardinals, the chairmen of the subcommittees.

I especially want to congratulate the staff. I was a staff person myself, and as the chairman has said, I have never seen people work harder than the staff on the House Appropriations Committee. And I want to commend Bill Inglee and David Pomerantz for their work all during this year, their cooperation, and their leadership of the staff. And we have a great staff. You know, these people have enormous experience, they have great background, and we're proud of all of them.

I also want to congratulate BILL YOUNG, my chairman on the Defense Subcommittee, former chairman of the full committee. We've been good friends, and I want to wish him a happy birthday. It's ironic that here we are on the last day getting this big bill passed on both of our birthdays. So somebody smiled on us. Maybe it was the other body by slowing things down.

We're going to have our ranking members present their statements after the chairmen on the other side.

I want to thank Mr. ROGERS again for all of his courtesy and his great work. He had to have the patience of Job in order to get this thing done, but he did it and I commend him.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The time of the gentleman has expired.

Mr. DICKS. I yield myself an additional 15 seconds.

I just want to commend him for his patience and his determination, and next year we're going to get all 12 bills to the floor.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. I thank the gentleman for his words.

Mr. Speaker, I yield 3 minutes to the chairman of the Defense Appropriations Subcommittee, the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I want to thank the gentleman, the chairman, for yielding me the time.

It's not really adequate to explain this bill, this defense bill, which is the largest part of this mini-bus, omnibus, or call it what you will, but thank you,

Chairman ROGERS, especially for bringing back regular order in the appropriations process, which we haven't done for a while. You've done a really great job in leading this committee in getting this job done.

To my friend, Mr. DICKS, I've already wished him personally a happy birthday, but, Mr. Speaker, we appreciate Mr. DICKS' relationship with the Congress, with our subcommittee, with the full committee. Together, they've made a great team; they've done a great job.

As I said, the defense bill is the biggest part of this bill. It is actually \$21 billion less than was requested in the budget. We were given a number. We were instructed to make reductions. This subcommittee, the members and the staff, worked diligently to make sure that any reductions that we had to make would not affect the readiness of our Nation or would not adversely affect any of our troops. We successfully concluded that task. We kept our commitment to maintain readiness and to remain strong in the support of our troops.

It makes me feel good that we have an agreement that was agreed upon by the Republicans and the Democrats in the House and the Republicans and the Democrats in the Senate. We won't get a unanimous vote on this package at all, but we worked together.

People have wondered, and I'm sure all of us have been asked by our constituents, Why can't you guys in Congress work together and get things done?

When Congress acts as a Congress and avoids a lot of outside political influence, it's amazing what we can do. I just would call attention to the fact we just concluded the intelligence bill on a bipartisan basis.

We did the National Defense Authorization Act last week on a bipartisan basis. This omnibus bill that we will pass today on a bipartisan basis, we worked together and we got things done when we were able to work as a Congress.

I am very happy to be supportive of especially the defense part of this bill.

□ 1210

Again, I want to congratulate Chairman ROGERS and Ranking Member DICKS for their strong leadership in getting us back to the regular order. As Mr. DICKS said, next year we're going to do all of the appropriations bills one at a time, which is just like it's supposed to be done.

Mr. Speaker, there is so much more to talk about with regard to this bill—so many details—that we have written copies of a report on what it does and what it doesn't do, and we'll be happy to provide that for any Member who asks. Other than that, let's vote for this package and let's get our job done.

I want to wish you all a very Merry Christmas. Hopefully, I won't have to

wish you a happy New Year until after we come back next year, but we'll see how that goes.

Mr. Speaker, it is an honor to represent the fiscal year 2012 Defense Appropriations bill before the House today.

The Defense bill provides funding for critical national security needs, provides the necessary resources to continue the Nation's military efforts abroad, and contains essential funding for health and quality of life programs for the men and women of the Armed Services and their families.

The bill is separated into two subdivisions, the Department's base funding and the Overseas Contingency Operations funding. The base funding in this bill totals \$518 billion—\$5 billion above last year and \$21 billion below the request. The Overseas Contingency Operations portion totals \$115 billion—\$43 billion below last year and \$2.8 billion below the request.

These reductions were not easily achieved; but the Subcommittee reviewed in detail the budget request, and found areas and programs where reductions were possible without adversely impacting the warfighter or readiness.

This was extremely important in finalizing this bill. I committed long ago that I would never write or support a bill which adversely affected any soldier or had an adverse effect on our Nation's readiness. I firmly believe I have kept that promise with this bill.

The bill before us provides \$131.1 billion for military personnel—including the requested 1.6 percent military pay raise.

It funds \$163.1 billion in Operation and Maintenance for equipment and facility maintenance, base operations, and critical readiness programs to prepare for and conduct combat and peace-time missions.

The bill provides \$32.5 billion for the Defense Health Program, including an additional \$603.6 million for military medical research, including +\$239 million for cancer research and +\$135 million for Psychological Health/Traumatic Brain Injury (PH/TBI).

It provides \$104.6 billion in procurement for new equipment and upgrades to ensure that our military has the systems, weapons, and equipment they need to train, maintain infrastructure, and conduct successful operations. This includes \$15.3 billion for the construction of 11 Navy ships; \$5.9 billion for 31 Joint Strike Fighter aircraft; \$3.2 billion for 28 F-18 Super Hornets and 12 EA-18 Growlers; \$2.8 billion for 127 H-60 Blackhawk helicopters; and \$720 million for 48 MQ-9 Reaper UAVs.

And the bill funds \$72.4 billion in essential basic and applied research that will help prepare our forces with the systems and equipment necessary to meet potential future challenges. This includes \$2.7 billion for continued development and testing of the Joint Strike Fighter.

As I mentioned before, analytically based and rational reductions were taken to reach the subcommittee's allocation. These include: programs which have been terminated or restructured since the budget was submitted; savings from favorable contract pricing adjustments; contract and schedule delays resulting in fiscal year 2012 savings; unjustified cost increases or funding requested ahead of need;

anticipated or historical under-execution; rescissions of unneeded prior year funds; and Department-identified funds which were no longer required.

For example, we reduced \$435 million for contract delays on the Army's Ground Combat Vehicle; \$515 million for excess Working Capital Fund cash balances; \$540 million in program delay savings for the Enhanced Medium Altitude Reconnaissance and Surveillance System (EMAARS); and \$2.6 billion in unneeded prior year funds.

While representative of the reductions that were made, these were by no means easy decisions. Staff on both sides of the aisle, and both sides of the Capitol, worked tirelessly to ensure that the readiness of our Nation's military was not impacted, and its future not jeopardized, in the name of budget cuts.

That effort is a strong indication of the bipartisan nature of this bill, which is the longstanding tradition of this subcommittee. And I would like to thank Ranking Member DICKS for working with us in upholding that tradition.

It is a good bill that maintains our commitments to our soldiers and their families, and continues to support and maintain the finest military in the world. I urge its adoption.

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

The Department of Defense appropriations bill is part of this package:

This bill includes the base funding of \$518 billion, a reduction of \$21 billion below the President's budget request;

The bill also provides \$115 billion for overseas contingency operations, \$2.8 billion below the budget request;

The bill balances funding essential for U.S. troops and their families with readiness, weapons acquisition, and technology development;

For military personnel and family programs, the bill includes full funding of the military pay accounts, including a 1.6 percent pay raise for our troops. For community support programs, the bill includes \$40 million above the request for Impact Aid and \$250 million to replace inadequate schools located on DOD bases that are owned and operated by our local educational authorities and by the U.S. Department of Education;

For readiness, the bill includes \$163 billion for operations and maintenance. With this account, the bill includes \$150 million above the request for ship depot maintenance and \$34 million to fully fund the Reserve Officers' Training Corps program;

For procurement and research programs, the bill includes \$255 million to prevent the shutdown of the M-1 tank production; \$1 billion for National Guard and Reserve equipment; \$200 million for Rapid Innovation Funding; \$230 million to procure equipment needed to enhance special operations; \$130 million above the request for ongoing cooperative missile defense programs with Israel; and \$100 million above the request to mature technologies for the next-generation bomber;

For overseas contingencies, the bill includes \$115 billion, \$2.8 billion below the request and \$43 billion below 2011. The decline compared to that of last year reflects the withdrawal of U.S. troops from Iraq. The bill provides for the withdrawal of U.S. personnel from Iraq by the end of this month; the operation of U.S. forces in Afghanistan; and programs to train and equip Afghan security forces so they are capable of assuming security responsibility.

This bill is essential to maintaining the readiness and capabilities of U.S. forces. It provides for the need of our men and women in uniform and their families. The bill also includes responsible reductions from the budget request, recognizing the fiscal realities that our Nation faces. This is a must-pass bill, which I support.

Again, I commend Chairman YOUNG and the staff of the Defense Subcommittee for their extraordinary work. This is the largest appropriations bill. It is essential to national security.

With that, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the chairman of the Energy and Water Subcommittee of the Appropriations Committee, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I want to thank the chairman for his support and leadership as we work through the appropriations process.

Mr. Speaker, this morning I am pleased to support this appropriations bill that keeps our government open for business but that also substantially reduces Federal spending in almost every Department.

A special thanks to my ranking member and good friend, PETE VISCLOSKEY, for his hard work, his knowledge of our energy and water bill, and his passionate support for so many priorities.

Our portion of the bill has an important national security component so that we increase funding for the safety and the reliability of our nuclear deterrent, as well as for a new generation of naval reactors.

While funding for the Department of Energy is below the President's request, we continue to ensure that our Nation has a diversity of energy supply, that nuclear energy will be a critical part of that future, and that important research and development will continue at our remarkable national laboratories. Additionally, our bill provides funds for the Army Corps of Engineers to protect public safety, to keep America open for business, and to meet emergencies.

Mr. Speaker, I am pleased to support a bill that ensures our national security, our safety, and our economic security with fewer taxpayer dollars.

Mr. DICKS. I yield 2 minutes to the distinguished gentleman from Indiana,

the ranking member of the Energy and Water Subcommittee, Mr. VISCLOSKEY.

Mr. VISCLOSKEY. I thank the gentleman for yielding.

There is great substance in this bill, but I really want to address the process and to begin my remarks by saying how very proud I am of the Appropriations Committee of the House of Representatives and the United States Senate of this Congress.

Mr. Speaker, the Appropriations Committee is composed of serious and intelligent people. Our members and our terrific staff—I was also on the staff at one time—work hard to invest in our country and to improve the lives of the people we represent.

As Chairman ROGERS indicated, our members do disagree, but they thoughtfully consider the facts; they consider each other's perspectives and positions and reach reasonable compromises that improve the Government of the United States of America. This is how this entire body should conduct itself.

I especially want to thank Chairman ROGERS and Ranking Member DICKS and their staffs for leading the way.

I also want to express my gratitude to Chairman FRELINGHUYSEN, who is also my friend and a consummate gentleman; and to our subcommittee members and our exceptional staffs for their dedication and hard work in crafting a wonderful piece of legislation.

The agreement on energy and water provides \$2.3 billion for nonproliferation activities, \$30 million above last year's level, ensuring that our ability to counter the most serious threat confronting our national security, the threat of nuclear terrorism, is adequately funded;

The agreement provides for renewable energy programs at level funding from last year. The science account, so critical to the competitiveness of our Nation, is \$46 million above last year; and ARPA-E provides and drives innovation to support our scientific competitiveness;

The Army Corps of Engineers is funded at \$5 billion, a slight increase over last year's level, ensuring that some ongoing projects will not be terminated.

We must invest in our infrastructure. While this bill does increase funding for Corps, we are not adequately investing in infrastructure. But I do urge the support of the legislation.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the chairman of the Homeland Security Subcommittee, the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. I thank the gentleman for yielding.

I rise in strong support of the conference report.

I want to thank Chairman ROGERS, as well as Ranking Member NORMAN DICKS, for his leadership and their commitment as we went back to regular order in producing this agreement.

Mr. Speaker, we had challenging negotiations with our colleagues from the other body, but I believe we have forged a disciplined agreement that puts a priority on limited spending and on true priorities like border security, immigration enforcement, and disaster relief while at the same time instilling robust fiscal discipline and oversight.

This conference report provides a total of \$39.6 billion in discretionary spending for the Department of Homeland Security. That is \$4 billion below the President's request, 9.1 percent. It is \$3 billion below the FY 2010, and it is \$2 billion below that of last year. These are genuine reductions, not just budget gimmicks.

□ 1220

Within this contracted funding, frontline operations are made a priority as well, including funding and direction to ICE to maintain a daily detention bed capacity of 34,000 beds, which is the highest detention capacity in its history. Also, funding for the highest-ever levels of staffing for Border Patrol agents, CBP officers, and ICE agents.

This conference agreement also terminates two ineffectual offices at the Department of Homeland Security. It installs unprecedented oversight at FEMA, and it includes a statutory requirement for the Secretary of Homeland Security to enforce the immigration laws that are on the books.

Finally, this conference agreement and the disaster supplemental bill that we are also considering today fully funds FEMA's disaster relief requirements for 2012. That means that devastated areas all across the country will get what they need to get back on their feet. And this funding can be offset through reductions that will also be considered later this afternoon, which I support.

Let me close again by thanking all those involved in this process on the Appropriations Committee. I would like to thank Ben Nicholson, with the majority, as well as the majority staff, and Stephanie Gupta, with the minority, and her staff. I would also like to thank Senator LANDRIEU and Senator COATS, as well as the gentleman from North Carolina, Ranking Member PRICE, of course, who was my partner in this process, for their hard work and compromise as we worked toward forging this reasonable agreement.

Mr. Speaker, I rise in strong support of this conference agreement.

We had a long, challenging negotiation with our colleagues from the other body, but I believe we have forged a disciplined and reasonable agreement, that adheres to the requirements, constraints, and principles of the Budget Control Act; requires strict fiscal discipline; instills hard-hitting oversight; and prioritizes limited spending on true priorities like border security, immigration enforcement, and disaster relief.

Mr. Speaker, this conference report provides a total of \$39.6 billion dollars in discretionary spending for the Department of Homeland Security. That's \$4 billion dollars, or 9.1 percent, below the President's request; \$3 billion dollars, or 7.2 percent, below fiscal year 2010's enacted level; and \$2 billion dollars, or 5.0 percent, below last year's enacted level.

These are actualized spending reductions, not just some budget gimmicks.

Within this contracted funding, frontline operations are prioritized, including: Funding and statutory direction to ICE to maintain a daily detention bed capacity of 34,000 beds—the highest detention capacity in its history—to strengthen immigration enforcement and achieve increased removals; supporting the highest-ever levels of staffing for Border Patrol agents, CBP officers, and ICE agents; and fully funding major re-capitalization efforts by the Coast Guard and Secret Service protective operations during next year's Presidential campaign.

The fiscal discipline, oversight, and spending reductions in this conference agreement include: Two terminations of ineffectual and redundant offices at DHS; unprecedented reporting requirements for FEMA's grant programs and disaster relief operations; numerous planning, justification, and reporting requirements; and a statutory requirement for the Secretary of Homeland Security to enforce immigration law.

Finally, this conference agreement and the disaster supplemental bill that is also being considered by the House today fully fund FEMA's disaster relief requirements for fiscal year 2012—that means that devastated areas like Joplin, Missouri; numerous flooded communities along the Mississippi River and East Coast; and tornado-ravaged towns in my home state of Alabama will get the full assistance they need to rebuild and get back on their feet.

And, this funding can be offset through reductions we will also consider later today—reductions I support.

Mr. Speaker, this conference agreement represents some of the very best from this Chamber—a product forged out of intense and open debate; a product that followed regular order; and a product that meets the goals and objectives laid out by Speaker BOEHNER, Majority Leader CANTOR, and Chairman ROGERS at the beginning of this Congress.

This is a strong conference agreement and I urge my colleagues to support it.

Let me close by sincerely thanking Senators LANDRIEU and COATS as well as Ranking Member PRICE for their hard work and contributions toward forging this reasonable agreement on funding for the Department of Homeland Security for fiscal year 2012.

Let me also thank Chairman ROGERS, Chairman INOUE, and the House and Senate Appropriations front office staff for the support of our Subcommittee's efforts—I sincerely appreciate their leadership through this laborious process as well as their fidelity to regular order.

Mr. DICKS. I yield 2 minutes to the distinguished gentleman from North Carolina, the ranking member of the Homeland Security Subcommittee, Mr. PRICE.

Mr. PRICE of North Carolina. Mr. Speaker, I am pleased that we are finally considering an omnibus appropriations bill for fiscal 2012 to fund critical Federal agencies, including the Department of Homeland Security. After a year of lurching from one manufactured crisis to another, destabilizing the American economy and sending Congress' approval ratings to record lows, it's high time we restored some measure of regular order to this critical legislative function.

I applaud Chairman ROGERS, Ranking Member DICKS, and my subcommittee chairman, Mr. ADERHOLT, for their commitment to restoring regular order and maintaining the pattern of bipartisan cooperation that distinguishes our committee, even in today's hyperpartisan environment. I also want to thank our talented and dedicated staff for drafting and negotiating what was a very difficult package to put together.

With respect to DHS, overall funding will drop for a second year in a row to \$39.6 billion. But this drop is compensated for by the separate disaster relief bill we will be considering shortly. When these two measures are combined, FEMA will receive a total of \$7.1 billion for disaster relief, ensuring that families and businesses affected by recent disasters will receive assistance vital for recovery and rebuilding.

Beyond disaster assistance, the reduced allocation meant that we had to make some tough decisions. I'm pleased that sufficient funding is provided in this bill for our frontline DHS employees to conduct critical operations along our borders, protect our Nation's airports and seaports, and thwart cybersecurity attacks on our Federal Government.

Other accounts which were radically underfunded in the House bill have been increased modestly in this omnibus bill but nowhere near adequate levels. Research and development funding has been cut by 38 percent since 2010, undermining our investments in new technologies targeted specifically at homeland security threats. And State and local grants have been reduced by more than 50 percent from the 2010 level, requiring our States and communities to delay or abandon vital preparedness efforts.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman an additional 15 seconds.

Mr. PRICE of North Carolina. These cuts in grants will seriously hamper States and communities in their preparedness efforts. We simply have to do better next year.

While this is an imperfect bill, under the circumstances we know it could have been much worse. It's the product of bicameral and bipartisan decisions about how best to allocate our scarce

resources to protect the American people. With that in mind, I urge colleagues to support the omnibus bill.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the very distinguished chairman of the Financial Services Subcommittee on Appropriations, the gentlelady from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I thank the chairman for yielding. I know he hasn't enjoyed an easy task, but he has done a tremendous job in bringing us to this point today. So thank you very much, Mr. Chairman.

I also want to express my appreciation to Ranking Member SERRANO and Laura Hogshead, on his staff. They have been terrific to work with. And even when we might not have agreed on something, we still had dialogue, and they were terrific. Our own staff on the subcommittee, very ably led by John Martens, Winnie Chang, Kelly Shea, Ariana Sarar, and Karen Thomas, have done a tremendous job.

There are a lot of reasons to be happy about this bill and to vote for it, from the perspective of the Financial Services Committee. The bill reduces this portion of the President's budget request by \$4.2 billion. Compared to 2010, discretionary funding in this bill is reduced by 11 percent. We are heeding the American people's call for a limited, more transparent, more responsive Federal Government.

The bill prohibits funds for certain White House czars, rescinds \$25 million from a mandatory slush fund at the Securities and Exchange Commission, and dedicates much-needed resources for the counterterrorism activities at the Department of Treasury. The bill also provides funding for the Small Business Administration's business loans program. Our small businesses are critical to our economy, and this program extends accessible and affordable credit to help them grow.

As fortunate as I feel to have reached agreement with my colleagues in so many areas, I'm still startled and a bit dismayed by the White House's refusal to submit the Consumer Financial Protection Bureau, an agency whose mission is to promote accountability and transparency in the financial industry, to the usual and customary transparency measures accorded to Congress and the American people.

Provisions in the House's bill would have limited the budget of the bureau to \$200 million and subjected the CFPB to annual congressional review. I'm really hard-pressed to understand why a \$200 million limitation is not enough for a bureau without a director, or why the centerpiece of the Dodd-Frank Act cannot withstand meaningful, regular review by the Congress, which established it in the first place.

The checks and balances envisioned by our Founders apply to every other consumer-oriented agency in the exec-

utive branch of government. The CFPB ought to be treated no different from the Federal Trade Commission, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Food and Drug Administration, and others in this important regard. I can promise that the CFPB will be revisited again and again by Congress.

Leaving that subject though for another day, I do urge my colleagues to support the bill and the savings it contains on behalf of the American people.

Mr. DICKS. I yield 2 minutes to the distinguished gentleman from New York, the ranking member of the Financial Services Subcommittee, Mr. SERRANO.

Mr. SERRANO. Mr. Speaker, I would like to thank Congressman DICKS for yielding me time so that I can comment on the Financial Services and General Government section of this bill. I would also like to thank both him and Chairman ROGERS for their hard work in bringing this bill to the floor. Please let me also express my appreciation to Chairwoman EMERSON, who worked so well with me and our staff throughout this process.

Unfortunately, because of the budget agreement and the allocation that was given to the subcommittee, there are significant cuts to many important agencies. However, this is a much better bill than what emerged from our committee markup, and we worked hard to provide sufficient funding in order to avoid layoffs of hardworking Federal employees. I am especially pleased that the health care repeal provisions and the many anti-Dodd-Frank provisions that were a part of the committee-passed bill have not been included in this final conference agreement.

I am, however, distressed that this agreement once again interferes in the local affairs of the District of Columbia. Although D.C. will be able to continue to use its own local funds for syringe exchange programs, this conference report prohibits them from using their own local funds for abortion services, a restriction that no other American city has dictated to it by the Federal Government.

□ 1230

Finally, I am pleased that the provision reinstating the harsh Bush-era restrictions on Cuban-American travel to Cuba and limitations on remittances was dropped from the conference report. Had this provision stayed in the bill, there would have been an immediate shutdown of family travel to Cuba, which would have been particularly difficult just days before the holiday season.

Before I conclude, I would like to take this opportunity to thank the majority and minority subcommittee staff for all of their hard work and to ac-

knowledge the efforts of my own personal staff.

Mr. Speaker, within the strict budgetary limitations that were given the committee and this section, an improved version, I am in favor of the bill, and I would ask my colleagues to vote for it.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the distinguished chair of the State-Foreign Ops Subcommittee, the gentlelady from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I rise in strong support of the State-Foreign Operations division of this conference agreement, which contains \$42.1 billion in discretionary budget authority. This means that since January, spending in this bill will decrease in this bill by \$6.6 billion, or more than 13 percent.

The agreement includes overseas contingency operations spending for State and USAID to implement in frontline states and conflict areas. These costs are temporary and extraordinary and will be reduced over time.

This bill has been written to address our foreign assistance and State Department funding through the lens of what is most important to our national security interests and the security of our allies and our neighbor Mexico. The bill provides security assistance for critical allies, including full finding for the U.S.-Israel memorandum of understanding.

The bill also carries new language on the Palestinian Authority, cutting off their economic aid and stopping their ability to have a U.S. office if they obtain member state status at the United Nations. Additionally, the bill addresses concerns about assistance to Egypt and to Pakistan.

New restrictions are also placed on the U.N. and other international organizations. For example, funds are withheld from these organizations until they publicly display their audit and financial reports.

I want to thank the members of the State-Foreign Operations Appropriations Subcommittee and, in particular, my ranking member, Mrs. LOWEY, who has been extremely helpful in developing this compromise. I also thank my colleagues across the Capitol who worked in good faith for the best possible outcomes. I believe we were successful in protecting our national security while providing appropriate oversight of taxpayer dollars.

I want to sincerely thank the staff: from Mrs. LOWEY's staff, Steve Marchese, Erin Kolodjeski and Talia Dubovi; and on my staff, Anne Marie Chotvacs, Clelia Alvarado, Alice Hogsans, Susan Adams, Craig Higgins, Jamie Guinn, Johnnie Kaberle, and Matt Leffingwell. They all worked appreciable hours and with great dedication.

Mr. DICKS. I yield 2 minutes to the distinguished gentlewoman from New

York, the ranking member of the State-Foreign Operations Subcommittee, Mrs. LOWEY.

Mrs. LOWEY. As ranking member of the State-Foreign Operations Subcommittee, I want to congratulate Chairwoman GRANGER, Chairman ROGERS, Ranking Member DICKS, and the outstanding majority and minority staff. Thank you all for working together with me on a bill that will help maintain our global leadership, protect national security, and promote economic growth.

Our wise investments in better health and education systems, economic opportunity in the developing world, humanitarian assistance, international financial institutions, development assistance, economic support funds, and international family planning will help to save lives, develop the next generation of U.S. trading partners to boost job growth domestically, and confront the conditions that foster radicalism and instability that threaten the long-term security of the United States.

This bill also fully funds our agreements with vital allies, including Israel, Jordan, and Egypt, and supports governance and development activities in Egypt to aid the transition to democracy.

However, we do not write blank checks. Stringent conditions on continued assistance for Egypt, the Palestinian Authority, Pakistan, and Afghanistan will help ensure accountability and responsible use of taxpayer dollars.

This bill is aimed at advancing our economic and strategic interests around the world through effective and efficient diplomacy and development, and I urge my colleagues to support it.

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. DICKS. I yield 2 minutes to the gentleman from Maryland, the Democratic whip, Mr. HOYER, my good friend and a former member of the Appropriations Committee who has worked very strongly with us all year to move these bills forward.

Mr. HOYER. I thank the gentleman for his comments and for yielding.

I rise in support of this legislation.

This ought to be a lesson for us in some humility. I was the majority leader. Had I, as majority leader, brought that bill that sits on that floor, 1,207 pages, within the last 24 hours to the floor, I think the response from that side of the aisle would have been harsh, accusatory, and not helpful.

Now, why do I say that? Because it happened. And it ought to be a portion of humility for all of us to understand the legislative process is difficult. We bring different views and we represent different constituencies and we have different priorities.

I rise in strong support of this bill, and I urge my colleagues to support this piece of legislation. None of them have read it. Not one of us has read every page of this bill. I see the chairman raising his hand, and I take him at his word. That means 434 of us will have to rely on his advice and counsel. And I'm sure Mr. DICKS has read it as well. My point is we work by committees, as President Wilson said, and we've worked hard on this bill through the year.

My Republican colleagues, during the course of the last election, said, We're going to bring bills one at a time to the floor and consider them. The Labor-Health bill that is included in a substantial portion of those pages, not only has it not been brought to the floor, it didn't pass the subcommittee. Nor the full committee. Nor this floor.

But this bill has been worked on carefully, and I want to congratulate Mr. ROGERS and Mr. DICKS and all of the subcommittee chairs for working out the differences that we had so we could do what the American people expect us to do—come to agreement on a bill that none of us perceives as perfect but perceive as a positive step for our country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman an additional minute.

Mr. HOYER. I, therefore, urge all of my colleagues to support this bill. Yes, it will keep government open, which is essential; but it will also do the most fundamental job that this Congress has to do every year, and that is to fund appropriately the priorities that this Congress puts before the country.

In closing, let me congratulate my friend, HAL ROGERS from Kentucky, with whom I served on the Appropriations Committee for over two decades, and Mr. DICKS, with whom I have served every day of my congressional career. Both are decent, hardworking, conscientious Representatives. They and their subcommittee chairs and ranking members have come together to present this product.

It is time to act. It is time to act positively. I will, when the roll is called, be supporting this piece of legislation.

Mr. ROGERS of Kentucky. I thank the gentleman for those comments.

Mr. Speaker, I yield 3 minutes to the chairman of the Interior Subcommittee, the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. First, let me thank Chairman ROGERS and Ranking Member DICKS.

As I've told many Members, if this is your first term or your second term or your third term here in this body, this is the first time you've actually seen an appropriation bill come to the floor under an open rule, and I know that is something we both want. The majority

party wants that, and I know the minority party wants that, also. And while Mr. HOYER was correct, we didn't get them all done, we are moving in the right direction. And we will get there where every bill comes under an open rule so that Members have input into that legislation, and that's what we're working toward. And I want to thank you for that.

□ 1240

But first let me also thank my partner in this effort, Mr. MORAN from Virginia. He's been a great asset in working out this bill. We don't always agree on every issue. I'm from Idaho, he's from Virginia, and so we sometimes have differences of opinion. But we're able to sit down and work together to solve those differences and work out a bill that I think is in the best interests of the American people.

The Interior bill conference agreement is \$29.175 billion, which is \$384 million below the FY enacted level. The conference agreement funds the EPA at \$8.45 billion, which is \$233 million below the FY11 enacted level and \$524 million below the President's request. The bill also includes in title IV a general provision that amends the Clean Air Act to transfer air quality permitting authority as of the date of this enactment from the Environmental Protection Agency to the Department of the Interior. This will provide regulatory parity for the Beaufort and Chukchi Sea planning areas with the western and central Gulf of Mexico planning areas. It fully funds the newly created Bureau of Ocean Energy Management with \$60 million to help expedite the review of offshore exploration plans. It also fully funds the newly created Bureau of Safety and Environmental Enforcement at \$76 million, including \$15 million for oil spill research.

It provides authority for the collection of \$62 million in inspection fees, but it dedicates funding for approving permits, expediting exploration plans, and hiring much-needed inspectors and engineers while also accelerating the approval of drilling plans. It fully funds wildfire suppression at the 10-year average. It cuts the NEA and NEH funding by \$17.4 million combined in this bill from the '011 appropriation.

It provides \$4.3 billion to the Indian Health Service. This has been a bipartisan effort with Mr. DICKS when he was chairman of this committee, with Mr. MORAN when he was chairman of this committee, and now with me that we fully fund the Indian Health Services. This is a 5.8 percent increase in this bill to address the health care needs in Indian Country, including access to Indian health facilities and contractual obligations to tribes. It provides \$108 million for the Smithsonian, including \$75 million for the construction of the National Museum of African American History and Culture.

It does several things for Westerners that live in public land States relative to grazing. There is a new provision that requires that the administrative review process first be exhausted before litigating on grazing issues and provides protection for trailing of livestock.

This, overall, is a good bill, and I think it's one that we can all be proud of. And, again, I want to thank Mr. MORAN for his dedication and work on this. But, most of all, I want to thank the staff on both sides of the aisle. If you're not on this committee, if you don't work with this committee, you don't know how much time they put in, and they do an incredible job for Congress and for the American people.

MR. DICKS. I yield 2 minutes to the distinguished gentleman from Virginia, the ranking member of the Interior Subcommittee, Mr. MORAN.

Mr. MORAN. Mr. Speaker, I too want to join the chorus in commending Chairman ROGERS, Chairman SIMPSON, and our ranking member, NORM DICKS, and the phenomenal work of the appropriations staff on both sides. Rich Healey and Shalanda Young, for example, have been working on this bill for the last several months, sometimes through the night. But all the pros on the appropriations staff, they are led by David Pomerantz; his deputy, Lesley Turner; Bill Inglee. They are pros, and they all deserve special recognition.

Mr. Speaker, this is a vast improvement over the Interior and Environment bill considered by the House in July. The agreement provides \$1.7 billion more than the initial House allocation. And \$8.4 billion is provided for EPA, it's 1.3 over the House bill. The agreement maintains basically level funding for the operation of the National Park Service, and it restores funding for the science programs in USGS land and water conservation front programs are increased by \$22 million over last year's level. And it's important to note that we've restored funding for endangered species and critical habitat listings.

Subcommittee Chairman MIKE SIMPSON spearheaded a bipartisan effort in support of funding for Native American programs. And as a result, the Indian Health Service is increased by 6 percent, important increases in education, public safety, and tribal government. This agreement doesn't abandon our commitment to the arts.

In fact, NEA and NEH are each given \$11 million over the House allocation. It's equal to the President's request.

Just as important, though, as what is included in this agreement is what is not. The conferees dropped more than two dozen unacceptable environmental riders that were a part of the House bill. Gone are the greenhouse gas, the Grand Canyon uranium mining, the mountain top mining removal riders to

name just a few. This is not to say that the bill is completely devoid of any environmental restrictions, but this is a compromise. And I can say that in nearly every instance what has been included is significantly improved over what was originally proposed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman an additional 15 seconds.

Mr. MORAN. Mr. Speaker, I want to say this. This is the way things were meant to be done in this body. Politics was meant to be the art of compromise, with people acting in good faith for the betterment of their country. That's what this omnibus appropriations bill is all about. And so it deserves to be passed unanimously.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the chairman of the Legislative Branch Subcommittee on Appropriations, the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I thank the chairman for yielding the time, and I thank him for his leadership.

I urge all of my colleagues to support this conference report because I think it takes another step to change this culture of spending that we've had in this town to a culture of savings. And we actually spent less money this year than we spent last year.

When you look at the Legislative Branch Subcommittee, which I chair, you'll find that we reduced spending this year by 7½ percent. In fact, the money that we spend on the legislative branch is less than we spent last year, it's less than we spent in 2010, and it's less money than we spent in 2009.

When you look specifically at the House of Representatives, which we are all a part of, the last two cycles we have reduced spending on the House of Representatives by over 10 percent.

When we ask other agencies of the Federal Government to do more with less, to rein in spending, to tighten their belt, be more effective and be more efficient, we have not exempted ourselves from that, and we have led by example. Every Member's office account in this body has been reduced by 10 percent these last 2 years. The leadership offices have had their funding reduced by 10 percent, and the committees as well, even the Appropriations Committee, has been reduced by even more than 10 percent. So I think this is another step forward to fund our priorities but exercise spending discipline.

I certainly want to thank my ranking member, Mr. HONDA, for his cooperation and hard work and thank all our staff members for their dedication and commitment, and I urge my colleagues to support this very good bill.

Mr. DICKS. I yield 2 minutes to the gentleman from California, the ranking member of the Legislative Branch Subcommittee, Mr. HONDA.

Mr. HONDA. Mr. Speaker, today Congress is considering a bill to keep the

government running for the remainder of the fiscal year. That is our basic responsibility as Members of Congress. I am pleased that we are operating under regular order in considering the conference report. The American people want us to work together. This package is a reflection of what we can accomplish through hard work and compromise.

The Legislative Branch appropriations bill will provide the Congress and its agencies with \$4.3 billion to work with, which is a reduction from the previous fiscal year. I have hope for more funds for the Congressional Budget Office and the Government Accountability Office, which have experienced increased demands from Members during these budget-focused times. However, I am glad we restored funding for agencies that were the targets of the most extreme cuts proposed in the original House bill.

This conference report restores \$18 million to the Government Printing Office, \$12 million to the Library of Congress, averting layoffs the original House bill would have caused. Capitol Police funding remains at last year's level of \$340.1 million. It is the only legislative branch agency that was not cut from last year's level.

This conference report includes language requiring the Chief Administrative Officer and the Sergeant At Arms to take on more of a leadership role in setting policies regarding district office security, including helping Members renegotiate leases to secure more favorable terms on security requirements. This bill provides the basic level of funding for the leg branch of the government and should be sufficient to keep current services in place. That is why I support this bill and ask my colleagues to do the same.

I want to thank Chairman CRENSHAW and his staff for the collegial working relationship throughout this process: Liz Dawson, the majority clerk; Chuck Turner and Jennifer Kisiah from the subcommittee; and Michael Kirlin from his personal staff. I also want to thank my staff, Shalanda Young, the minority clerk, and Mark Nakamoto from my personal staff.

Mr. Speaker, while not perfect, this bill is the result of a lot of hard work and compromise. I thank my colleagues on both sides of the aisle.

□ 1250

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COLE), a very hardworking member of the Appropriations Committee.

Mr. COLE. I thank the gentleman for yielding.

Mr. Speaker, first of all, I'd like to congratulate Chairman ROGERS and Ranking Member DICKS for an exceptionally hard job which yielded, frankly, a very good product.



This bill spends less—\$70 billion less—than the President requested and \$6 billion less than we spent last year. It's the second year in a row we've actually cut discretionary spending.

The bill cuts by 5 percent the funding for EPA regulatory programs which have passed some wildly unpopular and costly rules. The bill eliminates 23 programs totaling more than \$240 million. And while this bill cuts wasteful spending, it actually focuses additional funds on things that count—defending our country, helping some of our most vulnerable and challenged citizens, and providing funds to educate some of our most disadvantaged young people.

The bill provides a 1.6 percent pay increase for the military, as requested by the President, and funds the Defense Health and Military Family programs at \$1.1 billion above FY2011 and \$283 million above the President's request.

Along with supporting our Armed Forces, this bill exceeds FY2011 levels for our veterans. With \$58 billion in discretionary spending, this bill fully funds \$2.1 billion above last year's level for those who have served our country.

In addition, the Indian Health Service is funded at \$4.3 billion, an increase of nearly 6 percent. I particularly want to thank Chairman SIMPSON and Ranking Member MORAN for their hard efforts. The original House bill was actually even higher; it's our friends in the Senate who actually reduced funding here. The House really did a great job in this area.

Finally, I want to note TRIO funding was increased in a difficult environment by \$15 million.

Mr. Speaker, this is a good bill. It reprioritizes our spending away from wasteful programs that don't work toward things that are truly important for the American people. I urge its passage. I thank my friends for their hard work.

Mr. DICKS. Will the gentleman yield?

Mr. COLE. I yield to my friend from Washington.

Mr. DICKS. I just want to commend the gentleman for his work in support of Indian Country, both the Indian Health Service and the BIA. You have been a tireless advocate. Our subcommittee on the Interior has had bipartisan work on this issue, and I commend you for your strong leadership on that important issue.

Mr. COLE. I thank the gentleman very much and appreciate that.

I urge passage of the bill.

Mr. DICKS. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Connecticut, the ranking member of the Labor, Health and Human Services Appropriations Subcommittee, Congresswoman ROSA DE LAURO.

Ms. DE LAURO. I thank the ranking member. And I want to say a thank you to my colleague, Congressman

DICKS, and to the chairman, Mr. ROGERS, also to the staff, both majority and minority, for their tireless work in this effort, including David Pomeranz, Steve Crane, David Reich, Lisa Molyneux and Letty Mederos, Susan Frost as well. They did unbelievable work in this effort.

I rise in support of this budget for FY2012. It funds the government at a level consistent with the Budget Control Act without many of the damaging and extraneous ideological riders that marked earlier efforts.

Make no mistake, there are real cuts here, including hard cuts to vital programs like the LIHEAP program, the Low-Income Home Energy Assistance Program. Still, I believe this legislation has been improved.

In terms of Labor, Health and Human Services, and Education, the agreement restores \$2.9 billion in cuts made in the chairman's draft. These restorations are key investments in job creation, education, and the health and well-being of families that will lead us to recovery. We know, especially as over 13 million of our fellow Americans look for work, that investments in human capital like job training and re-employment services are part of the core, essential role for government. They help responsible people succeed. And I am pleased that this agreement restores the 74 percent cut to job training programs that was proposed in the original chairman's bill, which was never considered before the committee.

Health care is no longer shortchanged. With an aging population and a nursing shortage before us, we need to make wise investments in our health workforce. The programs that help to train primary care doctors, nurses, and other health providers, cut by 61 percent in the majority's draft, are now only cut by 6 percent. Funding for vital mental health services, once cut by 17 percent, are now only cut by 3 percent. And this agreement retains key investments in the Affordable Care Act implementation and in title X.

I'm glad to see the National Institutes of Health receive a funding increase of \$299 million; and a new National Center for Advancing Translational Science, as proposed by Director Francis Collins, is established. NIH can now keep funding life-saving research and pushing the frontiers of medical knowledge.

Perhaps no other investments we make are as important as the ones we make in our children. This agreement includes a \$16 million increase for the Childcare and Development Block Grant, providing desperately needed aid to working parents for safe and reliable child care. It provides a \$424 million increase for Head Start, allowing our kids to continue a path to academic success.

It includes a \$60 million increase to title I, supporting schools serving low-

income children, and a \$100 million increase to IDEA, supporting children with special needs.

One of the hardest issues for this conference has been Pell Grants. The agreement maintains the maximum grant amount of \$5,550. For too many students I have met, even a \$100 cut would have derailed their prospects for higher education. At the same time, we have made some targeted cost-saving changes to the program that should eliminate the funding shortfall for this year and perhaps next year as well.

I am pleased to see that the virtual elimination of the Corporation for National and Community Service proposed in the majority's draft has been rolled back. Instead of ending AmeriCorps, it will continue.

I intend to support this conference agreement and would encourage others to do so as well.

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve the balance of my time.

Mr. DICKS. I yield 2 minutes to the distinguished gentleman from Georgia, the ranking member of the Military Construction and Veterans' Affairs Subcommittee, Mr. BISHOP.

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this conference agreement. The MILCON/VA section of the conference agreement includes a discretionary total of \$71.7 billion, a decrease of \$1.4 billion below last year's level and a decrease of \$2.1 billion below the President's request.

For Military Construction, the conference agreement provides \$13.1 billion for military construction projects. And reductions to the budget request are possible because of savings on projects that were appropriated in previous years.

However, even with these reductions, the agreement funds family housing construction at \$1.7 billion, which provides for a total of 48 new family housing units, 80 replacement units, and improvements to 216 family housing units.

For Veterans Affairs, the conference agreement provides a total of \$122.2 billion for the FY12 programs of the Department of Veterans Affairs, of which \$58.5 billion is discretionary funding.

The agreement also contains \$52.5 billion in advance funding for the VA, the identical level that was requested by the President for the VA medical accounts.

Mr. Speaker, I am also pleased that the conference agreement provides \$45.8 million for Arlington National Cemetery, which is \$700,000 over last year's level.

Finally, Mr. Speaker, the conference agreement fully funds the Armed Forces Retirement Home request and includes \$14.6 million for the Armed Forces Retirement Home to facilitate

the repairs at the D.C. campus to repair damages sustained by the earthquake in August.

Mr. Speaker, let me just thank the committee and the subcommittee staff for all of their hard work in putting the bill together in a bipartisan, bicameral, cooperative way, taking leadership from our chairman and our ranking member, who have worked tirelessly to get this appropriations process back to regular order.

I urge the adoption of the conference report, and I urge all my colleagues to support it. It's a good bill.

Mr. ROGERS of Kentucky. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DICKS. I yield 1½ minutes to the distinguished gentlewoman from Ohio (Ms. KAPTUR), who is the next ranking member on the Democratic side on the House Appropriations Committee.

□ 1300

Ms. KAPTUR. I thank my dear friend and colleague Congressman DICKS.

I rise in support of this conference report.

This bill is welcome news and helps restore confidence that America can govern. It is essential to economic growth and job creation in our country, and the bill cuts overall discretionary spending by \$7 billion over last year and also \$98 billion less than the President's FY12 budget proposal.

This bill demonstrates the Appropriations Committee is still one of the few that properly functions in this institution, and I can't thank enough Chairman HAL ROGERS and Ranking Member NORM DICKS for their bipartisan leadership and hard work, along with their staff, to bring this House to regular order.

This legislation includes vital funding for the defense of our Nation and our domestic imperative. The bill includes support for our Great Lakes ports, as in Cleveland, Lorain, Sandusky, and Toledo, as well as around the country, and invests in their infrastructure necessary to modernize those facilities to increase our exports and increase jobs.

It also includes environmental restoration funding needed for the Great Lakes to allow economic revitalization as we create more maritime jobs and nature tourism. The bill keeps our commitment to establish America's energy independence with robust investments in renewable energy in solar, wind, and biomass. The investments in technology for those represent not just jobs for today, but for tomorrow.

As we grow our economy forward, budget certainty matters for fiscal year 2012. I urge my colleagues to support this so that we can govern our Nation and the Nation's interests.

Mr. DICKS. I yield 1 minute to the gentlewoman from California (Ms. LEE), a distinguished member of the Appropriations Committee.

Ms. LEE of California. Let me thank the gentleman for yielding and also thank our chairman and ranking member and subcommittee chairs, really, for bringing together a bipartisan bill to the floor. But I cannot support the bill because, once again, poor and low-income communities are taking the brunt of the terrible cuts.

While there are good provisions in this bill, what we have, however, is a bill loaded with special interest, Tea Party Republican riders at the expense of low-income people, especially women of color, right here in Washington, D.C.

Cutting off low-income women in Washington, D.C. from access to the same health and reproductive services available throughout the country is really not critical to preventing a shutdown. Forcing the continuation of abstinence-only sex education that fails to meet the needs of young people, that's not critical to preventing the government shutdown. Increasing the spread of HIV and hepatitis C through dirty needles is not critical to preventing a government shutdown.

Finally, let me just say this bill continues to fund over \$2 billion a week, mind you, \$2 billion a week on a war without end in Afghanistan. We must allow the Afghan people to control their own destiny and immediately begin to pull our great young men and women in uniform out of harm's way.

Mr. DICKS. Mr. Speaker, may I inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Washington has 1 minute remaining, and the gentleman from Kentucky has 1 minute remaining.

Mr. ROGERS of Kentucky. Mr. Speaker, I advise the gentleman from Washington that I have no further requests for time.

Mr. DICKS. I yield 1 minute to the gentlelady from Guam (Ms. BORDALLO) for a colloquy.

Ms. BORDALLO. I thank the gentleman very much.

Section 2207 of the recently passed FY12 Defense authorization bill restricts transfer of funding from the Department of Defense to support civilian infrastructure requirements on Guam, except funding specifically authorized in law.

Does the language of section 8110 of division A of this bill require any further authorization?

Mr. DICKS. I thank the gentlelady from Guam for raising this question.

It is our intent that section 8110 of division A of this bill has the required authorization and should be executed by the Department of Defense as specified in division A of this bill to support civilian infrastructure requirements on Guam.

Ms. BORDALLO. I thank the gentleman for the clarification.

Mr. DICKS. I yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield back the balance of my time and urge an "aye" vote on the measure.

Mr. DICKS. I urge an "aye" vote too.

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the Conference Report on H.R. 2055, the Consolidated Appropriations Act. I support a number of provisions included in this bill such as the \$10 million for the Gulf War Veterans' Illness Research Program. Yet I cannot support legislation that includes billions of dollars for our military operations overseas.

I remain concerned over the funding for the Overseas Contingency Operations (OCO) fund at DoD and the State Department included in this bill. H.R. 2055 includes a total of \$126.3 billion for the OCO account, which is used to support our military operations in Afghanistan and Iraq. The U.S. has spent a total of 19 years combined in Iraq and Afghanistan, at a total of more than \$1.3 billion. As official military operations in Iraq draw to a close, we have to note that Iraq is not much closer to a democracy than it was when we first invaded the country in 2003. Similarly, we would be foolish to think that our support of the corrupt central government and continued military intervention in Afghanistan would result in stability.

I urge my colleagues to join me in opposing this bill.

Mr. CONNOLLY of Virginia. Mr. Speaker, this appropriations bill presents us with a number of difficult, if not outright conflicting, choices. Certainly I and other members would prefer to have debated each of these bills individually with an opportunity to offer amendments.—6 of 12. The spending decisions being made today will have far reaching implications for all Americans, whether it's access to a community health center, quality classroom instruction or support for local police and firefighters. Some of these priorities enjoy bipartisan agreement, but some do not. We ought to have those debates, Mr. Speaker, so the public can be more informed and have time to weigh in with their thoughts to better inform our decisions.

In reviewing this bill, I once again come to the conclusion that the Republican leadership in the House knows the cost of everything yet the value of nothing. For example, the Energy and Water bill preserves level funding for the renewable energy program to support research and development of alternative fuels in support of America's energy independence. Yet the same bill undercuts the foundation of our Nation's economic innovation by cutting half the budget for the Advanced Research Projects Agency for Energy (ARPA-E) and reducing funds for basic science research. Similarly, this bill slashes funding for virtually every environmental safety initiative the federal government has pursued to protect public safety, including those promoting clean air and water. Thankfully, this bill maintains level funding for the National Institutes of Health and our community health centers, as such services will likely be in more demand due to unwise—or unhealthy, to be more precise—decisions made elsewhere in the bill.

While this bill maintains our commitment to our servicemembers, veterans, and their families, it actually undermines their hard work by

further hollowing out our international aid programs. The bill cuts \$6 billion from two of the three pillars of our national security agenda: diplomacy and development. While the bill provides new funding for counterterrorism, humanitarian assistance and civilian programs in Iraq, Afghanistan and Pakistan, it cuts more than 15% from the State Department budget and continues the disinvestment in USAID by putting a freeze on hiring and closing 3 overseas missions. Such cuts jeopardize the stability achieved in Iraq and Afghanistan and our engagement in the power shift under way in the Middle East through the Arab Spring. How can we expect to foster moderate political movements in the Middle East if we don't invest in development and diplomacy?

The same foolhardy choices are applied with respect to assistance for our local partners. This bill cuts assistance for our community first responders by 40%, and it reduces federal support for local fire station personnel and equipment by 17%. Our local police and fire personnel represent the front lines of our homeland security, and the federal government must continue to be a full partner in that effort. The bill does, however, increase ever so slightly federal assistance for local classrooms by boosting Title I funding and adding \$100 million in special education aid. While the federal government still falls considerably short of meeting its commitment of funding 40% of the Individuals with Disabilities Education Act, this bill inches us closer and relieves pressure on local taxpayers to foot the bill for this unfunded mandate.

So you see, Mr. Speaker, these are difficult choices that merit further debate than this current process allows. This is certainly not the bill I would have drafted, but it is the one we have been presented. I believe the positives do outweigh the negatives ever so slightly. Faced with an up-or-down vote to support this package or shut down the federal government, I will unenthusiastically support this bill. The public expects us to conduct the Nation's business, and this bill does accomplish that. But the public also expects us to do it in a responsible manner, and this process has been anything but that, and I hope my Republican colleagues more fully engage in this debate on spending priorities when Congress reconvenes next year. I suspect such an exercise will better inform our public, which will better inform our politics and our decisions.

Mr. WOLF. Mr. Speaker, the conference report accompanying H.R. 2055 clearly states that Secretary of Defense Leon Panetta has the ability to create the Afghanistan/Pakistan Study Group. I worked closely with members of the House and Senate to include the funding for this important panel and I am extremely pleased that it is now possible for it to become a reality.

Despite numerous requests for Secretary Panetta to create this panel using his existing authority, he has steadfastly refused to do so. His letter of November 3, 2011, which I include for the RECORD, states that he believes "fresh eyes" have already been put on our mission and strategy in Afghanistan. He neglects to mention whether his definition of "fresh eyes" includes those who devised and implemented the current U.S. strategy. It is clear that his strategy in Afghanistan and Paki-

stan has not yet been successful—and the American people are concerned about the outcome.

I also include for the RECORD my initial letter to President Obama outlining the importance of the Af/Pak Study Group, as well as letters of support from prominent foreign policy experts. This panel presents the Obama Administration with the opportunity to engage the brightest minds outside of government in reviewing current strategy in South Asia and bring their considerable experience to bear to ensure that we have the best possible strategy going forward in this vitally important region.

Mr. Speaker, Secretary Panetta now has clear ability and funding to create the Afghanistan/Pakistan Study Group. I believe we owe it to our servicemembers and their families to consider all opinions on how to achieve success in Afghanistan in Pakistan.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, August 4, 2010.

Hon. BARACK H. OBAMA,  
The President, The White House, Washington DC.

DEAR MR. PRESIDENT: On September 14, 2001, following the catastrophic and deliberate terrorist attack on our country, I voted to go to war in Afghanistan. I stand by that decision and have the utmost confidence in General Petraeus's proven leadership. I also remain unequivocally committed to the success of our mission there and to the more than 100,000 American troops sacrificing toward that end. In fact, it is this commitment which has led me to write to you. While I have been a consistent supporter of the war effort in both Afghanistan and Iraq, I believe that with this support comes a responsibility. This was true during a Republican administration in the midst of the wars, and it remains true today.

In 2005, I returned from my third trip to Iraq where I saw firsthand the deteriorating security situation. I was deeply concerned that Congress was failing to exercise the necessary oversight of the war effort. Against this backdrop I authored the legislation that created the Iraq Study Group (ISG). The ISG was a 10-member bipartisan group of well-respected, nationally known figures who were brought together with the help of four reputable organizations—the U.S. Institute for Peace, the Center for the Study of the Presidency, the Center for Strategic and International Studies, and the Baker Institute for Public Policy at Rice University—and charged with undertaking a comprehensive review of U.S. efforts there. This panel was intended to serve as "fresh eyes on the target"—the target being success in Iraq.

While reticent at first, to their credit President Bush, State Secretary Rice and Defense Secretary Rumsfeld came to support the ISG, ably led by bipartisan co-chairs, former Secretary of State James Baker and former Congressman Lee Hamilton. Two members of your national security team, Secretary of Defense Robert Gates and CIA Director Leon Panetta, saw the merit of the ISG and, in fact, served on the panel. Vice President Biden, too, then serving in the Senate, was supportive and saw it as a means to unite the Congress at a critical time. A number of the ISG's recommendations and ideas were adopted. Retired General Jack Keane, senior military adviser to the ISG, was a lead proponent of "the surge," and the ISG referenced the possibility on page 73. Aside from the specific policy recommendations of the panel, the ISG helped force a mo-

ment of truth in our national conversation about the war effort.

I believe our nation is again facing such a moment in the Afghanistan war effort, and that a similar model is needed. In recent days I have spoken with a number of knowledgeable individuals including former senior diplomats, public policy experts and retired and active military. Many believe our Afghanistan policy is adrift, and all agreed that there is an urgent need for what I call an Afghanistan-Pakistan Study Group (APSG): We must examine our efforts in the region holistically, given Pakistan's strategic significance to our efforts in Afghanistan and the Taliban's presence in that country as well, especially in the border areas.

This likely will not come as a surprise to you as commander in chief. You are well acquainted with the sobering statistics of the past several weeks—notably that July surpassed June as the deadliest month for U.S. troops. There is a palpable shift in the nation's mood and in the halls of Congress. A July 2010 CBS news poll found that 62 percent of Americans say the war is going badly in Afghanistan, up from 49 percent in May. Further, last week, 102 Democrats voted against the war spending bill, which is 70 more than last year, and they were joined by 12 members of my own party. Senator Lindsay Graham, speaking last Sunday on CNN's "State of the Union," candidly expressed concern about an "unholy alliance" emerging of anti-war Democrats and Republicans.

I have heard it said that Vietnam was not lost in Saigon; rather, it was lost in Washington. While the Vietnam and Afghanistan parallels are imperfect at best, the shadow of history looms large. Eroding political will has consequences—and in the case of Afghanistan, the stakes could not be higher. A year ago, speaking before the Veterans of Foreign War National Convention, you rightly said, "Those who attacked America on 9/11 are plotting to do so again. If left unchecked, the Taliban insurgency will mean an even larger safe haven from which al Qaeda would plot to kill more Americans. So this is not only a war worth fighting . . . this is fundamental to the defense of our people." Indeed it is fundamental. We must soberly consider the implications of failure in Afghanistan. Those that we know for certain are chilling—namely an emboldened al-Qaeda, a reconstituted Taliban with an open staging ground for future worldwide attacks, and a destabilized, nuclear-armed Pakistan.

Given these realities and wavering public and political support, I urge you to act immediately, through executive order, to convene an Afghanistan-Pakistan Study Group modeled after the Iraq Study Group. The participation of nationally known and respected individuals is of paramount importance. Among the names that surfaced in my discussions with others, all of whom more than meet the criteria described above, are ISG co-chairs Baker and Hamilton; former Senators Chuck Robb, Bob Kerrey and Sam Nunn; former Congressman Duncan Hunter; former U.S. ambassador Ryan Crocker; former Secretary of Defense James Schlesinger, and General Keane. These names are simply suggestions among a cadre of capable men and women, as evidenced by the makeup of the ISG, who would be more than up to the task.

I firmly believe that an Afghanistan-Pakistan Study Group could reinvigorate national confidence in how America can be successful and move toward a shared mission in Afghanistan. This is a crucial task. On the Sunday morning news shows this past weekend, it was unsettling to hear conflicting

statements from within the leadership of the administration that revealed a lack of clarity about the end game in Afghanistan. How much more so is this true for the rest of the country? An APSG is necessary for precisely that reason. We are nine years into our nation's longest running war and the American people and their elected representatives do not have a clear sense of what we are aiming to achieve, why it is necessary and how far we are from attaining that goal. Further, an APSG could strengthen many of our NATO allies in Afghanistan who are also facing dwindling public support, as evidenced by the recent Dutch troop withdrawal, and would give them a tangible vision to which to commit.

Just as was true at the time of the Iraq Study Group, I believe that Americans of all political viewpoints, liberals and conservatives alike, and varied opinions on the war will embrace this "fresh eyes" approach. Like the previous administration's support of the Iraq Study Group, which involved taking the group's members to Iraq and providing high-level access to policy and decision makers, I urge you to embrace an Afghanistan-Pakistan Study Group. It is always in our national interest to openly assess the challenges before us and to chart a clear course to success.

As you know, the full Congress comes back in session in mid-September—days after Americans around the country will once again pause and remember that horrific morning nine years ago when passenger airlines became weapons, when the skyline of one of America's greatest cities was forever changed, when a symbol of America's military might was left with a gaping hole. The experts with whom I have spoken in recent days believe that time is of the essence in moving forward with a study panel, and waiting for Congress to reconvene is too long to wait. As such, I am hopeful you will use an executive order and the power of the bully pulpit to convene this group in short order, and explain to the American people why it is both necessary and timely. Should you choose not to take this path, respectfully, I intend to offer an amendment by whatever vehicle necessary to mandate the group's creation at the earliest possible opportunity.

The ISG's report opened with a letter from the co-chairs that read, "There is no magic formula to solve the problems of Iraq. However, there are actions that can be taken to improve the situation and protect American interests." The same can be said of Afghanistan.

I understand that you are a great admirer of Abraham Lincoln. He, too, governed during a time of war, albeit a war that pitted brother against brother, and father against son. In the midst of that epic struggle, he relied on a cabinet with strong, often times opposing viewpoints. Historians assert this served to develop his thinking on complex matters. Similarly, while total agreement may not emerge from a study group for Afghanistan and Pakistan, I believe that vigorous, thoughtful and principled debate and discussion among some of our nation's greatest minds on these matters will only serve the national interest. The biblical admonition that iron sharpens iron rings true.

Best wishes.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

P.S. We as a nation must be successful in Afghanistan. We owe this to our men and women in the military serving in harm's way and to the American people.

CENTER FOR THE STUDY OF THE  
PRESIDENCY AND CONGRESS,  
Washington, DC, June 1, 2011.

Hon. FRANK WOLF,  
U.S. House of Representatives, Cannon House  
Office Building, Washington, DC.

DEAR FRANK: To say that the May 2, 2011 targeted elimination of Osama bin Laden by a team of U.S. Navy SEALs was welcome news would be the understatement of the 21st century. The death of a terrorist icon that had directed the murder of thousands of American, European, and Muslim civilians has also caused almost immediate speculation as to what his demise will mean for the international mission in Afghanistan.

Within hours of President Obama's announcement of bin Laden's death, pundits and politicians from both the Right and Left are calling for a speedier withdrawal in the wake of the al-Qaeda leader's demise. However, many are concerned that such a move would risk reversing the gains that have been made by our nearly ten-year military effort and could cause Afghanistan to once again remerge as a destabilizing pariah that violates human rights and threatens international security.

As the country becomes increasingly divided over the issue of our involvement in Afghanistan, many questions have been raised regarding our relationship with Pakistan. Despite spending billions in aid and security assistance, America's approval rating in Pakistan is a mere 17%. Furthermore the discovery of Osama bin Laden in a compound located less than a mile from the Pakistan Military Academy has dramatically amplified concerns that elements of the Pakistani Inter-Services Intelligence service may be maintaining links with al-Qaeda and other violent extremist organizations. While many understand that cutting off or reducing aid to Pakistan would be risky, the American public is unlikely to tolerate continued perceived double-dealing on the part of the Pakistani security services. New creative and independent thinking is needed to overcome the current deadlock.

As the country struggles to find the appropriate way forward in Afghanistan and Pakistan, I am heartened by your efforts to establish a bipartisan and independent Afghanistan-Pakistan Study Group that will take a comprehensive look at America's current and future role in the region.

I had the privilege of helping organize the Iraq Study Group (ISG), which the proposed Af-Pak Study Group would be modeled after, and feel that a similar such effort would be of great help today.

Such a group can provide an effective unifying rallying point that will enable the country to come together in support of a comprehensive strategy that will guard our interests in the region and foster a more stable and secure world.

With warm regards,

Sincerely yours,

DAVID ABSHIRE.

BIRMINGHAM-SOUTHERN  
COLLEGE,

Birmingham, AL, July 25, 2011.

Congressman FRANK R. WOLF,  
Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSMAN WOLF: Thank you so much for your letter of July, 20, 2011 forwarding me your letter to Secretary Panetta. You asked for my thoughts on the proposed Af/Pak Study Group and here they are:

I think you are spot on! It should be obvious to everyone concerned that the time has

come to do a professional evaluation of the current policy in the region. When I mention "region", I believe it is important to include India. At the end of the day, Afghanistan, Pakistan and India are inextricably linked. . . . you cannot establish policies in a stove pipe manner. The Study Group will immediately recognize that fact and accommodate it.

It is important to understand that conflict occurs at three levels. . . . Strategic, Operational, and Tactical. Too often we look at the tactical level . . . see the heroism and accomplishments of our servicemen and women . . . and make conclusions re. the conduct of the war. Unfortunately, that is NOT the way to look at this current conflict. Like Vietnam, we can do a solid job at the Tactical Level and lose the war at the Operational and Strategic Levels. This is where we find ourselves today in Afghanistan . . . and the path to any kind of victory is closely linked to success in Pakistan and India. The possibility of achieving such success across all three countries is small . . . certainly following the policies in place today (and yesterday.)

Again, I applaud your work and on behalf of those young men and women who are sacrificing so far from home, I thank you.

Semper Fidelis,

CHARLES C. KRULAK,  
General, USMC (Ret.),  
31st Commandant of  
the Marine Corps,  
13th President, Bir-  
mingham-Southern  
College.

SECRETARY OF DEFENSE,  
1000 DEFENSE PENTAGON,  
Washington, DC.

Hon. FRANK R. WOLF,  
U.S. House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your letters regarding our strategy in Afghanistan and your proposal to create an Afghanistan-Pakistan Study Group.

To address your main point, I have examined our policy with fresh eyes, and I believe the current U.S. strategy is indeed the best way forward. The United States and our Coalition partners are seeing clear progress through our strategy in Afghanistan, particularly in our core goal of disrupting, dismantling, and ultimately defeating al-Qaida and its extremist affiliates. Our surge forces, along with those of our Allies and partners and the expanding Afghan National Security Forces, have reversed the insurgency's momentum and continue to build on our gains. There has also been a marked decline in violence in Afghanistan so far in 2011, compared to the same period last year. We have also made steady progress in assisting Afghanistan's development of its own forces, which have begun assuming the lead for security for more than a quarter of the Afghan population, with the transition of seven provinces and municipalities having occurred this past summer.

I agree with your concern that one of the greatest risks to the progress we have made is from terrorist and militant groups who find safe havens in Pakistan. To that end, we are working hard with Pakistan to improve the level of cooperation to close these safe havens and promote the emergence of a stable and durable political solution in Afghanistan, which is beneficial not only to the United States, but also to the region.

Given that the Coalition is making undeniable progress, the Chairman of the Joint

Chiefs of Staff and I continue to think that creating an Afghanistan-Pakistan Study Group, as described in your letter and amendment to the FY 2012 Defense Appropriations bill, is not necessary. Our view is that the establishment of such a group would divert attention and resources from the implementation of our current strategy. Additionally, this assessment requirement would duplicate already ongoing, periodic assessments, such as the semi-annual section 1230 "Report on Progress Toward Security and Stability in Afghanistan."

In your letters, you also mention the work and writings of Ambassador Peter Tomsen. In early October, Deputy Assistant Secretary of Defense (DASD) for Afghanistan, Pakistan, and Central Asia, David Sedney, spoke to Ambassador Tomsen at length on a variety of issues, including Ambassador Tomsen's recommendations in his book, *The Wars of Afghanistan*.

If you would like to discuss further the way forward in Afghanistan and with Pakistan—and hear more about the discussion with Ambassador Tomsen—please let the Department know, and DASD David Sedney will provide you a comprehensive brief.

Thank you again for your thoughtful letters, as well as for your unwavering support of our courageous men and women in uniform.

Sincerely,

LEON E. PANETTA,  
*Secretary of Defense.*

Mr. SIMPSON. Mr. Speaker, I rise today to clarify the intent of language included in the conference report on H.R. 2055, the Consolidated Appropriations Act for FY12, regarding the management of forest roads.

In May of 2011 the Ninth Circuit Court of Appeals issued a final ruling in *NEDC v. Brown* declaring for the first time that forest roads used for timber management are point sources and must have permits under section 402 of the Clean Water Act. The State of Oregon and the industry defendants have now asked the Supreme Court to review this decision. On Monday, December 12, the Supreme Court issued an order seeking the views of the Solicitor General signaling the possibility that the Court will review the case. However, the Ninth Circuit's decision remains in effect.

Section 429 of Division E exempts stormwater discharges from forest roads and other forestry activities from any such permit requirement for the rest of the fiscal year. This will ensure that neither EPA nor any state is forced to impose a permitting requirement while the Supreme Court is considering whether to review the Ninth Circuit's decision. With such an abrupt change in interpretation of the Act, it is important that there be an opportunity for the Supreme Court to weigh in. We encourage the Supreme Court to proceed with its determination of whether to review of the case, and this provision should in no way deter the Court's proceedings.

Mr. HASTINGS of Washington. Mr. Speaker, Yucca Mountain is the repository for our nation's high level defense nuclear waste and spent nuclear fuel under current law. This conference report does not change that fact. Regardless of the politically-based preferences of the Obama Administration, the Senate Majority Leader or the Chairman of the Nuclear Regulatory Commission, terminating Yucca Mountain would require Congress to amend the Nuclear Waste Policy Act.

Mr. Speaker, if it in fact were the position of Congress to support termination of Yucca Mountain, surely we would have acted to amend the law. Congress has not amended the Nuclear Waste Policy Act—or even considered terminating Yucca Mountain.

Decades were spent studying potential locations for a national repository—and Yucca Mountain was determined to be the best solution. Congress designated Yucca Mountain in 1987 as the national repository and has voted to reaffirm that decision several times. There is no science-based or safety-based reason to abandon Yucca Mountain.

Those who work on nuclear waste issues will undoubtedly note that this bill no longer contains explicit language adopted by the House that prohibits the use of funds to close Yucca Mountain. Explicit language like this, though, is not required as it continues to be illegal for the Department of Energy to terminate the project—and thus illegal for the Department to spend federal dollars for that purpose. The Department of Energy has funding leftover from previous years should it choose to comply with the law and continue the Yucca Mountain licensing process regardless of this bill.

Mr. Speaker, the fact that the final bill clarifies that the Chairman of the Nuclear Regulatory Commission cannot terminate any project without a majority vote of the Nuclear Regulatory Commission should not be overlooked. Over a year ago, the Atomic Safety and Licensing Board rejected the Department of Energy's motion to withdraw the Yucca license application. That ruling should have been finalized after the Nuclear Regulatory Commission voted sustain it with two-to-two tie vote with one Commissioner abstaining. The Chairman of the Nuclear Regulatory Commission refused to release the results of their vote on the matter for almost a year. Instead, the Chairman of the Nuclear Regulatory Commission has acted unilaterally to shut down the ongoing review of the Yucca Mountain application. This unprecedented, bureaucratic and orchestrated stall tactic has been questioned by Congress and former and current members of the Nuclear Regulatory Commission.

Unfortunately, in congressional hearings just this week we learned that this abuse of power is the rule—not the exception—when it comes to the Nuclear Regulatory Commission Chairman. It extends well beyond the policy and safety issue of Yucca Mountain and instead, absent serious changes, it appears to be putting the entire mission of the NRC at risk.

Mr. Speaker, I'm hopeful that Congress will continue vigorous oversight over the Nuclear Regulatory Commission and continue to take all actions possible to ensure that the federal government keeps its existing legal obligation to move forward with Yucca Mountain.

Mrs. LOWEY. Mr. Speaker, I rise in support of the conference agreement. While it has many flaws, it represents a substantial improvement from the grossly inadequate House spending bills.

Our top priority must be to grow our economy and create jobs, and the underlying bill makes critical investments, including:

Providing the National Institutes of Health with an additional \$299 million, which will inject \$45 million into New York's economy;

Investing in early childhood education by maintaining Head Start slots, child care grants, and continuing quality education programming by supporting the Corporation for Public Broadcasting;

Increasing resources for the two major federal K–12 grants, Title I and IDEA;

Continuing the maximum Pell Grant award of \$5,500, which helps approximately nine million students afford college; and

Restoring most of the proposed Republican reductions to youth and adult job training services.

The bill also largely rejects the Republican assault on women's health. Investing in family planning saves taxpayer dollars—every dollar spent on family planning saves nearly four dollars in Medicaid expenses—yet Republicans attempted to eliminate the program. The final agreement restores most of the funds.

The conference report drops many of the mean-spirited policy riders aimed at women, including those that would have prevented Planned Parenthood from offering preventive care, allowed health professionals to deny safe and legal care to women, blocked funding for the United Nations Population Fund, and restored the global gag rule. While removing these riders is a positive step, unfortunately the final bill continues to prohibit the District of Columbia from using its own, non-federal funds for a full range of reproductive health services.

Another area where the bill is significantly improved compared to the extremely poor House proposal is homeland security, although it may still be insufficient.

In these difficult fiscal times, federal homeland security resources must be prioritized for those areas that face the highest threat of an attack. I am pleased that the final agreement includes altered language to ensure funds are distributed by the Secretary on the basis of threat, vulnerability and consequence.

However, I am concerned about practical implementation of this new block grant as it combines the State Homeland Security Grant Program, which has a statutory minimum funding requirement for each state, with risk-based programs such as the Urban Area Security Initiative.

The conference report continues funding for the Securing the Cities program, a vital initiative building the capability for New York's first responders to detect illicit radiological materials and weapons, which is a top priority for Mayor Bloomberg, Commissioner Kelly, and me.

It is unfortunate that during an economic crisis, some are fixated on mining near the Grand Canyon, eliminating clear air protections, and prioritizing fossil fuel technology. Ultimately the most egregious environmental riders were removed, but we must do more to invest in clean, renewable energy sources that will create high-paying research, development, manufacturing, and servicing jobs and increase our competitiveness in the global marketplace.

I am pleased that the Small Business Administration receives an additional \$189 million to support small businesses, provide disaster assistance, and improve access to capital. In Westchester and Rockland Counties, I have seen firsthand what government can do to create jobs. Small Business Administration loan

programs help economic development organizations provide micro-loans to emerging small businesses, and SBA 7(a) and 504 loans help small businesses receive access to capital to expand and create jobs.

In addition, Westchester and Rockland Counties benefit from the Long Island Sound, which contributes almost \$5 billion a year to the regional economy through boating, commercial and sport fishing, and tourism. This bill provides nearly \$4 million for the EPA to continue its program to clean the Long Island Sound and strengthen its ecosystem for generations to come, as well as funds to clean up and improve navigable waterways, including the Hudson River.

As the ranking member of the subcommittee on State and Foreign Operations, the bill will help maintain our global leadership, protect national security and promote economic growth.

Our wise investments in better health and education systems, economic opportunity in the developing world, humanitarian assistance, international financial institutions, development assistance, economic support funds, and international family planning will help to save lives, develop the next generation of U.S. trading partners to boost job growth domestically, and confront the conditions that foster the radicalism and instability that threaten the long-term security of the United States.

This bill also fully funds our agreements with vital allies including Israel, Jordan, and Egypt, and supports governance and development activities in Egypt to aid the transition to democracy.

However, we do not write blank checks. Stringent conditions on continued assistance for Egypt, the Palestinian Authority, Pakistan and Afghanistan will help ensure accountability and responsible use of tax-payer dollars.

The bill is far from perfect, but it is a reasonable compromise. I urge your support.

Mr. WAXMAN. Mr. Speaker, I rise today in strong support of the reauthorization of the Lautenberg Amendment, a lifeline for Iranian Jews, Christians, Baha'is and other religious minorities under threat of the Iranian regime.

Life in Iran for Jews, Christians and Baha'is is dangerous. Each year, the State Department cites Iran as a "Country of Particular Concern" for its "systematic and egregious violations of religious freedom." President Ahmadinejad has engaged in a campaign of virulent anti-Semitism, and according to the 2011 Annual Report of the United States Commission on International Religious Freedom, "Since the disputed June 12, 2009 elections, human rights and religious freedom conditions in Iran have regressed to a point not seen since the early days of the Islamic revolution." The regime has a history of targeting religious minorities for harassment, imprisonment or worse.

The Lautenberg Amendment provides an escape route for these vulnerable individuals. First enacted in 1989, and extended to include Iran in 2003, the provision establishes a presumption of refugee eligibility for certain categories of historically religiously persecuted minorities.

The Fiscal Year 2011 funding measure only authorized the program for 45 days, leaving thousands of Iranians seeking escape at great

risk when it expired on June 1. Although I oppose this Fiscal Year 2012 spending bill due to its deep cuts to programs, and its riders prohibiting the use of federal funds for reproductive health services in the District of Columbia, needle exchange programs and enforcement of light bulb efficiency standards, I welcome the reinstatement of this critical provision.

Our nation was founded by individuals escaping religious persecution. Their experience, and desire to practice their beliefs freely, undergirds our shared values of religious liberty and tolerance. The United States has a long and proud history of welcoming groups escaping religious discrimination—and emigrating so that they may worship freely—and the Lautenberg Amendment is an extension of this tradition. I applaud the reauthorization of this critical program.

Mr. BLUMENAUER. Mr. Speaker, the nation's fiscal footing is serious business. It is too bad, then, that so much of the conversation around funding the federal government was consumed by policy riders and petty projects championed by narrow interest groups. Congress should be investing in the foundations of American prosperity and the infrastructure that supports the success of individual Americans. Rebuilding and renewing our nation's badly eroded infrastructure, strengthening our nation's healthcare system, protecting our environment, streamlining and reforming the Department of Defense, and ensuring that our financial watchdogs have the resources they need to rein in financial bad actors are all necessary investments and key obligations of our nation's government. I'm pleased that this funding package dropped many of the damaging and narrow riders that would have hurt our environment, women, and our diplomatic relationships, and, while I am still disappointed that Congress could not do more, this compromise marks a step forward from the terrible choices outlined in the Republican budget earlier this year.

#### DEFENSE

One of the greatest areas of disappointment for me in this legislation is defense spending. This bill provides more funding for our military than nearly the rest of the world combined, and represents a missed opportunity for much needed reform. The greatest threat to our future is losing control of our ability to make tough decisions that will enable us to sustain our military and, more importantly, to sustain the economy. Wasteful weapons programs that continue to arm us for the Cold War, unsustainable deployment strategies, and the tragic ongoing funding for an unwinnable war in Afghanistan could have been addressed. Sadly, this bill fails to set down a marker for real change, and forfeits and opportunity to lead responsibly.

#### EDUCATION

I am pleased that this bill protects the Pell Grant program and maintains the current \$4,860 maximum. In addition, the small increases in IDEA and Title I funding, while far less than what are necessary, are a significant improvement compared to earlier Republican proposals. While many of the programs are facing cuts, I appreciate the continued funding for the Arts in Education program, as well as the programs that support teacher development and special education.

#### ENVIRONMENT AND ENERGY

With regard to environment and energy, this bill could have been worse. I'm pleased that many of the most egregious riders were removed from the Interior-Environment and Energy and Water titles. It is inappropriate to use the appropriations process to make policy and score political points. I am strongly opposed to the legislative riders that remain, including language that would stop the Department of Energy from enforcing new efficiency standards for light bulbs. These standards stemmed from a non-controversial and bi-partisan initiative in 2005 and this rider is sadly indicative of how partisan and politically-motivated the legislative process has become.

I am also extremely disappointed in the funding levels for important environmental and public health protections. The Environmental Protection Agency suffers an almost 20 percent cut, including significant reductions for Clean Water and Drinking Water State Revolving Funds and climate and air research programs that are used by states. These reductions undermine the Federal partnership with local communities and will make it more difficult to clean the air and water and protect important public lands.

While overall I am concerned about the funding levels for the Environmental Protection Agency, I am pleased that the Committee maintained funding for EPA's Office of Smart Growth, part of the Interagency Partnership between HUD, DOT and EPA. The funds allocated to the Office of Smart Growth and the Interagency Partnership recognize the model that the Partnership presents. At a time of dwindling government funds, we need to ensure that our programs are working in concert, that we reduce red tape when possible, and that we are encouraging communities to use federal dollars to address multiple areas: economic development, public health, transportation planning, environmental protection, affordable housing and community planning. I am pleased that the Committee has recognized the importance of the Office of Smart Growth and its associated offices at HUD and DOT.

With bipartisan support including that of President George W. Bush, Congress amended the Lacey Act—which bars trade in illegal wildlife products—in 2008 to include a ban on illegally harvested wood. These amendments have helped U.S. businesses compete on a level playing field, saved over \$1 billion annually, and protected thousands of U.S. jobs. Crucial to continuing these successes comes from investing in the enforcement of this law. I am happy to see \$200 million for enforcement, but it's my belief that we ought to be making a greater investment.

#### FINANCIAL SERVICES

Excessive risk-taking by banks coupled with lax regulations contributed to the financial crisis that devastated millions of families. Congress passed the Dodd-Frank Act to give federal regulatory agencies the tools they need to protect consumers and the global financial system. This bill increases the resources of the Securities Exchange Commission by 8 percent, which will aid enforcement and implementation of Dodd-Frank. Despite some improvements, I retain significant concerns with



the legislation. I urge my colleagues to continue buttressing the budgets of critical agencies like the Internal Revenue Service, the Commodity Futures Trading Commission, and the Securities and Exchange Commission, to ensure adequate policing of financial markets and limit the risk of another global financial collapse.

#### PUBLIC BROADCASTING

The omnibus legislation takes a refreshing break from partisan politics when it comes to making a critical investment in our public broadcasting system. After a long year of fighting hard to protect funding and to depoliticize this issue, I am extremely pleased to see \$445 million for the Corporation for Public Broadcasting, CPB, the advanced appropriation for CPB, Fiscal Year 2013 funding untouched, and flat-level funding for Ready to Learn, a program which brings award-winning educational content into underserved classrooms.

#### UNEXPLODED ORDNANCE

As the founder and co-chairman of the Unexploded Ordnance, UXO, Caucus, which aims to raise awareness in Congress of the health, safety, and environmental risks of UXO and the challenges faced by communities and the federal government to clean up UXO on former military sites, I am very pleased to see our government willing to lead by example and invest in necessary environmental cleanup. For too long, former military bases are left littered with dangerous, unexploded munitions and toxic chemicals. The government has a responsibility to clean up these sites and return the land to the local community so it can put it to use and boost their economy.

#### WATER, SANITATION, AND HYGIENE

Water is essential to just about every kind of development assistance. If developing countries don't have access to clean water or adequate sanitation facilities, it doesn't matter how many schools we build or vaccines we pass out. Those investments are wasted because children can't learn if they have to stay home to collect water, or can't ingest retroviral medications because of waterborne disease. Water must be a priority in any development discussion, and I extremely pleased to see this legislation do just that by setting aside \$315 million to provide greater access for the world's poorest.

It is vital that Congress renew its focus on investing in the infrastructure that underpins America's growth. I reluctantly support this legislation but I urge my colleagues to redouble their efforts to renew and rebuild America.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 2055, the Consolidated Appropriations Act for 2012. While this bill is not perfect, it makes critical investments in education, military construction and civilian infrastructure requirements on Guam, Wall Street reform, and clean energy, and it ensures that our government remains funded through the remainder of Fiscal Year 2012. I thank Chairman HAL ROGERS and Ranking Member NORM DICKS, and all my colleagues on the Appropriations Committee, for maintaining critical funding that supports our Armed Forces and ensures that Guam and the U.S. Territories receive necessary support from the Federal Government.

If passed, H.R. 2055 would appropriate \$33 million for civilian infrastructure improvements on Guam through the Department of Defense Office of Economic Adjustment in response to the realignment of U.S. Marine Corps forces to Guam. The bill would provide the necessary appropriation and sufficient authorization for the Secretary of Defense to utilize these funds specifically to address the need for vehicles and supplies for civilian student transportation, the construction of a cultural repository for cultural artifacts unearthed during current and future military construction, and the construction of a mental health and substance abuse facility in Guam. The funding for this infrastructure was done through a validated process and in accordance with the Economic Adjustment Committee criteria. These infrastructure improvements are critical to ensuring that Guam is able to sustain the additional military presence anticipated from the build-up, and the funds fulfill an agreement made between the Administration and the Government of Guam.

I am, however, very concerned with cuts that were made to the Department of the Navy for military construction projects directly relating to the U.S.-Japan Roadmap for Realignment Implementation. The bill removes approximately \$155 million in military construction projects that support the Marine Corps requirements for the realignment of forces from Okinawa to Guam. The removal of these funds ignores the Administration's efforts to improve our military posture in Asia, and it further delays inevitable investments that will be necessary to support the realignment. Further, I am concerned that cutting funds for increment 2 of the North Ramp Utilities project wastes nearly \$20 million in previously appropriated funds. However, I do appreciate the support for the Guam Strike requirements at Andersen Air Force Base. Guam Strike is an important program that helps to provide necessary ISR and Strike capabilities at Andersen Air Force Base. I appreciate the Committee's continued support of this program.

This bill also includes much needed support for Guam, and the U.S. Territories. Specifically, it provides more than a million dollars for infrastructure on Guam to support sustainable energy projects. The people of Guam currently face some of the highest energy costs in the Nation, and funding will help alleviate those costs and reduce our dependence on imported oil. The bill also increases funding for the Assistance to Territories program by nearly \$5 million above the President's Budget request. However, I am concerned about the reduction in funds to the Empowering Insular Communities fund. This new account would strengthen the foundations of economic development in the territories by addressing challenges preventing reliable delivery of critical services needed to attract investment. I hope that the additional funds in the Assistance to Territories fund can be used to meet this new program's needs.

In addition, once passed, this bill will significantly improve the implementation of the Compacts of Free Association. The Compacts are an important national security arrangement for our Nation; however, the impacts of Compact migration have placed a significant financial strain on the Government of Guam and similarly affected jurisdictions, in the form of edu-

cation and health care costs, and other social services.

This bill funds a new position within the Department of the Interior's Office of Insular Affairs (OIA) dedicated to working on Compact impact issues. It will direct the Department to work with the Freely Associated States to develop a comprehensive plan to mitigate the costs of Compact migration. The plan seeks to better inform potential Compact migrants of the original intent of the migration provision of the Compacts, which is to provide educational and employment opportunities to FAS citizens and to avoid reliance on social services. The plan also seeks to improve access to health care, specifically dialysis treatment in the FAS. Over time, OIA's improved coordination with the FAS will reduce the need for FAS migrants to seek medical treatment in Guam or other jurisdictions. Finally, the plan would improve screening procedures for potential migrants with communicable diseases, or a criminal history.

Earlier this year, I cosigned a letter to the Department of the Interior requesting it begin working with the FAS on these issues. I commend the Committee for including these provisions in this legislation. I expect these policies will significantly improve the implementation of the Compacts, and ease the financial burdens currently placed on the local governments in affected jurisdictions.

Mr. Speaker, H.R. 2055 sets critical spending priorities for the Federal Government and fulfills Congress' most fundamental duty to provide the resources necessary to keep our government running. Given the difficult budget environment, the bill makes difficult choices in a responsible manner. Moreover, the bill ultimately provides critical support for Guam and the U.S. territories, and I urge my colleagues to support this bill.

Mr. HOLT. Mr. Speaker, I rise today in support of the Fiscal Year 2012 Conference report (H.R. 2055).

However, I regret the process that brought this bill to the floor. This bill was posted only hours before it was brought to the floor. No member has read this bill and this is one more time that the Majority has broken its promise to run this House in an open and transparent manner.

I am pleased that this bill included the full \$40 million that I secured earlier this year for suicide prevention and counseling programs for our active duty, Guard & Reserve, and veteran populations. The suicide epidemic among our veterans—at least 18 take their own lives every day—is a national scandal, and it must stop. This funding will help innovative peer-to-peer counseling programs like the University of Medicine and Dentistry of New Jersey's "Vets4Warriors" get the resources they need to reach veterans in need before a personal crisis becomes another family tragedy.

This bill honors our commitment to our ally, Israel, by providing \$3.075 billion in direct aid, including \$235 million for the continued development of the Arrow and David's Sling missile defense systems. Over this past year, we've already seen that America's investment in another innovative and successful Israeli tactical anti-missile system, Iron Dome, has saved Israeli lives. Had some Republican presidential candidates had their way last year and aid to

Israel had been zeroed out, Iron Dome would not have been there to save those Israelis who came under missile attack this year.

I am very pleased to see that funding for the Land and Water Conservation Fund was increased by \$21 million over Fiscal Year 2011. Although the current level of \$322.8 million is far below the authorized amount of \$900 million this is still an improvement over earlier versions of this legislation.

Historic preservation is an important goal, and I am pleased that the National Park Service's Heritage Area program remains funded at the same level for 2012 as was last year. This funding is important for the upkeep and management of various sites of historical interest around the country, including the Crossroads of the American Revolution National Heritage Area in my district.

As a research scientist, I have long supported federal investment in basic research. I am pleased to see that this bill provides for Department of Energy Office of Science \$4.9 billion, an increase of \$31 million over Fiscal Year 2011. The Office of Science is the nation's primary sponsor of research in the physical sciences and has been integral to the development of dozens of innovative technologies. I am also pleased that H.R. 2055 provides \$275 million for the ARPA-E research program, 53 percent more than Fiscal Year 2011. ARPA-E supports high-risk, high-reward research on energy technologies. Funding for ARPA-E directly contributes to the creation of new technologies, new industries, and new jobs, exactly what we need to grow our economy. Further, the conference report provides more than \$400 million for Fusion Energy Sciences in the Department of Energy. Although I would have liked to see funding levels of at least \$32 billion for the National Institutes of Health (NIH), I am pleased that this bill provides almost \$31 billion in funding for NIH.

I am pleased that this conference report provides \$150 million for the Department of Education's Mathematics and Science Partnerships. I have been a leader in Congress working on protecting funding for these partnerships, which improve student achievement in mathematics and science by combining colleges with K-12 school districts in order to support math and science teachers with continued training.

I am deeply disappointed that this bill zeros out funding for the Foreign Language Assistance Program (FLAP). FLAP is the only federal program that supports K-12 foreign language education which is critical to our nation's economic and national security. Rather than ending this successful program we should be working to strengthen it. I will redouble my efforts to restore this critical funding next year.

This bill rejected attacks on our nation's arts and culture and provides the full \$146 million requested the National Endowment for the Humanities and the full \$146 million requested for the National Endowment for the Arts. The arts and humanities are good for our society at large and significant contributors to our economic development as well.

Another of my many disappointments with this bill is the 17 percent cut to grant programs for firefighters and other first responders. Nat-

ural and man-made disasters don't take a holiday, and neither should our support for our firefighters, EMS, and other first responders. This cut is irresponsible, and it will endanger public safety.

Unfortunately, the majority insisted on including some controversial policy riders in this appropriations bill. I am disappointed that the agreement includes a provision that would change responsibility for enforcement of the Clean Air Act on the Outer Continental Shelf from the EPA to the Department of the Interior. The EPA has been successfully enforcing the Clean Air Act for over forty years. EPA scientists understand the law and how to keep the air we breathe clean and safe. We must work to ensure that the Clean Air Act is still fully enforced on the Outer Continental Shelf.

I am also disappointed that the majority insisted on rolling back successful innovation in the lighting industry by mandating in this legislation that agencies cannot enforce energy efficient standards for light bulbs. Congress has a responsibility to maintain regulatory certainty that encourages the private sector to make needed investments in research, development, and innovation. This policy rider turns back the innovation clock in the lighting industry.

Regrettably, the conference report contains \$35 million for the United Nations Population Fund rather than the \$65 million requested. Yet, I am pleased that it rejects the House Majority's attempt to cut all funding for the UNFPA which provides crucial reproductive health care, not abortion, to the world's poorest women. The conference report extends a policy rider on the District of Columbia, which prevents the District to spend its local money on women's health care services. Further, the conference report included \$5 million for failed "abstinence-only" programs, which have been shown to have no long-term positive effects.

This is not a perfect bill, but it prevents a looming government shutdown. Further, it provides funding increases for a number of critical programs and rejects many of the dangerous cuts contained in the funding bills that the House previously approved. I support passage of this bill despite its pessimistic view of what America could achieve through more ambitious funding of the programs covered under the bill.

Mr. VAN HOLLEN. Mr. Speaker, the legislation we are being asked to vote on today will fund the rest of the federal government through September 30, 2012 and provide \$8.1 billion for disaster aid and recovery assistance. The bills before us are the result of a long, drawn out and at times contentious process, and the outcome is very much the product of hard fought compromise. In candor, this package contains a number of provisions and policy choices that I would not have made and do not support. But I recognize that is the nature of compromise.

On a positive note, the bill adheres to the bipartisan \$1.043 trillion topline agreement from the Budget Control Act. With our national debt now topping \$15 billion, it is important that we continue to maintain fiscal discipline. Additionally, the bill provides modest increases to a number of key federal investments. The Title I education program to help our kids gain proficiency in reading and math is funded at \$14.5 billion, which is \$60 million above the

FY 2011 level. Special education gets a \$100 million boost for a total of \$11.6 billion to help our schools meet the educational needs of all our students. Head Start is funded at \$8 billion, which is \$424 million more than last year. And the National Institutes of Health receives a \$299 increase to sustain its lifesaving research. Renewable energy research and development is level funded at \$1.8 billion, small business loans receive a \$123 increase, and the maximum Pell Grant is maintained at \$5550 so that more of our young people can pursue their dream of a higher education.

These are all genuine achievements in our current fiscally constrained environment and deserve to be applauded.

On the other hand, this bill continues the current majority's relentless and misguided attack on the Environmental Protection Agency, which has already seen its budget slashed by 18 percent over the past fiscal year. To feed the extreme right's ideological fervor, today's legislation targets the EPA Administrator's office with a 33 percent cut, slashes clean air and climate research and decreases the job-creating Clean Water and Safe Drinking Water revolving funds by \$101 million. I've said it before, and I'll say it again: Americans across the political spectrum want clean air and clean water, and they are depending on their government to provide it to them. While some in other party might think this is good politics, it is terrible policy for the American people. With winter approaching, the Low-Income Home Energy Assistance Program, LIHEAP, is inadequately funded at \$3.5 billion. And despite the elimination of ideologically driven policy riders on priorities like health care and Wall Street reform, this appropriations legislation still includes too much policy interference on issues ranging from reproductive health to workplace safety to light bulb efficiency standards to climate change.

Mr. PIERLUISI. Mr. Speaker, I rise today to express my concern over the changes that would be made to the Pell Grant program by this spending bill.

In 2009, my colleagues and I on the House Education and Labor Committee made a landmark investment in the Pell Grant program when we passed the Student Aid and Fiscal Responsibility Act. Through that legislation, we increased the maximum Pell Grant award to \$5,550, up from \$4,050 in 2006. As college tuition rises, the higher maximum award has served as a lifeline to students who want to better their future by attending college or a technical or trade school. I am pleased that the bill we are considering today protects that maximum award level.

However, I am disappointed that this spending bill makes several changes to the Pell Grant program that will close the doors to college to many students in Puerto Rico and across our nation. Specifically, the bill would limit the number of semesters during which a student may receive a Pell Grant, require that a student hold a high school diploma or General Equivalency Degree to obtain a Pell Grant, and reduce the income level below which a student will automatically receive the maximum Pell Grant award from \$30,000 to \$23,000.

These changes appear to be premised on the belief that, for a student to benefit from



postsecondary education, he or she must take a traditional path—graduate from high school or obtain a GED, and then complete college within a set amount of time. Most, if not all, of us in this body took that path. But today, an increasing number of students are not taking that path, particularly as our economy continues its slow recovery. If we require students to meet our preconceived notions of the type of student who is worthy of a Pell Grant, we will shortchange many of our nation's young people who seek a better life for themselves. Some students are unable to graduate from high school, to receive a GED, or complete college within 12 semesters because they must work to provide for their family. Other students must care for an ill family member. Whatever the reason, if a student is motivated to attend college or a technical or trade school, we should provide the same financial assistance that we provide to students who take a more traditional path.

In today's economy, graduating from college is more important than ever. Fifty years ago, an individual could obtain a well-paying job without a college degree. Today, college opens so many doors for our nation's youth that would otherwise remain sealed shut. We in Congress should do everything in our power to increase access to college and technical and trade schools. I regret that this spending bill falls short on that measure.

The SPEAKER pro tempore (Mr. DOLD). All time for debate has expired.

Pursuant to House Resolution 500, the previous question is ordered.

The question is on the conference report.

The SPEAKER pro tempore. Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### CORRECTING THE ENROLLMENT OF H.R. 3672

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 500, I call up the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 500, the concurrent resolution is considered read.

The text of the concurrent resolution is as follows:

H. CON. RES. 94

*Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:*

(1) In the heading for title III, strike "PROVISION" and insert "PROVISIONS".

(2) After section 301, insert the following new section:

"SEC. 302. (a) ACROSS-THE-BOARD RESCISSION.—There is hereby rescinded an amount equal to 1.83 percent of—

"(1) the budget authority provided for fiscal year 2012 for any discretionary account in any fiscal year 2012 appropriation Act (except the Department of Defense Appropriations Act, 2012 and the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012); and

"(2) the budget authority provided in any advance appropriation for fiscal year 2012 for any discretionary account (other than for the Department of Veterans Affairs) in any prior fiscal year appropriation Act.

"(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

"(1) to each discretionary account and each item of budget authority described in such subsection; and

"(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

"(c) EXCEPTIONS.—The rescission in subsection (a) shall not apply to budget authority provided for fiscal year 2012 that is designated by the Congress as being for—

"(1) disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

"(2) Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(d) SUBSEQUENT APPROPRIATIONS LAWS.—In the case of any fiscal year 2012 appropriation law enacted after the enactment of this section, any rescission required by subsection (a) shall take effect immediately after the enactment of such law.

"(e) OMB REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to subsection (a)."

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 10 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 2 minutes.

I rise to present H. Con. Res. 94. This bill contains a legislative provision to offset the \$8.1 billion in disaster funding provided by H.R. 3672, which we will consider shortly.

This offset is funded by a 1.83 percent across-the-board cut to all of fiscal 2012 base discretionary spending, except the Department of Defense, Military Construction and Veterans Affairs.

Such an offset ensures that we are living within our means while still providing for the hundreds of thousands of Americans affected by recent natural disasters with the help that they need.

I ask my colleagues to join me in supporting this resolution, which, in

effect, pays for the disaster funding which will come later.

I reserve the balance of my time.

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

It is the opinion of our side that this is unnecessary, but we've got to move forward and get this bill passed. So I don't object to this particular provision. I hope we can move forward.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. I yield back the balance of my time, urging support.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 500, the previous question is ordered.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROGERS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### DISASTER RELIEF APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 500, I call up the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 500, the bill is considered read.

The text of the bill is as follows:

H.R. 3672

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012, and for other purposes, namely:*

#### TITLE I—DISASTER RELIEF DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF FUND

For an additional amount for the "Disaster Relief Fund" for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$6,400,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY CORPS OF ENGINEERS—CIVIL

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for necessary expenses for repair of damages to Federal

projects resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.), \$802,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall submit to the Committees on Appropriations of the House of Representatives and the Senate a monthly report detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of the enactment of this Act.

#### OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" for necessary expenses to dredge navigation channels in response to, and repair damage to Corps projects resulting from, a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.), \$534,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall submit to the Committees on Appropriations of the House of Representatives and the Senate a monthly report detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of the enactment of this Act.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane, and other natural disasters and support emergency operations, repair, and other activities as authorized by law, in response to a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.), \$388,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall submit to the Committees on Appropriations of the House of Representatives and the Senate a monthly report detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of the enactment of this Act.

#### TITLE II—COMBATING WASTE, FRAUD, AND ABUSE

##### SOCIAL SECURITY ADMINISTRATION

##### LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, not more than \$483,484,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That such amount is additional new budget authority specified for purposes of subsection 251(b)(2)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985, and shall be treated for such purposes as being included under this heading in

the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, or any continuing appropriation Act, for fiscal year 2012.

#### TITLE III—GENERAL PROVISION

SEC. 301. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

This Act may be cited as the "Disaster Relief Appropriations Act, 2012".

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

I rise to present H.R. 3672, the Disaster Relief Appropriations Act, which is the third bill in our final appropriations package for fiscal year 2012.

This bill provides a total of \$8.1 billion in funding for critical aid and recovery assistance for disaster emergencies. Of this total, \$6.4 billion will go to FEMA's Disaster Relief Fund. This includes funding for fire assistance, emergency declarations, major disasters, surge operations, and disaster readiness support.

□ 1310

In addition, these funds will help cover costs from large-scale previous disasters such as the summer 2011 tornadoes and Hurricane Irene.

We've had a historic chain of disasters in this country over the last year or so.

The legislation also provides \$1.7 billion in funding for disaster recovery assistance through the Army Corps of Engineers. This funding will help repair damage to critical infrastructure caused by recent storms and floods and will help prepare for future disaster events. This total adheres to the total disaster funding level agreed to under the Budget Control Act this past summer.

I urge my colleagues to support this legislation, to provide our communities and families with the support they need as they recover from these devastating natural disasters.

I reserve the balance of my time.

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

This year natural disasters have had devastating impacts on the lives of many Americans. Today we are considering a bill that provides relief to those severely damaged communities.

In total, the bill provides \$8.1 billion in vital funding to rebuild areas affected by numerous horrific disasters in 2011, as well as funding long-term rebuilding needs that date back as far as Hurricane Katrina. Of the \$8.1 billion, \$6.4 billion is for FEMA.

This funding will meet the Federal commitment to restore impacted areas

after hurricanes, tornadoes, wildfires, and severe snowstorms. Almost every State and territory will receive a portion of this funding. With the adoption of this bill, families and businesses will receive the funding they need for vital recovery and rebuilding efforts.

The bill also provides \$1.7 billion to repair damage to Corps of Engineers facilities, roughly equal to the need identified by the Corps within Presidentially declared disaster areas.

In nearly every year since 1997, the Congress has recognized the need to provide funding to respond to natural disasters. This bill recognizes that responsibility.

I urge strong support of this legislation.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Financial Services Subcommittee on Appropriations, the gentlelady from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Thank you, Mr. Chairman.

I'm so relieved that this measure today will provide desperately needed funds for emergencies and disasters which occurred all over the country this past year.

For most Americans, the thought of the suffering caused by tornadoes and floods fades with the newspaper headlines. Months later, though, so many in our country are still trying to recover from storms and events that took them from their homes, their livelihoods, their safety, or all of the above. This funding and a reminder of their plight are very important to call to mind as we vote upon this measure.

I'd like to recognize these folks in southern Missouri who have been through it all and have set such a remarkable example and have really come out fighting. We have:

Wendell Choate, who's over 80 years old, and his daughter Beth, who runs their sweet corn farm of several thousand acres. All of it was destroyed;

Brother Bennett, who lived in the floodway for over 80 years. He lost his home;

Milus and Wanda Wallace. They lost their home and so much of their land was damaged by scouring;

Lynell and Mary Robinson, along with the entire historic black community of Pinhook, including the Williams and the Strahorns;

Randy Sutton, Elliot Rafferty, the Story family, the Dugan family, Eddie Marshall, Lester Goodin, Carlin Bennett, our presiding commissioner, and Kevin Mainard, mayor of East Prairie and a farmer in the floodway.

Mr. DICKS. I yield 4 minutes to the distinguished gentleman from Indiana, the ranking member of the Energy and Water Subcommittee, Mr. VISCLOSKEY.

Mr. VISCLOSKEY. I rise in strong support of the legislation.

I would like to begin my remarks by indicating that I consider investing in our water infrastructure as a key component in disaster relief, that is if we can avoid disasters in the first place. We prevent harm, and we certainly save the taxpayers much money.

Several years ago, perhaps, if we had made an adequate investment in water infrastructure, we might not have avoided the issue of spending more money in one city in this country in one year, New Orleans, than we did on every water project in the United States of America combined.

In the omnibus bill that we have just considered, we have increased funding for the Army Corps over the budget request and over last year's level. However, despite the best efforts of the subcommittee, we are still \$443 million below that provided to the Corps in fiscal year 2010. At these levels, we are not close to addressing the Corps backlog of navigation and flood control projects. That is why I am pleased today to rise in support of this bill that does provide \$1.7 billion in Corps disaster relief funding. This has been an extraordinary flood season. Further, in August, Hurricane Irene caused significant damage.

Assuming there are no additional natural disasters in 2012, this funding appears adequate to address damages within Presidential declared disaster areas. However, my colleagues should be aware there are damages to the tune of \$233 million which must be addressed at locations outside declared disaster areas for which the bill does not provide funding.

Again, we must note that there are no moneys provided for emergencies that may occur between now and October 1 of 2012. We know that, potentially, wildfires, hurricanes, tornadoes, floods, and earthquakes will occur. So I will simply conclude by saying that moving forward—and again, I strongly support this bill—we must, as an institution, have the intestinal fortitude to budget for emergencies in anticipation of them on an annual basis.

Mr. ROGERS of Kentucky. Mr. Speaker, I am prepared to yield back if the gentleman is.

Mr. DICKS. I have no further requests for time, and I yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield back the balance of my time and urge an "aye" vote.

Mr. BLUMENAUER. Mr. Speaker, I voted to support funding our Nation's disaster relief programs for an additional year. However, I remain unsatisfied by the work Congress has engaged in this year regarding our Nation's budgeting for disaster. The funding we included this year for the Federal Emergency Management Agency and the Army Corps of Engineers is significant, but it is likely that the cost of next year's disasters outstrip even those significant sums.

Worldwide, disasters last year caused a record \$350 billion in damage, much of it not

covered by insurance. In the U.S., two storms alone—the tornadoes of April and May—in the Southeast cost more than \$14 billion. These losses were absorbed by those who suffer from the disaster, by insurers, and by Federal agencies. In the end, the taxpayers are on the hook to protect our communities, to aid those who have lost loved ones, homes, and possessions, and to rebuild what is lost. The amount we have appropriated this year will be insufficient to accommodate these tasks in the year ahead; when the money runs out, Congress will have to take action in an emergency setting to ensure an adequate Federal response.

What is needed is not merely an increase in these budgets. Congress must find the time and resources to focus on prevention, and to strengthen the programs that minimize this damage when inevitable storms and disasters befall us. Our emergency response should be robust, but our preventative efforts should be impeccable and I urge my colleague to help prevent the next disaster, not merely respond to it.

Mr. LATHAM. Mr. Speaker, I rise in support of this disaster relief measure and urge all of my colleagues to support it.

The \$8.1 of funding contained in this measure for FEMA and the Corps of Engineers is vitally important to a lot of communities around the country, including those communities in Missouri River Basin in Iowa and other States.

FEMA monies go a long way in restoring communities hit by natural disasters, both in terms of individual aid and assistance to communities for infrastructure repair and rebuild.

The funds for the Corps of Engineers in the bill are also important, particularly for restoration of flood control infrastructure, and damage to other infrastructure.

This past spring and summer in southwest Iowa, the residents experienced enormous damage to their communities, their homes, their farms and their small businesses. The damage that resulted has climbed well into the multi-millions—and is still rising in some cases. That is why this money is especially meaningful. It shows that we in the Congress are aware of the needs at the local level, and will provide the assistance required.

I intend to continue to work with my fellow committee members, and the Water Resources Subcommittee in the Transportation & Infrastructure Committee to restore flood control infrastructure in S.W. Iowa, and to carry out the necessary repairs and rebuild activities.

Mr. ROGERS of Kentucky. Mr. Speaker, I submit the following regarding H.R. 3672, Disaster Relief Appropriations Act, 2012:

DISASTER RELIEF APPROPRIATIONS ACT, 2012, H.R. 3672	
[Amounts in thousands]	
	This Bill
DISASTER RELIEF APPROPRIATIONS ACT	
TITLE I—DISASTER RELIEF	
DEPARTMENT OF HOMELAND SECURITY	
Federal Emergency Management Agency	
Disaster Relief Fund (disaster relief category) .....	6,400,000
DEPARTMENT OF DEFENSE—CIVIL	
Corps of Engineers—Civil	
Mississippi River and Tributaries (disaster relief category) .....	802,000
Operation and Maintenance (disaster relief category) .....	534,000
Flood Control and Coastal Emergencies (disaster relief category) .....	388,000

DISASTER RELIEF APPROPRIATIONS ACT, 2012, H.R.

3672—Continued

[Amounts in thousands]

	This Bill
Total, Corps of Engineers—Civil .....	1,724,000
Total, title I .....	8,124,000
TITLE II—COMBATING WASTE, FRAUD, AND ABUSE	
Social Security Administration	
Limitation on Administrative Expenses .....	483,484
GRAND TOTAL .....	8,607,484
(Disaster relief category) .....	(8,124,000)

The SPEAKER pro tempore (Mr. WOODALL). All time for debate has expired.

Pursuant to House Resolution 500, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER

PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: adoption of the conference report to accompany H.R. 2055; adoption of House Concurrent Resolution 94; and passage of H.R. 3672.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CONFERENCE REPORT ON H.R. 2055,

CONSOLIDATED APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. The unfinished business is the question on adoption of the conference report on the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the conference report.

The vote was taken by electronic device, and there were—yeas 296, nays 121, not voting 16, as follows:

[Roll No. 941]		
YEAS—296		
Ackerman	Altire	Bachus
Aderholt	Andrews	Baldwin
Alexander	Baca	Barletta

Barrow  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Becerra  
Benishek  
Berkley  
Berman  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Black  
Blackburn  
Blumenauer  
Bonner  
Bono Mack  
Boren  
Boswell  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brown (FL)  
Buchanan  
Burgess  
Butterfield  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Capps  
Carnahan  
Carney  
Carter  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clay  
Clyburn  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Costa  
Courtney  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro  
Denham  
Dent  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Edwards  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Flores  
Forbes  
Foxx  
Frelinghuysen  
Gallegly  
Garamendi  
Gerlach  
Gibbs  
Gibson  
Gonzalez  
Gosar  
Granger  
Graves (MO)  
Green, Al

Green, Gene  
Griffin (AR)  
Grimm  
Hall  
Hanabusa  
Hanna  
Harper  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herrera Beutler  
Higgins  
Bonner  
Himes  
Hinche  
Hinojosa  
Hirono  
Hochul  
Holt  
Honda  
Hoyer  
Hunter  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, Sam  
Kaptur  
Keating  
Kelly  
Kildee  
King (NY)  
Kingston  
Kissell  
Kline  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Levin  
Lewis (CA)  
Lipinski  
LoBiondo  
Loeb sack  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lungren, Daniel  
E.  
Lynch  
Maloney  
Marino  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McDermott  
McGovern  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Myrick  
Nadler  
Neal  
Nugent  
Nunes  
Olson

Oliver  
Owens  
Palazzo  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pitts  
Platts  
Pompeo  
Price (GA)  
Price (NC)  
Rahall  
Rehberg  
Reichert  
Renacci  
Reyes  
Richmond  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Runyan  
Ruppersberger  
Rush  
Ryan (WI)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schiff  
Schock  
Schradler  
Schwartz  
Scott (VA)  
Scott, Austin  
Scott, David  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Stivers  
Sullivan  
Sutton  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tonko  
Tsongas  
Turner (NY)  
Upton  
Van Hollen  
Visclosky  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Watt  
Webster  
Welch  
West  
Whitfield  
Wilson (FL)  
Wolf  
Womack

Woodall  
Yarmuth  
Adams  
Akin  
Amash  
Amodei  
Austria  
Bartlett  
Berg  
Bishop (UT)  
Boustany  
Brooks  
Broun (GA)  
Bucshon  
Buerkle  
Burton (IN)  
Campbell  
Capuano  
Chabot  
Chaffetz  
Clarke (MI)  
Clarke (NY)  
Cleaver  
Coffman (CO)  
Cooper  
Costello  
Cravaack  
DeFazio  
DesJarlais  
Doyle  
Duncan (SC)  
Duncan (TN)  
Ellison  
Flake  
Fleming  
Fortenberry  
Frank (MA)  
Franks (AZ)  
Fudge  
Gardner  
Garrett  
Gingrey (GA)  
Gohmert

Yoder  
Young (AK)  
NAYS—121  
Goodlatte  
Gowdy  
Graves (GA)  
Griffith (VA)  
Grijalva  
Guinta  
Hahn  
Harris  
Holden  
Reed  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hurt  
Johnson (OH)  
Jones  
Jordan  
Kind  
King (IA)  
Kinzinger (IL)  
Kucinich  
Labrador  
Lamborn  
Landry  
Lee (CA)  
Lewis (GA)  
Lofgren, Zoe  
Lummis  
Mack  
Manzullo  
Marchant  
Markey  
Matheson  
McClintock  
McCotter  
McHenry  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Pence

Young (FL)  
Young (IN)  
Petri  
Pingree (ME)  
Poe (TX)  
Polis  
Posey  
Quayle  
Quigley  
Rangel  
Reed  
Ribble  
Richardson  
Rivera  
Ross (FL)  
Royce  
Ryan (OH)  
Schakowsky  
Schilling  
Schmidt  
Schweikert  
Scott (SC)  
Sensenbrenner  
Southerland  
Stark  
Stearns  
Stutzman  
Terry  
Thompson (CA)  
Tipton  
Towns  
Turner (OH)  
Velázquez  
Walberg  
Walsh (IL)  
Waters  
Waxman  
Westmoreland  
Wilson (SC)  
Wittman  
Woolsey

## NOT VOTING—16

Bachmann  
Cardoza  
Carson (IN)  
Cassidy  
Coble  
Davis (KY)  
Filner  
Giffords  
Guthrie  
Gutierrez  
Herger  
Johnson, E. B.

□ 1346

Messrs. KINZINGER of Illinois, DUNCAN of South Carolina, TOWNS, Ms. RICHARDSON, Messrs. SOUTHERLAND and COFFMAN of Colorado changed their vote from “yea” to “nay.”

Messrs. MILLER of Florida, GONZALEZ, RICHMOND, CONYERS, RUSH and WATT changed their vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CASSIDY. Mr. Speaker, on rollcall No. 941 I was unavoidably detained.

Had I been present, I would have voted “yea.”

Mr. CARSON of Indiana. Mr. Speaker, on December 16, 2011, I missed rollcall vote 941. I was detained because of physical illness and could not make it to the floor. Had I been present, I would have voted “yea” on rollcall 941.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 941, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

Mrs. NAPOLITANO. Mr. Speaker, on Friday, December 16th, 2011, I was absent during rollcall vote No. 941 in order to attend an important event in my district. Had I been present, I would have voted “nay” on Adoption of the Conference Report on H.R. 2055—Consolidated Appropriations Act.

# MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have served or fallen in Afghanistan, and in honor of all who have served or fallen in Operation Iraqi Freedom as it draws to a close.

Our men and women return home having freed Iraq from a vicious tyrant, thwarted a violent insurgency that threatened the Iraqi people, and helped to build a stable and democratic government that is a friend of the United States. We honor the hard work and sacrifice of our servicemembers, and the courage of their families.

# CORRECTING THE ENROLLMENT OF H.R. 3672

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. The unfinished business is the vote on adoption of the concurrent resolution (H. Con. Res. 94) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER. The question is on the concurrent resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 255, nays 165, answered not voting 13, as follows:

[Roll No. 942]

YEAS—255

Adams	Bonner	Chabot
Aderholt	Bono Mack	Chaffetz
Akin	Boren	Coffman (CO)
Alexander	Boswell	Cole
Altmire	Boustany	Conaway
Amash	Brady (TX)	Cooper
Amodei	Brooks	Costa
Austria	Broun (GA)	Cravaack
Bachus	Buchanan	Crawford
Barletta	Bucshon	Crenshaw
Barrow	Buerkle	Culberson
Bartlett	Burgess	DeFazio
Barton (TX)	Burton (IN)	Denham
Bass (NH)	Calvert	Dent
Benishek	Camp	DesJarlais
Berg	Campbell	Diaz-Balart
Biggert	Canseco	Dold
Bilbray	Cantor	Donnelly (IN)
Bilirakis	Capito	Dreier
Bishop (UT)	Carney	Duffy
Black	Carter	Duncan (SC)
Blackburn	Cassidy	Duncan (TN)

Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn

## NAYS—165

Ackerman  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Ciilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn

Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Lipinski  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Quigley  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell

Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Green, Gene  
Grijalva  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchee  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Kaptur  
Keating  
Kildee  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)

Lee (CA)  
Levin  
Lewis (GA)  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Neal  
Oliver  
Pallone

## NOT VOTING—13

Bachmann  
Coble  
Davis (KY)  
Filner  
Giffords  
Guthrie  
Gutierrez  
Herger  
Johnson, E. B.  
Napolitano

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DOLD) (during the vote). There are 2 minutes remaining.

## □ 1354

Ms. BASS of California and Mr. GARAMENDI changed their vote from “yea” to “nay.”

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 942, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

Mrs. NAPOLITANO. Mr. Speaker, on Friday, December 16th, 2011, I was absent during rollcall vote No. 942 in order to attend an important event in my district. Had I been present, I would have voted “nay” on H. Con. Res. 94—Directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3671.

## LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, as Members are aware, there are ongoing conversations in the Senate over how to proceed on the House's Middle Class Tax Relief and Job Creation Act. At this time the fate of the Senate's conversations are unclear. Therefore, we will conclude our business for the week at the end of this vote series.

Should the Senate follow regular order and amend the House's bill, I would expect us to return to review and potentially consider their proposed changes.

Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz

Nunnelee  
Paul  
Speier

As all of my colleagues are painfully aware, the Senate has the ability to move both as quickly and as slowly as it wants. So it is difficult, Mr. Speaker, to predict if or when we may need to return.

My best guess is that the earliest we would return is this Monday, December 19. But I can assure my colleagues that we will provide at least 24 hours' notice prior to scheduling any further votes in the House this year.

With that, Mr. Speaker, I wish all of my colleagues a merry Christmas, a happy Chanukah, and happy holidays.

Mr. HOYER. Will my friend yield?

Mr. CANTOR. Yes.

Mr. HOYER. Just to clarify, it is my understanding, therefore, that we do intend, before we leave for the year, to address the House-passed bill or a Senate version thereof.

I thank my friend for yielding.

Mr. CANTOR. As I indicated earlier, it is all pending the Senate's action. As I indicated, no one really knows how quickly or slowly that will occur and if it will occur.

Mr. Speaker, I yield back the balance of my time.

DISASTER RELIEF  
APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 3672) making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 351, nays 67, not voting 15, as follows:

[Roll No. 943]

## YEAS—351

Ackerman  
Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amodei  
Andrews  
Austria  
Baca  
Bachus  
Baldwin  
Barletta  
Barrow  
Bartlett  
Bass (CA)  
Bass (NH)  
Becerra  
Berg  
Berkley  
Berman  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blumenauer  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (PA)  
Braley (IA)  
Brooks  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burton (IN)  
Butterfield  
Calvert  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Costa  
Costello

Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Forbes  
Fortenberry  
Foxy  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gosar  
Granger  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Hultgren  
Hunter  
Hurt  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins

Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lungren, Daniel  
E.  
Lynch  
Maloney  
Manzullo  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Neal  
Noem  
Nugent  
Nunes  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peterson  
Pingree (ME)  
Platts  
Polis

Price (NC)  
Quigley  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Ryunan  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Lucas  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Stark  
Stivers  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tierney  
Tipton  
Tonko  
Towns  
Tsongas  
Turner (NY)  
Turner (OH)  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
West  
Whitfield  
Wilson (FL)  
Wittman  
Wolf  
Womack  
Woolsey  
Yarmuth  
Young (AK)  
Young (FL)  
Young (IN)

## NAYS—67

Amash  
Barton (TX)  
Benishak  
Blackburn  
Brady (TX)  
Broun (GA)  
Burgess  
Camp  
Campbell  
Coffman (CO)  
Conaway  
Cooper  
Duffy  
Duncan (SC)  
Duncan (TN)  
Farenthold  
Flake  
Fleming  
Flores  
Franks (AZ)  
Garrett  
Gohmert  
Gowdy  
Graves (GA)  
Harris  
Huelskamp  
Huizenga (MI)  
Jordan  
Kingston  
Lamborn  
Lummis  
Mack  
Marchant  
McCotter  
McHenry  
Miller (MI)  
Miller, Gary  
Mulvaney  
Neugebauer  
Petri  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle

## NOT VOTING—15

Bachmann  
Coble  
Davis (KY)  
Filner  
Garamendi  
Giffords  
Guthrie  
Gutierrez  
Johnson, E. B.  
Napolitano  
Nunnelee  
Paul  
Peters  
Rangel  
Speier

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1404

Mr. WESTMORELAND changed his vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 943, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

Mrs. NAPOLITANO. Mr. Speaker, on Friday, December 16, 2011, I was absent during rollcall vote No. 943 in order to attend an important event in my district. Had I been present, I would have voted “yea” on H.R. 3672—Disaster Relief Appropriations Act.

## PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, on Friday, December 16, 2011, I was unable to vote due to an important family event. Had I been present, I would have voted:

On rollcall No. 937—yes—Previous Question on H. Res. 500, Rule for consideration of the Conference Report for H.R. 2055.

On rollcall No. 938—yes—H. Res. 500, Rule for consideration of the Conference Report for H.R. 2055.

On rollcall No. 939—yes—Senate Amendment to H.R. 1892, Intelligence Authorization Act of Fiscal Year 2012.

On rollcall No. 940—yes—S. 278, Sugar Leaf Fire Protection District Land Exchange Act.

On rollcall No. 941—yes—H.R. 2055, Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012.

On rollcall No. 942—yes—H. Con. Res. 94, Directing the Clerk of the House of Represent-

atives to make corrections in the enrollment of H.R. 3672.

On rollcall No. 942—yes—H.R. 3672, Making appropriations for disaster relief requirements for the fiscal year ending September 20, 2012.

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I send to the desk a joint resolution (H.J. Res. 94) making further continuing appropriations for fiscal year 2012, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. DICKS. Reserving the right to object, and I will not object, I yield to the distinguished chairman to explain this CR.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding.

This continuing resolution extends funding for government operations by 1 day to give the other body an extra day to consider and pass the consolidated appropriations bill.

Mr. DICKS. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the joint resolution is as follows:

## H.J. RES. 94

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2012 (Public Law 112-36) is further amended by striking the date specified in section 106(3) and inserting “December 17, 2011”.*

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I send to the desk a joint resolution (H.J. Res. 95) making further continuing appropriations for fiscal year 2012, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. DICKS. Reserving the right to object, I yield to the chairman to explain the amendment.

Mr. ROGERS of Kentucky. I thank the gentleman for yielding.

This continuing resolution ensures that government operations will continue to be funded through December 23. The resolution is a simple date extension that gives Congress time to prepare the consolidated appropriations bill for presentation to the President. This is a noncontroversial measure that has signoff from both sides of the aisle, and I urge its adoption.

Mr. DICKS. I withdraw my reservation and urge a positive vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the joint resolution is as follows:

H.J. RES. 95

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2012 (Public Law 112-36) is further amended by striking the date specified in section 106(3) and inserting "December 23, 2011".*

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ADJOURNMENT TO MONDAY, DECEMBER 19, 2011

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

#### PERMISSION FOR MEMBER TO INSERT EXTRANEOUS MATERIAL

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin (Mr. RYAN) be authorized to insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3589

Mr. HONDA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3589.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### HONORING BOULDER COUNTY

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, I rise to honor the 150th anniversary of Boulder County, Colorado.

Boulder County is one of 17 Colorado counties officially created in 1861 by the Territory Assembly.

In the mid-1800s, settlers began flocking to Boulder County because of the robust and profitable mining sector. Local businesses were created to support the growing number of new miners to the area.

The original founders of Boulder had more aspirations than to just be a simple Colorado mining town. Residents pushed strongly in the Territorial Assembly to have the State university located in the region.

In 1877, 1 year after Colorado was admitted to the United States, the University of Colorado—the State's first university—opened its doors. From its early status as a college town and mining community, Boulder County has expanded, with a population now reaching over 300,000 people. The picturesque scenery and outdoor lifestyle has allowed this county to grow significantly over the past 150 years.

Aside from the University of Colorado, Boulder County boasts an excellent technology sector, numerous small businesses, and countless microbreweries. One of my personal favorites is Oskar Blues Brewing Company in Longmont, Colorado. This region of Colorado continues to rate high in national polls for overall health and well-being, and is rated as one of the best places to raise a family in the country.

Boulder County is the gateway to the Rocky Mountains. It's known for its tremendous outdoor recreation. From skiing, hiking, fishing, hunting, and biking—just to name a few—Boulder is an outdoorsman's town. It is my honor to recognize the 150th anniversary of Boulder County on the House floor.

□ 1410

#### ANTI-AMERICAN ACTIVITY

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. Mr. Speaker, it was recently discovered that a Venezuelan national prone to anti-American activity is present and active on U.S. soil.

Livia Antonieta Acosta Noguera, consulate general of Venezuela in Miami, has been linked to a potential cyberattack on the United States involving affiliates of the Iranian, Cuban, and Venezuelan regimes. In 2008, while serving at the Venezuelan Embassy in Mexico, Ms. Noguera worked with members from the Iranian and Cuban Embassies to develop plans for an attack on critical U.S. Government infrastructure systems.

Ms. Noguera's actions demonstrate her willingness to undermine U.S. in-

terests by partnering with Iran and Cuba, two U.S.-designated state sponsors of terrorism. This discovery heightens our concern for the growing Iranian presence in the hemisphere. The Obama administration should take decisive action against Iran in order to prevent the development of any sort of Latin American-Iranian diplomatic relations.

This is an essential component of the preservation of our national security; and, if the allegations are found true, it begins with the immediate diplomatic expulsion of Ms. Noguera.

#### FUNDING FOR DISASTERS AND HONORING OUR RETURNING SOLDIERS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, we just finished debating and reviewing, although the time was very short, the language that would fund this Nation. That is our duty.

I'm concerned, however, that some of the cuts impacted our seniors, our young people, and our environment. We must do better, and I certainly disagree with cutting again the appropriations for this Nation impacting our veterans and their families another 2 percent.

I voted against it, and I believe that we must ensure that if America is hit by a disaster, we pay for it. We have to fight this fight again.

However, Mr. Speaker, as our soldiers return, I thank Members who are wearing the yellow ribbon, but I ask you to go home and yellow ribbon your district offices. Ask your cities and hamlets and States to put yellow ribbons out to welcome the troops who are coming home and say a job well done.

It ended yesterday with the casing of the colors in Iraq. It is our obligation and duty to not let one soldier come home to a silent America and a silent community.

#### HONORING CHRISTOPHER HITCHENS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I awoke this morning to unfortunate news. A friend of mine and one of the world's most brilliant writers and intellectuals, Christopher Hitchens, passed away yesterday.

Christopher Hitchens was a brilliant man who was a writer and a provocateur. You may not have disagreed with him, you may not have agreed with him, but I think everybody knew that Christopher Hitchens was well-versed on the subject on which he spoke and could express it in a way unlike any other. I don't think there was



a more erudite, knowledgeable individual on the face of this Earth.

He has left us.

To me, he was a good friend. He made my visit to Washington here easier. To his friends, he was loyal, gracious, and fun. To his foes, he was a feared enemy, a feared foe.

The world was lucky for his being here, and I was lucky for my life intersecting with his. The world shall miss him, a life well lived.

Rest in peace, my friend.

#### END OF WAR IN IRAQ

The SPEAKER pro tempore (Mr. BROOKS). Under the Speaker's announced policy of January 5, 2011, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 60 minutes as the designee of the majority leader.

Mr. FORTENBERRY. Mr. Speaker, yesterday marked the official end of America's 9-year war in Iraq. In a low-key ceremony in Baghdad, U.S. troops lowered the American flag of command that flew over the Iraqi capital. The 4,000 remaining U.S. servicemembers in Iraq will leave by this year's end.

The Iraq war was a painful and difficult time, extraordinarily costly in terms of Americans, America's lives and resources. Nearly 4,500 Americans, including 45 Nebraskans, were killed in Operation Iraqi Freedom. 227 Nebraskans were wounded in combat. Tens of thousands of Iraqis lost their lives. We lost good men and women, individuals full of life and blessed with talent, whose proud families awaited their return to the country they loved so dear and served so well.

But in spite of our wounds, we are proud—proud of our fallen heroes, proud of the veterans who have come back to us, proud of their sacrifice, proud of their noble vision that has significantly changed the global environment where democratic ideals are now making steady gains everywhere.

The work of our troops, steadily done in the midst of extensive public debate and strategy deliberations about the war was the strength of this mission. These troops achieved what was set before them. The victories were theirs. Their unwavering commitment, their skill, and their bravery got the job done.

The troops' efforts unbound an Iraqi people held hostage for decades by an egomaniacal dictator. Insurgencies led by terrorists seeking to wreak havoc and disorder were put down by our troops. Space was created to allow Iraqis the time necessary to build the foundations of a representative government in a more open society.

But there are still challenges and significant obstacles. It would have been preferable, Mr. Speaker, for a small stay-behind force to remain for ongoing response and stabilization efforts.

The way forward will not be easy, but today Iraqis determine Iraq's future.

No longer constricted by the dictates of a despot, they have held elections, they have written a constitution, and hopefully they will build a culture that respects the rights and dignity of all of their people.

America and the world needs a stabilized Iraq. Our security is strengthened by it, and we will continue a strong, diplomatic relationship to help achieve it. An Iraq that protects the rights of all of its people, Sunni and Shiite, Christian and Yazidi, and employs a government that maintains order and preserves liberties will be an Iraq that can help transform the entire Middle East looking for a new way forward.

The foundation for this has been laid, after much toil and bloodshed, by valiant American soldiers who return to us now as modern-day heroes.

Mr. Speaker, I yield back the balance of my time.

□ 1420

#### FAIRTAX

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for the remainder of the time.

Mr. WOODALL. Mr. Speaker, I very much appreciate the time.

I want to get to tax policy here in just a moment, but I want to take just a few minutes, having just passed the appropriations bill for fiscal year 2012, to talk about how long that's been.

Now, Mr. Speaker, I know you have been a proponent of regular order since you came to this body. But as I went back and looked to see when was the last time the House was able to operate not under a continuing resolution but under a regular appropriations process, Mr. Speaker, it's been since December of 2009. December of 2009 is when we last passed an appropriations bill.

Now granted appropriations bills come in all sorts and sizes. The one we're dealing with today came in the large size. We'll call that the jumbo size. I know the minority whip shares my passion for that. My hope is we will be able to get to regular order next year and go through each appropriations bill one by one by one.

But what I say to you, Mr. Speaker, is that I came to this body a year ago to make a difference, and I wanted to make all the difference last January. I'll be honest with you. And when I couldn't do it all in January, I hoped that we could do it all in February. When we couldn't do it all in February, I hoped we could do it all in March. And, of course, we were able to pass the budget here in the House, the budget that took the first step towards reforming entitlements that we've seen come out of this body since I would argue Lyndon Johnson began these

programs in the 1960s. But we have begun to make a difference.

As I look at this stack of papers here that represent the spending, the appropriations process, for 2012, Mr. Speaker, it's the first time in 2 years we've had that. Of course, over a thousand days since the Senate has been able to pass a budget. We have made progress. As 2011 comes to a close, I hope we can celebrate some of those successes along the way.

Because in terms of real spending, Mr. Speaker, in this document what we see is for the second year in a row, the first time since World War II, two consecutive years, Mr. Speaker, with this leadership team and this appropriations committee and this bipartisan House, we've been able to reduce Federal discretionary spending—\$95 billion.

A lot of folks say, well, ROB, is that going to be funny math? Is that going to be just some items but not all items? As you know, Mr. Speaker, that's everything. That's the regular appropriations process, that's the so-called emergency spending, that's the war spending, what they call the OCO account. That's everything. And we've brought it down \$95 billion in just 1 year, just the 1 year you and I have been here, Mr. Speaker.

But it can't all be done in appropriations bills, Mr. Speaker, you know. Only about a third of all of the money that goes out the door here in Washington, D.C., goes out the door through this process that we did today, the appropriations process. The rest of it goes out through mandatory spending programs—Medicare, Medicaid, Social Security, interest on the national debt—those mandatory spending programs.

In fact, as you know, Mr. Speaker, we could zero out everything else. We could decide there will be no Congress, there will be no White House, there will be no FBI, there will be no Army, there will be no Navy, no Marine Corps, no Coast Guard, no Air Force, no parks, no Environmental Protection Agency, no Education Department, no nothing. We could zero out absolutely everything that we fund through the appropriations process and the budget still wouldn't be balanced. Not cutting it. Zeroing it out. And we still couldn't balance the budget just on appropriations bills alone.

There's two sides of every budget balancing operation, Mr. Speaker, as you know. There's the spending side, and there's the revenue side. I want to talk about the revenue side here for just a minute.

I put up a poster here, Mr. Speaker. You can't see it from where you sit. It says H.R. 25, the FairTax. I'm going to leave it up here the whole half hour, Mr. Speaker, because H.R. 25, named the FairTax, is the only tax bill in Congress, the only piece of legislation on either the House side or the Senate



side that goes into the Tax Code and says every exception, exemption, exclusion, special carve-outs, special favor, anything that gives you a break over your neighbor, your company an advantage over the one next door, all of those tax breaks, special exceptions, loopholes—gone.

It's the only bill in either the House or the Senate that does it.

But that's not even the good news, Mr. Speaker. The good news is it's also the most popular fundamental tax bill in either the House or Senate as well. That's right. More Members of this body have cosponsored the FairTax than any other fundamental tax reform legislation that's been introduced here. And more United States Senators in the other body have cosponsored their version of the FairTax than any other fundamental tax reform proposal in the Senate.

Now, why is that important? Why is it important to end all the loopholes?

Well, Mr. Speaker, the chart I have here is the cost of tax expenditures. Now tax expenditures—I've got to tell you that's a tough word in conservative circles because the government doesn't actually have any money. As you know, Mr. Speaker, every nickel that gets spent in Washington, D.C., got sucked into Washington, D.C., from the heartland from back in my district in Georgia, from back in your district, from somebody's family kitchen table. Every nickel that gets spent in Washington got sucked up here to Washington, D.C.

Oftentimes when we talk about taxes and we talk about giving people their money back, that's not spending, that's giving people their own hard-earned money back.

Today, Mr. Speaker, when we have \$15 trillion in national debt, when the amount of money we owe has eclipsed the entire productive capacity of America for an entire year, our entire annual GDP, the question now is when you have a tax break, when you agree to let a loophole into the Tax Code and let somebody else pay less, what happens? Well, what happens is that we then borrow more.

That's a new debate, Mr. Speaker, because so often we can talk about tax cuts like the capital gains tax cut, like interest in dividends. We can talk about tax cuts that stimulate the economy, tax cuts that we think will help the economy grow faster and bring more revenue in; but all tax cuts aren't like that. Some tax cuts are just free money that you're giving away to people. Instead of passing a bill that says, I hereby give you a hundred dollars, it makes Congress feel better to pass a bill that says, I hereby tax you a hundred dollars less. I'm going to bill your neighbors for it, and I'm going to bill your kids for it, and I'm going to bill your grandkids for it, but I'm going to tax you a hundred dollars less.

It's time, Mr. Speaker, for us as conservatives to be honest about where the Tax Code takes this country when we fill it full of loopholes and exemptions, because I will tell you, and you know better than most, Mr. Speaker, the art of the loophole is a time-honored Washington tradition.

□ 1430

It's not something that has been perfected by Republicans. It's not something that has been perfected by Democrats. It's not even something that was perfected by the Whigs, Mr. Speaker. It's been around as long as taxes have been around.

And the folks who work in this town who try to manipulate the Tax Code have been around just as long as well.

But let's look at this. Let's look at what's happening in 2012, just in 2012. The annual budget deficit for 2012, Mr. Speaker, is projected by the Joint Committee on Taxation and the Congressional Research Service to be \$1.1 trillion and change. It's a \$1.1 trillion projected budget deficit for 2012.

How much money do you think we've carved out in loopholes and exceptions and exemptions and carve-outs and deductions and credit? How much money do you think we've carved out? \$1.065 trillion. That's a powerful message, Mr. Speaker. We could balance the budget this year if we eliminated every single tax break in the U.S. Tax Code.

Now, that's a debate worth having.

I don't want to eliminate every single deduction in the U.S. Tax Code, every single credit in the U.S. Tax Code. Every credit in the U.S. Tax Code is not created equally. Every deduction in the U.S. Tax Code is not created equally. There are some that help move this economy forward, and there are some that don't. That's the debate that we have, and this is the end result of it.

What if we started over from scratch, Mr. Speaker? What if we started over from scratch with a bill like the FairTax—with something that ends all loopholes by starting a Tax Code that has no loopholes, that ends the loopholes by starting a Tax Code that has no loopholes?

So often we talk about reforming the Tax Code as if we're stuck with the Tax Code that we've got. Are we? I tell you we're not. That's what this body does. This body could zero out the entire Tax Code and start again with a blank sheet of paper tomorrow. We have that ability; we have that authority; and we ought to use it.

If we used it today—again, just to understand the magnitude of the exceptions and exemptions in the Tax Code, when you go and you say, Golly, I'm in the 15 percent bracket; I'm in the 25 percent bracket; I'm in the 10 percent bracket—when you talk about those things, the exceptions and exemptions total over \$1 trillion in 2012 alone.

Now, where are those? Where are those exceptions and exemptions going,

Mr. Speaker? This next chart quantifies those.

Number one, a list of exceptions and exemptions: exclusion of employer contributions for medical insurance premiums and medical care, \$609 billion.

Hear that, Mr. Speaker. Half of all the money that's included in loopholes, exemptions, exceptions, exclusions, carve-outs in the United States Tax Code goes to employers to subsidize their purchases of health insurance for their employees.

Candidly, Mr. Speaker, I hear from employees day after day after day, and they say, ROB, how come I don't get those same tax breaks to purchase my own insurance? Why am I held captive—captive—by my employer? Since when did my employer get entrusted to make the best health decisions for me and my family?

I will tell you that this provision that originated in World War II, with wage controls here in Congress, has led to so many of the third-party payer problems, the health insurance inflation challenges, that we have in this country today.

\$609 billion is what you, Mr. Speaker, and your family and every other American family has to pay more because we've chosen to subsidize the business purchase of health insurance, which has the secondary and tertiary effects of trapping you in the job that you have because you can't get insurance at your next job; that has the effect of trapping you with the insurance policy that you have because your employer only offers one policy; that has the effect of your having a third-party payer so that it insulates you from the true cost of health care.

Trouble after trouble after trouble with the American health care system comes from the United States Tax Code, Mr. Speaker—and we can do better.

\$357 billion is the deductibility of mortgage insurance on owner-occupied homes. It's the mortgage insurance deduction—again, a deduction that millions of American families take advantage of. It's a deduction that, arguably, has a tremendous effect on the real estate market and on our real estate agents and on our construction companies—on and on and on. There are things tied into the deductibility of mortgage insurance.

I remember once upon a time, Mr. Speaker, I was listening to an elected official talk. He had some folks in his office, and they said, We have to, have to, have to have the deductibility of mortgage insurance because the only reason we're able to sell real estate in this country is that folks are able to deduct their interest, and that makes a difference.

This elected official said, Well, how about if we double interest rates? Is that going to help us sell more homes?—because it'll certainly help

folks deduct more interest. The answer was no.

What we need are low interest rates to sell homes. We have low interest rates in this country today, but it's one of those things that, whether Republicans or Democrats, folks have agreed that we want to subsidize interest payments for folks who own homes. There is no such subsidy program for folks who rent.

Is there a good reason for that? Maybe there is. Certainly, the argument has been made time and time again, but it's something that we have chosen to do in this country, Mr. Speaker.

I don't know that, even for those Americans who defend this deduction to their dying breaths, do they know that it comprises a full third of the value of every deduction, exemption, exclusion that exists in the United States Tax Code, because it does—half of the deductions and exclusions come in from the mortgage interest deduction, others from the medical insurance and premium deductions for employers.

Finally, of the biggest of our deductions and exemptions is the deduction for 401(k) plans, which is down here at the bottom, of \$356 billion—again, deducting money that we're saving, right?—because the power to tax is the power to destroy, Mr. Speaker—you know that—time and time again as you advocate for lower taxes, because what we tax today is income and what income is is a measure of your productivity, and what we need in today's economy is more productivity, not less productivity. The power to tax is the power to destroy.

So rather than taxing savings—because we don't have enough retirement savings happening in this country, because we don't have enough thrifts happening in this country—we've given folks a tax break to encourage them to save.

Is that a laudable public goal, Mr. Speaker? I'm sure it is. I'm sure that it is.

We need more Americans to take saving for their retirement more seriously. The question is, What's the best way to get that done? Is it the United States Tax Code? But does America know that that's what's happening today, that today \$356 billion of tax revenue is forgone in the name of encouraging retirement savings?

It's a debate that has to happen in Washington, D.C.—these are the big ones—because so often we argue about things as if it's the little ones that find the dollar. It's not the little ones that find the dollar; it's the little ones that find the headlines. You don't find headlines about the mortgage interest deduction or the employer health insurance deduction. You find headlines about the “bridge to nowhere” and how in the world that got in the Transpor-

tation bill. But understand that this is big business.

Now, I'm not here to pick on lobbyists, Mr. Speaker. I think lobbyists perform an important role in this town. I can't be an expert on every issue, and I can't hire staff. I've got Alex Poirrot on my staff down here today. He knows a lot about a lot, but he can't know everything about everything. So, when I need more information, I will go to folks involved in the industry. We call those folks “lobbyists.”

I'll tell you, the best lobbyists in the world are the ones who fly up from back home—the teachers in your community, the caretakers in your community, the physicians in your community. Those members of your community who come up here to talk about their issues are the best lobbyists in town, but there are firms up here that have lobbyists as well.

□ 1440

There is a line in “The Distinguished Gentleman.” Mr. Speaker, I'm going to date myself by going back to when Eddie Murphy's movies were funny, back in the day. “The Distinguished Gentleman” was a tale of a fellow who got elected to Congress by accident. And he was going along with the process, and he walked up to a powerful committee chairman. And the committee chairman said, How do you feel about sugar subsidies? Eddie Murphy, being Eddie Murphy and a new Congressman said, Well, Mr. Chairman, how should I feel about sugar subsidies? And the chairman said, It doesn't matter, because if you support sugar subsidies, we're going to get you money from the confectioners and the bakers. And if you oppose sugar subsidies, we're going to get your money from the cane growers and the beet growers.

There are folks on every side of the issue in this town. So whenever there's an issue that's a contentious issue, you can call in one side, you can call in the other, and you can hear both sides of the argument. Folks who are experts, folks who have been working on these issues for decade after decade after decade. Well, when the Federal tax bill for America's businesses is \$10 billion, it doesn't take much of an investment in lobbying for special exemptions in the Tax Code to make that happen.

Now let me go back and look at corporate income taxes over time. I'm in the camp that tells you, corporations don't pay taxes, Mr. Speaker. Corporations do not pay taxes. Consumers pay taxes. I'm from Atlanta. If you add a tax on the Coca-Cola Company, what do you think is going to happen? They're going to raise the price of Coca-Cola. Right? That's what happens every single time that—we already have a competitive market. Coke and Pepsi are competing in a cutthroat beverage market out there today.

They're already suppressing their prices as much as they can. There is only one taxpayer in America, and it is the American consumer. When we tax businesses, we just make the businesses the tax collector, and they raise their prices. I end up paying the tax when I buy the goods. They collect those taxes, and pass them on.

But according to our friends at Citizens for Tax Justice—and you are not going to hear me quoting Citizens for Tax Justice very often, Mr. Speaker, because we don't agree a lot. But they pay a lot of attention to how much money is being spent in this town to manipulate the Tax Code. They say \$475 million is being spent to manipulate the Tax Code in this town. Now, folks, it's our fault. We created the Tax Code. I don't blame the IRS for the way the Tax Code works. Congress created the Tax Code. Congress tells the IRS what to do. So for businesses to spend \$475 million, for individuals to pay folks to come and lobby for the United States Tax Code, that makes sense. Why do you rob banks? Because that's where the money is. Why do you lobby the Tax Code? Because that's where the money is—not in these appropriations bills that we're doing today, but in the Tax Code.

Trillions and trillions and trillions of dollars in revenue, Mr. Speaker. And with the stroke of a pen, a loophole, an exception, exemption hidden somewhere in what is now 76,000 pages of code, you can save money for your client. You can get a break that your competitor doesn't get. And who ends up paying that bill? Every other American family. And if we don't pay that bill today, we end up borrowing that money, and our kids pay the bill, and our grandkids pay the bill for years and years and years to come.

This isn't rocket science, Mr. Speaker. This is Economics 101. I do it when I go to speak to high school classes. I say, you know, I've got a job in my congressional office. You're going to get to serve your neighbors. You're going to get to serve your country. It is going to be a wonderful thing. And I pay \$10 an hour. Who wants to come? All the hands go up around the room. Then I say, But I'm going to have to put a tax on that because we have bills to pay in this country. So I am going to put a \$9 an hour tax on that, but you will still be able to take home that last dollar. Who wants to come work 80 hours a week for me for \$1 an hour? And all the hands go down, Mr. Speaker. That's economics 101. There is a sweet spot here. They called it the Laffer curve in the 1980s. There's a sweet spot where you can raise tax rates and continue to raise income for the government—tax receipts, and if you exceed that rate, you begin to shrink tax receipts for the government.

I remember a story, Mr. Speaker, this was over on the Senate side, a Senator from Washington State who ran

the Finance Committee at the time. And the question was, What would happen if we raised taxes to 100 percent on all Americans who make over \$250,000 a year? What would happen? What would happen if we raised taxes on all Americans making over \$250,000 a year to 100 percent? Well, he asked that question to the tax scoring committee, and folks got excited, sent back a good message, and said, Oh, golly, if we did that, we'd raise this big pot of money to help pay Federal bills. Big pot of money.

Well, come on, Mr. Speaker, you tell me, what would happen if we raised taxes on you to 100 percent? Well, I tell you, you would quit coming to work. You have got a heart for service. But you also have bills to pay. Folks would adjust their behavior. No one would make over \$250,000 a year anymore.

The power to tax is the power to destroy. When you tax at 100 percent, you destroy 100 percent of all that economic production. You know what's sad, as I look at this Economics 101 chart, Mr. Speaker? It's that it's America that has this disastrous, destructive, detrimental Tax Code. The former Soviet Bloc countries, Mr. Speaker, they have flat taxes. They have consumption taxes. They started with a blank slate after the fall of the Soviet Union, and they created tax codes that work. They rejected the communist system and said, What if we have a flat tax on everything that's easy to pay?

Mr. Speaker, I know we have to have taxes in this country, and I don't mind paying them. I love the freedom that we have in this country, and I know freedom isn't free. What I don't like, Mr. Speaker, is having to pay someone to help me pay my taxes—I'm a smart guy—to have to pay someone to help me pay my taxes.

If we're going to collect taxes from folks, it ought to be easy, and the more complicated we make it, the less revenue we collect. And who has proven that point? The former Soviet Bloc countries. That's where we look for economic vibrance today, Mr. Speaker. That's where we look for Tax Code success today. Country after country after country threw out their old code, adopted a flat consumption tax, a flat income tax, made it easy to pay, easy to comply with, and raised the revenues to their national treasury. We could do that very same thing. There's a sweet spot, and we are not in it.

Mr. Speaker, we sometimes get swept up in partisanship here in the House. I know you avoid it. I try to avoid it. But sometimes it happens. But when it comes to the issue of reforming the Tax Code, it's not a partisan issue. I'll point to this quote from President Barack Obama in a speech he was making on international tax policy reform. He says, Our Tax Code is full of corporate loopholes that make it perfectly legal for companies to avoid paying

their fair share. Now his take on it is a little different from mine.

You know, the U.S. Tax Code defines what folks have to do. I almost think it's your patriotic duty to pay as little tax as you legally can. Don't send your extra money up here. Whoever is encouraging you to do that, don't do it. Keep as much of your own money as you can because I promise you, you're going to spend it better than I will.

□ 1450

It's not from lack of trying. It's not from lack of trying. Keep your own money in your pocket; send as little as you legally can.

But, yes, the Tax Code has been warped over time to make it very difficult to tell what is someone's fair share. What is their fair share?

Now, the top 10 percent of all income earners in this country, Mr. Speaker, pay 60 percent of all of the income taxes. The top 10 percent pay 60 percent of all the income taxes. The top 50 percent pay 100 percent of all the income taxes. About half of America today pays no income taxes whatsoever. In fact, a growing amount of American families are actually receiving money from the Tax Code instead of paying money into the Tax Code. That's not what the Tax Code is for.

But on both sides of the aisle, we agree that this Tax Code isn't working. The President thinks it isn't working because it allows folks to pay nothing, and that's not fair. I'd tell you it's not working because it allows one company to pay one amount and its neighbor company to have to pay twice that amount, and that's not fair. Equity is what's fair. And I'll tell you, Tax Code for corporations, it shouldn't go from the 30s down to the 20s. It shouldn't go from the 30s down to the teens. It should go from the 30s down to zero, Mr. Speaker, to zero because businesses don't pay taxes. Their consumers pay taxes.

I pay taxes when I shop at Wal-Mart. Wal-Mart's not paying the tax. They're raising the price on the good, and I'm paying the tax and you're paying the tax and every American family that shops there is paying the tax.

So how do we get to something that defines our fair share? Well, Mr. Speaker, that brings me to the heart of the FairTax. I don't like the divisive games that are being played in America today, Mr. Speaker. I don't know why it is that what we see in the media and what we sometimes hear from the podiums is language designed to divide America. I can't think of a single strength of this country, I can't think of a single trait that makes this country great that is enhanced by dividing America. That's why we always talk about the American Dream, Mr. Speaker, something that unites us, something that brings all of our disparate views and hopes and dreams together

into one understanding of what makes this country different from any other country on the planet.

Mr. Speaker, my idea of fair when I sit down with a blank sheet of paper to try to design a brand new Tax Code for this country, fair doesn't mean that we're going to try to ensure equal outcomes for every American. Fair means we're going to start with a level playing field for every American.

Have you ever been in a community, Mr. Speaker, and you see somebody driving a brand-new Porsche and you wonder if they're paying their fair share? Have you ever been walking past a clothing store, you and I might be on our way down to the Goodwill or Salvation Army or T.J. Maxx or to Marshalls and you see somebody walking into Brooks Brothers and you wonder if they're paying their fair share?

You know, I remember growing up, I had a good friend who lived next door. The family had everything—boats, lake houses, beach houses, brand-new cars, fancy clothes. And when it came time to apply for college aid, we both filled out our applications. I didn't get a penny in Federal financial aid because I got a note back that said: Dear Sir, Your family saved too much.

Your family saved too much. My buddy next door—fancy cars, fancy houses, fancy clothes, he got back a note that said: Congratulations, you qualify for a subsidized college education.

You qualify for a subsidized college education.

Why? Because in all of these flush years that your family has had, you spent it all. So now in your time of need, you have nothing and you qualify for a bonus.

Mr. Speaker, that is not anything that makes this country great. What makes this country great is people being able to make their own choices about how they're going to live their life and the Federal Government doesn't bail them out.

Mr. Speaker, you and I weren't here when the bailouts came down the pipe, but I guarantee you that we would've both voted "no." We would have both voted "no" for every penny of bailout money that came down the pipe because the American Government is not supposed to be about bailing out anybody. The American Government is supposed to be about protecting the freedom of the American people. And that includes, Mr. Speaker, freedom to fail. Freedom to fail.

You get to make the choices you want to make about your life, but you also have to bear the consequences. If you want to take great risks, if you have great success, you benefit from that. And if you have great failure, you pay the price for that. We cannot insulate people, Mr. Speaker, from the consequences of their actions. But over and over again, that's what the Tax Code does.

Oh, if you lose money, we want to protect you. If you make money, we want to punish you. I don't get that. I don't understand that. Fairness for me is a level playing field for opportunity, not a level playing field for outcomes.

Mr. Speaker, you know we talk every day in this Chamber about jobs; and by talk, we act every day to promote an environment in this Nation that grows jobs.

What do you think, Mr. Speaker, the American Tax Code does when a multinational corporation is trying to decide where it's going to put its next plant? What do you think it does? Because I can tell you, Mr. Speaker, with absolute certainty that America has the highest corporate tax rate of any nation on the planet. The number one highest.

So you're a business person, Mr. Speaker. Where do you want to locate? Do you want to locate in a country that has ended all of the loopholes, that has restored a fairness to the marketplace for a level playing field, that allows our free enterprise system to work? Or do you want to locate your business in the country that has the single highest corporate tax rate in the world? Those are easy decisions, Mr. Speaker, and companies are making them every day.

I talked to a CEO in my district about 6 months ago. He said, Rob, I'm going to be leaving. He said, The government has made it hard to pack up and leave. It's going to take me about 2 years, but I'm taking every job that's in this district and I'm moving them to Switzerland because it's just not worth doing business in America any more.

Mr. Speaker, we have the hardest working workforce on the planet. We have the best education and transportation infrastructure on the planet. We have the finest education system on the planet. Nobody, nobody gives you more bang for your buck than the American worker, and yet people are deciding to take those jobs overseas. Why? It's not the American workers' fault, Mr. Speaker. It's our fault as we have crafted a Tax Code that doesn't work, as we have crafted a regulatory structure that doesn't work. But the good news is—and it's good news, Mr. Speaker—that there's nothing wrong with America that this body can't fix. Because I'll tell you, Mr. Speaker, there's nothing wrong with America that this body didn't cause.

Government is not the solution to our problems, and many times government is the creator of our problems. I do not want this body, no matter how august, I do not want my 435 colleagues, no matter how well-studied and well-intended, to decide for me how my life should be led. That's never been what America was about. What America is about is making your own decisions for yourself, making your own decisions for your family, and

knowing with absolute certainty, Mr. Speaker, absolute certainty, that by the sweat of your brow, by the power of your ideas, by the commitment that you make, you can make your tomorrow better than your today.

I'll tell you, that's the American Dream, Mr. Speaker. It's not about how much money you have in your pocket. It's not about what kind of house you live in or what kind of car you drive. It's about that you can decide today that you're going to take actions for yourself and for your family and you're going to make tomorrow better.

Hope, Mr. Speaker. Hope is a priceless commodity. A priceless commodity. And I fear we're not growing hope in this country, Mr. Speaker, like we used to. I fear we are extinguishing the candle of hope in this country. And not out of malice, Mr. Speaker. That's what makes it so insidious. It's not out of malice. It's out of folks who believe in their heart deep down inside that they're passing these policies because they want to make America better.

□ 1500

Mr. Speaker, America was better when Americans were running America. The whole idea of a Republic isn't that we get to be king of this land collectively. Our job is simple. It is to protect the freedom of individuals back home so that individuals back home can make the decisions that work best for them.

I have to tell you, Mr. Speaker, I come from the great State of Georgia. We're a little conservative in our part of the world and proud of it. If anyone is looking for a good conservative part of the world to be a part of, I invite you to come down. We've got some good real estate prices and a good job market. Come on down and be a part of what we have, Mr. Speaker.

But I read a story about my friends in California. Now, I enjoy visiting California. I don't want to move there. But it was a story about the Teamsters unionizing marijuana growers in California because medicinal marijuana is a big business out there in California these days. And so they unionized the marijuana growers. So if you work hard, apply yourself and join the union, you can be a junior marijuana grower at \$25 an hour I'm told. And if you really work hard and really apply yourself, you can exceed where you start and become a senior marijuana grower and get close to \$35 an hour. That's what I'm told.

Mr. Speaker, I think that's wonderful for those folks in California. We're not bringing unionized marijuana-growing to the great State of Georgia. I'm not trying to stop the folks in California from doing what they want to do, but it's not going to come to our great State of Georgia. And that's what makes this country great. We can

choose for ourselves, as individuals, as families, as communities, and as States how it is that we want to live our life—but not with the United States Tax Code.

Mr. Speaker, the Tax Code manipulates every facet of your life—every facet of your life. If you're going to buy a green car, we're going to pay you money. If you buy a car that burns too much gasoline, we're going to charge you a fuel premium. If you receive your income from dividends, we're going to give you a tax break. If you receive your income from working hard on the line every day, you're going to pay full freight. If you've had a great year this year, even if you hadn't made another penny in the rest of your life, we're going to tax you like you're rich. If you make a little bit this year, even though you've made millions every other year for the rest of your life, we're going to tax you like you're poor.

Mr. Speaker, we manipulate behavior in line item after line item after line item in the United States Code; and, candidly, folks on both sides of the aisle defend it. They defend it as if we're really smart here. And I'll tell you, folks here work hard. I'm not down on Congress. Folks here in Congress work hard. But they don't know everything, nor can they, nor should they be burdened with that responsibility. But that's what happens in the Tax Code: let me pass this tax incentive, because if only we encourage this behavior, all of America will be happier. And it's easy to hide things in the Tax Code. Again, it's 75,000 pages.

Mr. Speaker, I encourage you to take a look at H.R. 25, again, the single most widely cosponsored piece of fundamental tax reform legislation in either the House or the Senate. And, in fact, it's the most widely cosponsored piece of tax reform legislation in both Chambers. It ends every loophole.

Mr. Speaker, you hear folks every day down here on the House floor: I want you to end the loopholes for rich people; I want you to end the loopholes for oil companies; I want you to end the loopholes for Solyndra and the solar companies; I want you to end loophole, loophole, loophole, loophole. Mr. Speaker, there's one bill in the House that does it all, and it's H.R. 25. No loopholes, no exemptions. We all pay the same. And it lets our free enterprise system work, Mr. Speaker.

We talk about creating jobs in this country, Mr. Speaker. We have to do that. But our Tax Code is destroying jobs. We have to create new jobs; but, Mr. Speaker, that's hard. Preserving the jobs we already have has to be a part of that. And yet we run jobs overseas each and every day in large part because of our Tax Code.

More importantly, Mr. Speaker, the FairTax is revenue neutral. So many folks think about a conservative Republican like me liking every tax cut

he can get his hands on. I do. I'm a big proponent of leaving more money in individuals' pockets. I will always believe the American family will spend their own money better than we will spend it on their behalf in Washington. Always. But, Mr. Speaker, there are bills to pay in Washington. We do need to support our troops, we do need to defend our homeland, and we do need to protect our border. And so the FairTax brings in every penny of revenue that we bring in today. It's revenue neutral.

In fact, given the bill that's in front of the Senate right now on payroll taxes, we're actually going to bring in more revenue with the FairTax than we bring in with the current system, but it's designed to be revenue neutral because I know that we must pay taxes. But we mustn't make it hard to do. That's a choice we've made in this body, and it's the wrong one.

Mr. Speaker, take a look at H.R. 25, the FairTax. You can find out all about it at [www.fairtax.org](http://www.fairtax.org), all the information, all the studies. We started with a blank sheet of paper, we came up with a plan that starts everyone on a level playing field. And so far, Mr. Speaker, we've attracted enough cosponsors on both sides of the Hill to make it the single most popular fundamental tax reform bill in Congress.

I thank you for giving me this time this afternoon to talk about it, and I yield back the balance of my time.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2009. An act to improve the administration of programs in the insular areas, and for other purposes.

#### CONGRESS REPRESENTS ALL OF AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Speaker.

Happy holiday to America. Let me reinforce that we live in a great country, and that is evidenced by the opportunity of Members to come to this democratic body and the other body to speak about the values of this Nation and the importance of our democracy and our responsibility to address the concerns of all Americans. It is good for us to have an opportunity for a dialogue and to be able to listen to each other.

I know that I'll be joined shortly by the whip of this Congress, Mr. HOYER.

So let me just quickly say that I remember serving in this Congress when President Bush was the President, and I always made the point that once we are elected, even as we come from constituency, even as we come out of tough political battles, it really is the oath that we take that ensures that we represent all of America, whether we have the glory of coming from a State that is claiming progressiveness or one that is conservative. When we get on that train or airplane or drive that car and come to Washington, D.C., we represent all of America.

So let me quickly just say that you're looking at a stack of papers that represent the approach that my Republican friends took to fund the needs of the American people. Under the Democratic Caucus and the Democratic Congress of last Congress, we had the appropriations bills, almost 12 of them, come to the floor, and Members openly debated all of the issues around the different bills dealing with transportation, housing, homeland security and defense. They had an opportunity to be on the floor. The constituents could email or call or say what is that in this particular bill. But under this Republican leadership, this is what they brought us and gave us 1 hour to read these pages because of the emergency of funding the American people.

That's not a way to run a country. It's not Democratic or Republican. It's not conservative or liberal. It's just not the way.

And I would offer to say that we're committed and should have done this weeks ago, extending the payroll tax relief, providing for 160 million working Americans and extending the unemployment, helping 6 million Americans. You see, I don't believe that those Americans care whether we are conservative Republican, whether we twitter, whether we email or whether we speak on the floor of the House. They want us to abide by the oath that we take when we stand and affirm our relationship with the United States and our obligation and duty to the American people.

When our soldiers who are coming home now, yesterday being the last day of war in Iraq, the casing of the colors, not one soldier that I visited in Iraq or Afghanistan ever put up and said, I'm a Republican or I'm a Democratic. Every one of them was proud to be an American. And that's what we are obligated to do on this floor.

□ 1510

You know, it saddens me to report to you and the American people, my colleagues, that the banks of America have \$64 trillion in their accounts, refusing to spend it, to yield, to loan it to small businesses or those who want to buy homes. Our businesses have over \$1.12 trillion in cash on hand.

It saddens me to hear that businesses who are protected by our flag and our

soldiers and can do business in a democratic setting, just because of wanting more money, they will lift up their business and take it to another country and remove the employees who invest in this country. It saddens me.

I ask the simple question: Where there is a benefit, is there not burden?

And I do want to correct any impression that we tax Americans 90 percent. Yes, we need tax reform, real tax reform. We need to help Americans keep money in their pockets. But I can tell you, out of \$10, we don't take \$9. We want people to be able to work and reap the benefit of their work.

But may I just share with you that America is an umbrella on a rainy day, that when there are hurricanes and tornados and earthquakes, you expect us to come running and restore your communities. You expect us to take care of the dams and bridges, the highways, to ensure that America's infrastructure is working, that the electric grid can withstand a cyberattack, a potential homeland attack, if you will.

After 9/11, you asked America why, and you wanted us to get busy and get to work and ensure the homeland is protected. And I sit on the Homeland Security Committee. Every day our responsibility is to read the fine lines in the classified information to make sure that we are in front of the terrorists, whether it's a lone wolf or whether it is a massive attack. We have been fortunate, because of our young men and women in the military, because of our intelligence community, that we have not had a major attack on our soil since 9/11. That's what the government is all about. You cannot throw the baby out with the bathwater.

And we have some other responsibilities as well. The responsibilities of ensuring our children are safe and that we don't allow and condone sexual abuse of our children or bullying of our children. Yes, you can make a national statement on that, though we want families to get help and children to get help, but the circus that is going on in Penn State is so unacceptable.

I've introduced legislation to stop the Federal funding of any entity that covers up or tolerates child sexual abuse. I have introduced legislation to make a stand against the bullying and ask communities and school districts to establish best practices to help our children and families.

And then it is important to note that we do need to have the harmony and the collegiate collaboration that really speaks of this grand place, this august institution of which we've had so many opportunities. One of our Members was interviewed in one of our newspapers here on the Hill, and he spoke eloquently as a protector of this institution, one who had been here even as a page, and he mourned for the lack of collegiate interaction.

Everybody thinks it's a joke to call people names; I do not. For we all come

in different shapes, sizes, and colors, and it is unfortunate that groups get condemned because of their race, because of their sex, or because of where they come from, their lifestyle, their background, who they represent, who they come on the floor and attempt to advocate for. I do not in any way disallow anyone who comes with a different perspective from one that I may be suggesting today, and that should not generate name-calling.

And the press loves it. They love to see us name-call against each other. They make that the story of the day. They don't talk about the yellow ribbons that Members wore, both Republican and Democrat, commemorating the return of our soldiers. And I personally thank them because I came to them and asked them to do so. I thank them—the Speaker, the leader, the Majority Leader, and of course the whip, leadership coming together to say thank you to our troops.

Members, why don't we, as we go through our holiday season, turn ourselves around. Let's not give fodder to the media, who simply likes to ridicule and make us look as if we're doing nothing. And whether or not I agree or disagree, I know Members are in their offices or in their districts and they are responding to the needs of our constituents.

And as I speak to our constituents back home, as we send this bill to the President and appropriations come that will help you in housing, help you in transportation and the environment, it is important for our local officials—and I look forward to working with my own City of Houston, let's be responsible in these dollars and make sure that the monies get to those who are in need. So that when constituents sit back home and they see the debating going on here and the ire going on here and maybe some of the disagreements, and then they wonder, Where is my help coming? We've sent it to the States, we've sent it to the cities, and it's important for you to hold them accountable as to the resources that are needed to improve your quality of life.

So I'm here today to announce that we're not going home, we're just pausing, because we have to come back and make sure that the payroll tax cuts are extended for working Americans, so that we can ensure that we don't lose 400,000 jobs and help 160 million Americans, many of them the families of soldiers that are returning home.

And then, of course, it is important for us to ensure that the unemployed—6 million of them—and some even beyond that, the 99ers who've come up against the wall of no unemployment insurance, are taken care of.

And can I just say to you, unemployment insurance is not a handout. I spoke with someone just the other day who had four boys that they had to take care of, was working and now on

unemployment, trying to find work. But they worked. This is their insurance. This is the wisdom of America, to not let people be abandoned.

And so I would hope that we would find the collegiate ability to give the media back home and here more positive messages to take back and not utilize, if you will, the media waves in the First Amendment to ridicule an institution that so many of us and all of us hold dear, not for us being here present, not for any personal status, but we hold it dear and near because of the history of this place. So many decisions have been made.

The early Founding Fathers had a smaller setting just outside of these Chambers, but this is how we have come to be the longest lasting democracy, because we view this place as a place to work out our differences and not a place to raise our differences.

We've had some major crises in this country. I'd like to have been here and imagine what the Members were addressing in the 1929 collapse when, if you read your history books, people were jumping out of windows, primarily in places where they felt the financial impact. Congress had to come together. Decisions might not have been the best, but they made it through the 1930s. I know my grandparents have spoken about what that depression was really like. And then a President by the name of Franklin Delano Roosevelt dealt with World War II, but also dealt with the dismal conditions of this Nation and put America back to work to bring about the prosperity of the 1950s.

I have the greatest hope that we have that potential. And I know that President Obama believes in job creation and has done so—3 million jobs and more to come. And rather than focus on a company that would disregard the patriotic obligation to hire Americans and think that it's so easy to pick up—and it is. We are a democracy. We have no restraints on anyone planting their business anywhere, moving their business anywhere. But to think that we have lost the patriotism that would cause me to say, You know what? I'm going to suck it in, keep these hard-working Americans working—in whatever State it is—and I'm not going to fall victim to greed and leave, but I'm going to stay put and make sure that I am taking care of the American people, that's what I would hope to see in this country, all of us pulling ourselves together and pulling up our bootstraps, and making sure that we have the ability to work hard, and to ensure that as we work hard we can make this country a great place. That is the challenge that we have.

And I might say this one thing about bailouts and investments; you don't know how excited I am—and I'm not from Michigan—to be able to applaud again the automobile industry, because

we were right in there recognizing that it wasn't just making cars in Detroit. It was all the car dealerships and all the guys and ladies that supported the Boy Scouts and boys and girls clubs and little leagues that were going to be impacted.

□ 1520

Oh, look at them now, many of them just rolling along, selling American cars again. That was the right thing to do.

And when we came after 9/11 and airlines came to us saying we just can't make it, and we had to extend a helping hand—I wouldn't even call it a bailout—but they needed us because of the horrific tragedy and attacks and murderous actions of 9/11. And thank goodness we did; and look, there are families being reunited on America's airlines today.

Sometimes the government has to do what is unpopular for the greater good. Yes, there are more things to do with the financial industry; there are questions to be answered about foreclosure that still continues. There is work to be done to help our families restore their wealth. There are questions to be asked about the wealth disparity, the numbers of impoverished, the children that are literally living in poverty, the numbers of families that are on supplemental food assistance, 46 million.

But for one moment, I have never thought that America was not a great country; I never doubted her. In spite of the accusations and the name-calling that comes about in the political process, I never doubt the greatness of America.

Mr. DREIER. Will the gentlewoman yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding, and I would like to join with my friend in stating that this great level of patriotism and dedication to the United States of America is something that obviously does transcend party. And while we obviously disagree on lots of issues, I appreciate the fact that she has pointed to this spirit of agreement and comity. I think it's very key on this particular day, as we have dealt in a bipartisan way with the threat of a government shutdown that's looming just hours away from us now, we have been able to successfully avert that.

But the reason that I have asked my friend to yield is that we met in the Rules Committee until early this morning, and I've been going for the last couple of days, and I just heard over the past several hours of the passing of a good friend of mine who was one of the greatest essayists and witticists of our time.

And when I heard the news of Christopher Hitchens' passing, I was struck with what a dedicated and patriotic individual he was. I suspect that he

would have disagreed with my friend on the issue of dealing with radical Islam, but it's one of the things that brought the two of us together. He and I, over the last decade-plus, have spent a great deal of time talking about that and other international policy issues.

But if one looks at the series that he wrote in *Vanity Fair*, as he was diagnosed with cancer, they are very, very powerful. And, again, Christopher Hitchens and I didn't agree on every issue, but I always enjoyed the exchanges and the time that I was able to spend with him and, of course, have been fascinated by his works. I think that the world is a better place for Christopher Hitchens having lived and, obviously, we're saddened by his passing.

I want to say to his wife and daughters that our thoughts—I hesitate to say prayers when it comes to Christopher—go to him, because he was a very committed atheist; but I will say that our thoughts and, since we have them, our prayers are with the members of the Hitchens family, and to say that his works, because he was such a great writer, will continue for years and years to come to fascinate and intrigue and create the kind of intellectual curiosity that is necessary.

I just would like to say that I am saddened by the passing of my friend, Christopher Hitchens, and certainly have had my life improved and bettered by his having lived.

Ms. JACKSON LEE of Texas. I thank the gentleman from California. I think his presence on the floor indicates our bipartisanship and thank him for raising those comments about Christopher and our knowledge about him as well.

Let me also indicate my concern and sympathy to his family. That speaks to my point of coming together and being able to share and yield to a gentleman from the other party. As I do so, I would indicate that's how we should go forward as we come back to vote positively on the payroll tax extension next week and stay here until it is done and, of course, the unemployment insurance, but going forward in 2012 to answer some of the cries of many of those who have taken to our streets throughout America who have asked us about jobs, the Occupy Movement, that have been just Americans. I just call them Americans, who have taken up the constitutional privilege of petitioning their government.

Mr. Speaker, I want to make a commitment that our work will be focused on action and make the second part of the 112th Congress equal to what we did in the 111th with pay parity, with the GI Bill, with the affordable health care bill, and so many other items that were so valuable to this country, and when I say that, legislative initiatives.

Let me also say to the American public and our local communities, I know you think someone else is calling or

emailing, but this is what democracy is all about. We want to hear from you on these issues of how we come together, not how we come together, but the importance of doing so and working on issues and whether or not you appreciate the concept of where there is benefit, there is burden, there is sacrifice, whether or not you think it's important that there are not homeless veterans or soldiers who are coming back who can't work, whether or not we want to encourage our corporations that have this massive cash on hand to realize what a wonderful, patriotic Nation that they live in, and to be able to work and ensure that we have the ability to do the job that is necessary to be done.

I know that Mr. HOYER was coming to the floor, so let me just say to Mr. HOYER, who will be coming to you in just awhile to, again, assure the working people of America that this Congress will have the payroll tax extended and the President will sign it as we note that he has said every day that he wants to sign it and will sign it.

Let me say to the unemployed, I know that the unemployment insurance allows you to pay your mortgage and to pay your rent and to pay your necessities, but let me say to you that we are looking to create jobs, more jobs in America. And I expect to be introducing legislation that will help the energy industry reduce the deficit, repair our coastal waters and our ecosystems, make sure that we are responding to the loss of wetlands and the deterioration by hurricanes that have come on that gulf region there to restore the healthy fishing waters but, as well, to develop our natural gas and the ability to utilize the present expiration that generates resources for the American people.

This is a season of giving, and I only want that America be known as a benevolent Nation, but strong and powerful in her values and, of course, respecting her military, but the military, based upon a civilian-led government that focuses on democracy, equality, and justice. And I say to my colleagues, let's come back here next week to finish our job; but 2012, let it be the no name-calling session. Let us focus on what we do for others, what we do for Americans; and let it not be as a progressive or a conservative, but let it be as an American. That's the call for this Nation: to come and stand as an American.

Mr. Speaker, it has been my privilege to share my thoughts with my colleagues, and I hope that as this legislation will be signed by the President, although it has had a very difficult journey, and I would have wanted a more expanded debate, we are glad that we are serving America. Let us be prepared to roll up our sleeves to do so in the coming early days of 2012.

Thank you very much, Mr. Speaker, and I yield back the balance of my time.

□ 1530

#### WORDS OF WISDOM AT CHRISTMASTIME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

I appreciate the comments of my colleague from Texas, my sister in faith. I know we get carried away sometimes in worrying about different bills. There's a lot to be concerned about. But looking at our Nation's history, from whence we've come gives us a better glimpse of where we should be going.

At this time, as Congress has for decades, many, many generations, we are about to have a Christmas recess. And so, though we're used to in here debating back and forth, fussing back and forth, because of the season and also with due deference to the things my friend from Texas said, it is important to take note of who we are and our history, just as our Founders did.

I've got a book here, William Federer, just a wonderful gentleman. He's put together so many great books. This one is called "Prayers and Presidents: Inspiring Faith From Leaders of the Past." It's noteworthy.

I was 4 years in the Army, and I never saw an order like this, but right now we're debating whether or not chaplains should be forced to marry people when they know in their hearts it violates their Christian teaching, their Christian beliefs, and our Constitution was not supposed to do that. It's interesting to note that the order from the Commander in Chief of the Revolutionary military, May 2, 1778, to the troops at Valley Forge was as follows:

The Commander in Chief directs that divine service be performed every Sunday at 11 o'clock in each brigade which has a chaplain. Those brigades which have none will attend the places of worship nearest to them. It is expected that officers of all ranks will, by their attendance, set an example for their men. While we are zealously performing the duties of good citizens and soldiers, we certainly ought not to be inattentive to the higher duties of religion. To the distinguished character of Patriot, it should be our highest glory to laud the more distinguished character of Christian.

That was the order of George Washington in 1778 to our troops.

It's also worth noting that when he did what no man has ever done in the history of the world before or since, that was lead a military in revolution, win the revolution, and then tender his resignation and go home, in essence



saying, I've done what you ask, you gave me all power. I'm giving it all back.

At the end of that resignation was a prayer, and I'll read part of the prayer from George Washington. This was 1783, June 14. At the end of his resignation were these words:

Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection.

And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy Nation.

That was George Washington in resigning as no one had done before. In fact, King George, when he was told Washington was resigning, didn't believe him. He didn't believe that that would happen. He said nobody would do that. In fact he said, If Washington were to do that, he would be the greatest man alive. He was. He was indeed.

It is also noteworthy, because in figuring out where we're going from here, and especially in this Christmas season, we need to know where we came from. 1789, George Washington said this in writing:

May the same wonder-working Deity who, long since delivering the Hebrews from their Egyptian oppressors, planted them in the Promised Land—whose providential agency has lately been conspicuous in establishing these United States as an independent Nation—still continue to water them with the dews of heaven and to make the inhabitants of every denomination participate in the temporal and spiritual blessings of that people whose God is Jehovah.

George Washington.

There may be the gentleman from Maryland that follows me. If not, these may be the last Special Orders before the Christmas break. And I think with all of the debate that goes back and forth, this is critically important to note who said what while we were being founded.

Thomas Jefferson said these words in 1781, and it's inscribed on the Jefferson Memorial:

God who gave us life, gave us liberty. And can the liberties of a Nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God, that they are not to be violated but with His wrath. Indeed, I tremble for my country when I reflect that God is just, that His justice cannot sleep forever.

Think of those words, as I know that in the county right next to my home county there are people, a group, Freedom From Religion, that is doing all they can to have a nativity scene removed that is a part of the history of Athens, Texas.

Thomas Jefferson also said these words: "I am a Christian in the only sense in which He wished anyone to be,

sincerely attached to his doctrines in preference to all others."

Jefferson said: "I shall need, too, the favor of that Being in whose hands we are, who led our forefathers, as Israel of old, from their native land and planted them in a country flowing with all the necessities and comforts of life."

I was on Fox News last week with my friend, Eric Bolling, had a gentleman from Wisconsin who was saying Christians are a hateful group, that it is a hate religion, not understanding our history, not understanding this observation at this time of year. Not so much that we designate surely December 25 was the day when Jesus was born, but that it has been traditionally a date where we remembered his birth.

James Madison had plenty to say. In part, in one of his national day of public humiliation and prayer proclamations, he said:

If the public homage of a people can ever be worthy of the favorable regard of the holy and omniscient Being to whom it is addressed, it must be guided only by their free choice, by the impulse of their hearts and the dictates of their consciences, and such a spectacle must be interesting to all Christian nations as proving that religion, that gift of heaven, for the good of man.

Abraham Lincoln, September 5, 1864, said in regard to this great book, talking about the Bible:

I have but to say, I believe the Bible is the best gift God has given to man. All the good Savior gave to the world was communicated through this book. But for it we could not know right from wrong. All things most desirable for man's welfare, here and hereafter, are to be found portrayed in it.

□ 1540

So it's interesting that now, in a place where so many Christian groups came to avoid persecution, we're about to come full circle. Now we have people, groups like just in the recent days, who are on television, telling me, as a Christian, that I'm a member of a hate group?

He understands not what Washington understood, what Jefferson understood, what Madison understood. And how about the only President to have ever been elected to Congress and been elected President and to have been appointed to the Supreme Court? In fact, he was Chief Justice of the Supreme Court. He was William Howard Taft.

William Howard Taft, Chief Justice of the Supreme Court, said these words in 1908:

No man can study the movement of modern civilization from an impartial standpoint and not realize that Christianity, and the spread of Christianity, are the only basis of hope of modern civilization in the growth of popular self-government.

Our only Member of Congress, who was also President, who was also Chief Justice, said this:

The spirit of Christianity is pure democracy; it is the equality of man before God—the equality of man before the law, which is,

as I understand it, the most Godlike manifestation that man has been able to make. William Howard Taft.

Franklin D. Roosevelt said these words on December 24, 1933, because he believed the Christian religion not to be a hate religion, as so many are now saying, as so many are trying to persecute. It is also important to understand this was in a terrible time of a depression.

Franklin D. Roosevelt said this:

... this year marks a greater national understanding of the significance in our modern lives of the teachings of Him whose birth we celebrate. To more and more of us, the words "Thou shalt love thy neighbor as thyself" have taken on a meaning that is showing itself and proving itself in our purposes and daily lives.

May the practice of that high ideal grow in us all in the year to come.

I give you and send you one and all, old and young, a Merry Christmas and a truly Happy New Year. And so, for now and for always, 'God bless us every one.'

The words of Franklin Roosevelt.

In 1941, just 2 weeks exactly after the horror of Pearl Harbor's sneak attack, Franklin Roosevelt said this:

Sincere and faithful men and women ... are asking themselves this Christmas: How can we light our trees? How can we give our gifts? How can we meet and worship with love and with uplifted spirit and heart in a world at war, a world of fighting and suffering and death?

Franklin Roosevelt went on:

How can we pause, even for a day, even for Christmas Day, in our urgent labor of arming a decent humanity against the enemies which beset it? How can we put the world aside, as men and women put the world aside in peaceful years, to rejoice in the birth of Christ?

Franklin Roosevelt went on:

Looking into the days to come, I have set aside a day of prayer, and in that Proclamation, I have said: 'The year 1941 has brought upon our Nation a war of aggression by powers dominated by arrogant rulers whose selfish purpose is to destroy free institutions. They would thereby take from the freedom-loving peoples of the Earth the hard-won liberties gained over many centuries. The new year of 1942 calls for the courage ... Our strength, as the strength of all men everywhere, is of greater avail as God upholds us.'

Therefore, I ... do hereby appoint the first day of the year 1942 as a day of prayer, of asking forgiveness for our shortcomings of the past, of consecration to the tasks of the present, of asking God's help in the days to come. We need His guidance that this people may be humble in spirit but strong in the conviction of the right; steadfast to endure sacrifice and brave to achieve a victory of liberty and peace.

Our strongest weapon in this war is that conviction of the dignity and brotherhood of man which Christmas Day signifies ... Against enemies who preach the principles of hate and practice them, we set our faith in human love and in God's care for us and all men everywhere.'

A year later exactly, Franklin Roosevelt said:

To you who serve in uniform, I also send a message of cheer that you are in the thoughts of your families and friends at



home and that Christmas prayers follow you wherever you may be. To all Americans, I say that loving our neighbor as we love ourselves is not enough—that we as a Nation and as individuals will please God best by showing regard for the laws of God. There is no better way of fostering good will toward man than by first fostering good will toward God.

Then Franklin Roosevelt quotes from John 14:15:

“If we love Him, we will keep His Commandments.” In sending Christmas greetings to the Armed Forces and merchant sailors of the United Nations, we include therein our pride in their bravery on the fighting fronts and on all the seas.

It is significant that tomorrow, Christmas Day, our plants and factories will be stilled. That is not true of the other holidays we have long been accustomed to celebrate. On all other holidays, work goes on gladly—for the winning of the war. So Christmas becomes the only holiday in all the year. I like to think that this is so because Christmas is a holy day. May all it stands for live and grow throughout the years.

It might be worth hearing from John Kennedy, December 1962, which was approximately a year before he was assassinated. John Kennedy said these words at this season, at this time:

With the lighting of this tree, which is an old ceremony in Washington and one which has been among the most important responsibilities of a good many Presidents of the United States, we initiate, in a formal way, the Christmas season. We mark the festival of Christmas, which is the most sacred and hopeful day in our civilization. For nearly 2,000 years, the message of Christmas, the message of peace and good will towards all men has been the guiding star of our endeavors . . . I had a meeting . . . which included some of our representatives from far off countries in Africa and Asia. They were returning to their posts for the Christmas holidays. Talking with them . . . I was struck by the fact that in the far-off continents, Muslims, Hindus, Buddhists, as well as Christians, pause from their labors on the 25th day of December to celebrate the birthday of the Prince of Peace.

Kennedy went on and said:

There could be no more striking proof that Christmas is truly the universal holiday of all men. It is the day when all of us dedicate our thoughts to others; when all are reminded that mercy and compassion are the enduring virtues; when all show, by small deeds and large and by acts, that it is more blessed to give than to receive. It is the day when we remind ourselves that man can and must live in peace with his neighbors and that it is the peacemakers who are truly blessed. In this year of 1962, we greet each other at Christmas with some special sense of the blessings of peace.

This has been a year of peril, when the peace has been sorely threatened. But it has been a year when peril was faced and when reason ruled. As a result, we may talk at this Christmas just a little bit more confidently of peace on Earth, goodwill to men. As a result, the hopes of the American people are perhaps a little higher. We have much yet to do. We still need to ask God to bless everyone.

□ 1550

And then finally, I was asked last year to write a story, a personal story,

about a previous Christmas season. I would like to share that. It can be found at Human Events, entitled, “Answered Prayer,” from December 25, 2010.

Mother had become so very impulsive. You never knew what she might do next. This brilliant woman in her younger years had put herself through Baylor University in less than three years while working full-time, was a member of an Honor Society, and had spent most of her professional life as an eighth-grade English teacher.

She had prided herself on being able to solve almost any puzzle, answer most any question, and now it was she who was puzzled by lots of things. She got disoriented, and was going crazy thinking she might be going crazy. In fact, a local doctor in our small town in east Texas told Dad if she got much worse, she might need to be put in a home or institution. That drove her even crazier. Amidst the other perplexing conditions, she thought she was not hearing out of one ear, but that was a minor thing so she did not pursue answers for a long time.

Eventually she decided to go the 60 miles to Longview, Texas, to have a hearing check-up with an ear, nose, and throat specialist named Dr. Norman, whose only other contact with our family was about 14 years earlier when he diagnosed a hearing problem for me when I was 8 years old. He ran tests and did x rays of Mother, but was baffled. He said she had lost most of her hearing in her right ear, and he expected to find a small tumor in her inner ear, but the x rays showed there was no tumor at the normal spot. She had a hearing loss, but he had no idea why. She went home feeling that at least there was something wrong with her that was not psychosomatic.

Nonetheless, her depression, anxiety, loss of balance, impetuosity all kept getting worse, and she knew it. As fall was heading toward Christmas, Mother was heading for disaster. That was what she feared most, as did my father, my older sister, Susan, my two younger brothers, David and Bill, along with me.

Several months after her office visit with Dr. Norman, my brilliant mother was overwhelmed in a way none of us could help. This smart woman who read all of us Bible stories from our earliest days, who loved to recite poetry from memory, jokes and stories, was now having trouble from time to time remembering some of those—and it was not just age taking its toll on this 50-year-old mother.

One night, my mother could not sleep, which was not unusual, but she got on her knees to pray. This was a regular habit for this staunch Christian, a Southern Baptist, in fact. But that night it was in complete desperation and hopelessness. She prayed in essence: ‘Lord, You know I would not take my own life, but I cannot live another day like this. I cannot go on. You have to do something. Please help me!’

My youngest brother, Bill, was the only sibling still living at home. He said he awoke, got up, saw a light on, and went to the living room. He saw Mom and worriedly asked, ‘Mother, are you all right?’ She said, ‘Yes, son. I’m fine. Go on back to bed.’ He did. She prayed a while longer, eventually drifting down the hall to fall in bed beside our father.

The next morning, Mother, not having to teach that day, slept late until the phone rang. Since Dad was already at work, Mother answered. It was the ear doctor, Dr. Norman, who had seen her once many months before

but with whom there had been no contact since. He said, ‘Mrs. Gohmert, this is Dr. Norman over in Longview. I woke up in the middle of the night thinking about you, and just wanted to call and see if your problems had gotten any better.’ Mother told him, no, she had actually thought she was worse. He said that is what he had awakened thinking, and he wanted to send her over to a neurologist friend of his at Baylor Hospital in Dallas and just let him run tests until he figured out what was wrong.

Mother and Dad did not have a lot of money then, but they readily agreed to do just that. Dr. Norman was not a friend of the family, had not seen Mother in many months, did not have common friends with our family, but he was providentially usable and awoke with Mother on his mind!

Almost a week of testing, and nothing showed until they tried a new machine—new at that time—called a CT Scan. It revealed a small, walnut-sized tumor just inside the skull above her left ear. Mother was elated when she told us the results. We were all heartsick, but not Mother. She was so excited because she knew it was a physical problem; she wasn’t just going crazy. What was more, she knew, as we all did—God had answered her prayer. From there, she could handle whatever happened.

The doctor at Baylor, concerned about the sensitive area of the brain in which the tumor was located, referred her to a neurosurgeon friend at the Mayo Clinic. Again, she and Dad did what they had to, with surgery scheduled shortly after Christmas. When the neurosurgeon went in, he found the tumor was more grapefruit size, involved a great deal of the brain, and could not be removed entirely. We were told later it would grow back in maybe a year, maybe 20, no one would know. Mom felt that was OK, too.

And through it all, she found her amazing sense of humor again as well. In fact, her surgeon was quite concerned that he had traumatized nerves or parts of her brain that could have materially affected her abilities. He told the nurses it was imperative that he watch her come out from under the anesthesia so he would have a better idea of the damage that might have occurred. He was alerted and was standing at the foot of Mother’s bed when she opened her eyes, which then met his eyes. He asked, ‘Do you know who I am?’ Mother looked at him for a moment and then said, ‘If you don’t know who you are, you’re worse off than I am!’ Mother still had her sense of humor.

It took 15 years for the tumor to grow back big enough to take her life, and the last few years were tough. Half of her face did sag a bit, causing many to think Mother might have had a stroke. But that too did not matter as much as the fact that Mother’s prayer had been answered. She, and we all, had a God who listened to our prayers, and answered them.

Christmas was rather special that year. It was before her surgery, so none of us knew what lay ahead for Mother or our family from there. But everyone seemed a little closer, loved a little deeper, hugged a little longer, had fewer squabbles, and appreciated everything a little more.

Two thousand years after God gave us Jesus, He was and is still in the business of answering prayer, just as George Washington, Thomas Jefferson, James Madison, and Presidents throughout our history—Abraham Lincoln on up to the present day—have acknowledged.

Mr. Speaker, as so often occurred in the first 100 years of this country's history in this building, I will close with a verse of scripture, as so many in Congress used to do.

□ 1600

Psalms 116:1-2:

I love the Lord, because He has heard my voice and my supplications; because He has inclined His ear to me, therefore I will call upon Him as long as I live.

Merry Christmas. Happy holidays to others who are offended by Merry Christmas. As Franklin Roosevelt said: God Bless Us Every One. Merry Christmas.

I yield back the balance of my time.

#### DISTRICT OF COLUMBIA APPROPRIATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 30 minutes.

Ms. NORTON. Mr. Speaker, I come to make a few remarks about the 2012 omnibus appropriations conference report just passed and about one part of that report that has no place in any conference report or in any House appropriations bill. I refer, of course, to the part of that report called the D.C. appropriations bill.

First, for all of the contention in this Congress, as we look at the 2012 omnibus appropriations, there is certainly much for Democrats to be relieved about. There was a wholesale attack in the beginning of this Congress on everything from education to clean energy. But in the end, because Democrats know how to fight for what the American people tell them to fight for, health care reform was saved. Wall Street reform was saved. Clean energy was saved. Job training was saved. NPR, National Public Radio, was not defunded. Planned Parenthood, which offers reproductive services throughout our country, was not defunded. And Title X family planning was not defunded. The National Labor Relations Board can continue on with its rules concerning union elections. And these are only some of the many ingredients in this omnibus report that led Democrats to vote for it because it contained much for them to be proud of.

Yes, in the give and take of appropriations, the kind of give and take there should have been more of during this Congress, there were some things in this appropriations bill for the Nation that I do not support and that generally Democrats do not support. Still, this bill was far more bipartisan than any other bill that has come before the 112th Congress.

Then, of course, there was the D.C. appropriations. From anywhere in America, the words "D.C. appropriations"

do not sound right on the House floor. This is the place where we deal with the Nation's business, not the business of any local jurisdiction. But, of course, there are anachronisms here. There are intrusions here, and they go to matters affecting the District of Columbia.

To be sure, there is much to be relieved about in the D.C. bill. This was not a total loss for the District. The bill funded our top three priorities—the extraordinary D.C. Tuition Assistance Grant program; the Department of Homeland Security headquarters, now going up in Ward 8, a part of our city where there is great unemployment, and where this construction is doing a good deal of good; and funding for HIV/AIDS treatment in the District of Columbia.

I want to thank my good friends, Mrs. EMERSON and Mr. SERRANO, particularly for the funding for HIV/AIDS education and treatment. This funding was included in the President's budget, but it didn't have to be in our appropriations bill. And, indeed, it was in neither the initial House nor Senate appropriations bill.

I asked these two appropriators if they could possibly see to it that this funding was included because the District has the highest HIV/AIDS rate in the United States, in part because of the old needle exchange rider. Of course, this funding doesn't have to do with the needle exchange rider; this has to do with making sure that there is money for education and treatment. And so I want to thank Mrs. EMERSON and Mr. SERRANO because together they saw to it that this funding was in the bill, and I certainly want to thank Mrs. EMERSON for the bipartisanship she has shown ever since she has been on the committee that handles the D.C. appropriations. Even on those occasions where she and I are in disagreement, she is always open to hearing from us.

I am equally glad that the D.C. TAG program was funded by her subcommittee. Thousands of our children are going to colleges throughout the United States with funding from the Federal Government to make up for the fact that the District of Columbia does not have a State university system. If this funding had been shut off, it would have been a catastrophe for those in college and for those preparing to go to college.

And of course I mentioned the Department of Homeland Security headquarters construction project. The headquarters is a priority for this administration, as it was for the last administration, and is also a priority for the District of Columbia because so many of the jobs will go to those in this region and, of course, in the District of Columbia.

At the same time, we are justifiably angry about the D.C. abortion rider

that was placed on our appropriations for the second year in a row, despite an energetic campaign from many of our allies and District residents to eliminate this rider.

I see that my good friend, Mr. HOYER, has come to the floor. While there is a great deal more I want to say about this bill and how it affects the District of Columbia, it is with pleasure to yield to my good friend, the Democratic whip.

Mr. HOYER. I thank the gentle lady for yielding. I want to join her in saying that there were some minuses in this bill, and the minuses in this bill historically have been, as it relates to the District of Columbia, that the Congress has treated the District of Columbia as its own possession as opposed to an independent political jurisdiction that has been granted home rule, and the Congress ought to honor that home rule.

As we urge democracies around the world or dictatorships around the world to honor the views of their people, the Congress of the United States ought to honor the wishes of the people of the District of Columbia. I always lament when we put in these individual provisions.

I also want to say to the gentle lady from the District of Columbia how outstanding a job she does representing this jurisdiction in which we have the Capital of our country, the only capital of a free world country whose citizens do not have a representative in their parliament who has the authority and privilege of voting.

□ 1610

It's a lamentable fact that Mrs. NORTON, who is speaking to us this afternoon, does not have that vote, and all of us ought to recognize that it's a blight on our democracy. But I congratulate her on representing the District of Columbia in such an extraordinarily positive fashion even without the vote. And it would be awesome what she could do, in addition to that, with the vote.

And I rise, as well, to make a couple of comments, Mr. Speaker, about the business that is pending before this Congress. We have passed an omnibus appropriation bill, this bill that is on the desk here, 1,207 pages, reported out last night, a conference report. I urged support of that bill. But it was not, of course, consistent with the pledges that were made to do appropriations bills discretely, that is, one after another. It's difficult to do that, unfortunately. It's the way we should do it, but we didn't do it this year, and we haven't done it in years past under Democratic and Republican leadership.

But I am concerned, Mr. Speaker, that we have some critically unfinished business pending in the Congress of the United States. We passed a bill here through the House some days ago

which provided for the extension of the payroll tax cut that we gave to 160 million Americans last year. Our economy is still not as robust as we want it to be, and the President of the United States has said let's continue that tax cut for middle-income Americans. We have not done that yet. And, unfortunately, the bill that we passed through the House had items in it that obviously the Senate did not agree with. The majority leader tried to put that bill on the floor for consideration by the Senate, and the minority leader objected to that consideration, so it has not moved.

In addition to the middle class tax cut, we must not leave Washington without providing for an extension of the unemployment insurance. This great Nation, this wealthy Nation, should not abandon those who cannot find work through no fault of their own. If we do not act, then a million Americans may go off unemployment insurance and not have money to feed themselves, to assist in feeding their families, pay their housing bills and continue to afford to look for work. In the month of February, another 2 million will find themselves similarly situated.

Lastly, we must pass an extension of the compensation of doctors who are serving Medicare patients. That is critical to do so that we can assure medical treatment for our seniors. There's not a Member of Congress who wants to see that happen, or at least none who say they want to see it happen.

So I want to join Ms. NORTON as we stand here today as we are leaving for the weekend, but I also want to call the House's attention to a concern that I have. The majority leader, ERIC CANTOR, announced to us the schedule this afternoon and said that we would not be meeting today, later in the day, after our business, which is now concluded, that we would not be meeting on Saturday or Sunday, and that we may come back on the 19th, which is Monday.

Now, one of the things I was concerned about is that he said on the floor that it is difficult to predict if or when we need to return. Now, he meant by that that he wasn't sure when the Senate was going to act. I understand his meaning. But I will tell you, Mr. Speaker, that I hope the American people will demand that we return and that they will demand that we act before we adjourn sine die, before we conclude this first session of the Congress.

Yes, Christmas is coming, Hanukkah, Kwanza and other celebrations, but there will be no celebration for those people who cannot find work and who believe that the support system that this country has extended to them will be ripped out from under them.

So I am here on the floor to join my colleague in talking about the omnibus appropriation bill to say that I'm

pleased that we passed it. It will keep our government operating. It has not yet passed, but hopefully in the next 48 hours the Senate will have acted—hopefully in the next 24—on the conference report, and we'll get it ready to send it to the President.

I am very hopeful that all 435 Members of this House and that all 100 Members of the United States Senate are committed to the proposition that we will not leave this town and that we will not abandon our responsibilities to assure the adoption of the three measures which I have referenced.

The middle class tax cut will affect 160 million Americans. I frankly think we should pay for that with a slight surcharge, not a sacrifice, just an additional contribution by some of the best off in America, not because of class warfare but because they want, I'm sure, to help their fellow citizens who need help.

We are committed to the proposition that we will not leave here without making sure that that middle class tax cut continues, that unemployment insurance is available and that doctors will be compensated.

So I thank the gentlelady for yielding for this comment. And in closing, let me say that I wear a yellow ribbon. There's a great song called "Tie a Yellow Ribbon 'Round the Ole Oak Tree." We wear that yellow ribbon for the troops that have been overseas defending freedom in harm's way. We wear that yellow ribbon to remind them of how pleased we are that so many of them are coming home.

The President has met his commitment to end our participation in the war in Iraq and bringing our troops home. We welcome them home. We honor them for their service. And we pledge to them our continuing care for their needs resulting from their service.

And I thank the gentlelady for yielding this time to call our attention to the important work that is yet to be done in this first session of this Congress.

Ms. NORTON. Well, I thank you, Mr. HOYER. It was a very special pleasure to yield to the man who is second in the Democratic leadership here in the House. And I think that it was particularly appropriate, as we close out this session, for our Democratic Whip, a Democratic leader, to come to the floor to remind us of unfinished business.

It was a great pleasure to be able, therefore, to give time to Mr. HOYER, who speaks for us all. And I thank him for speaking not only to the Nation's business, but for speaking to the business of the District of Columbia. He never neglects the City. He has been a great champion of the District and for freedom for the people of the Nation's Capital.

Mr. HOYER essentially spoke about the unfinished business of the 112th

Congress. I was relieved at what the Democrats were able to accomplish in this conference report, when you consider that almost everything of great priority for us was under attack. So, yes, we are relieved.

But what Mr. HOYER has reminded us about this evening is that there is unfinished business that should not allow Congress to go home to celebrate its own personal Christmas with a clear conscience until it deals with this part of the Nation's business—the payroll tax that will go up unless we extend it and unemployment benefits for 6 million people. These would have been routine ingredients, the payroll tax, for example, that economists tell us are ingredients essential to keep the economy from collapsing, because the money from the tax cut is going to be instantly spent by those who receive it.

□ 1620

And if the payroll tax goes up instead of staying put, there will be a full 1 percent decrease in the already shallow growth of the economy.

Unemployment benefits do precisely the same way. For every four people looking for a job, there's only one job available today. Who would want to deny unemployment benefits?

And as for Medicare physician reimbursements, we already have too many physicians unwilling to take Medicare patients. The last thing we want to do is to leave that situation, which would leave many of our seniors with nobody to go to.

Mr. Speaker, four D.C. residents were arrested this morning in front of the Longworth building to protest congressional action to keep the District from spending its own local funds as it sees fit—in this case, for abortion services for low-income women. No one asked these residents to be arrested. There was a picket line. I went to Longworth, there on Independence Avenue, joined the picket line, left, and then was informed that four people had decided to engage in civil disobedience in order to send the Congress the message that we will never go away quietly so long as you treat the residents of the District of Columbia as second-class citizens.

These four joined 72 people who were arrested when Congress re-imposed this very rider in April. Our residents have been successful in this sense: While there is one rider, the abortion rider, there are no others. And yet there were attempts to put on more riders, more attachments—at odds with what the residents of the District of Columbia themselves have enacted—but those were not added. There were riders that would have kept the District from using needle exchange programs, indispensable to eliminating the spread of HIV/AIDS. There were promises of riders on the District's marriage equality law. And there was a promise of a rider to eliminate all of the District's gun

safety laws. Because the District residents did not go silently the last time, we have been able to beat back those riders.

We are relieved that the Federal Government didn't shut down because the District government would have shut down on Friday had the Federal Government shut down, although the District of Columbia is no part of this fight. The District passed its local budget months ago. However, the Congress treats the District paternalistically and makes it bring its budget to people who know nothing about its budget and have contributed nothing to its budget in order for the Congress—people from other districts—to sign off on the local budget of a city not their own. So because the District of Columbia budget was locked within one of the appropriations that had not been passed—the District faced a possible shutdown.

I have had a bill here pending for many months to the effect that if the government shuts down, the District can continue to spend its own local funds. That bill has not passed. It is amazing to even contemplate the possibility that the local government would have been shut down over issues having nothing to do with the local government. Well, there is only one way to avoid that problem, and it is a way that we are making at least some progress on, and that is to give the city the right to pass its own budget and be done with it.

We are pleased that there is some interest in this issue, especially the bill Mr. Issa of California has introduced to give the District budget autonomy, a bill that mirrors my own in many ways, with, of course, the deference his bill gives to the Congress. But it would go a long way toward avoiding shutdowns, toward allowing the District, when it in fact passes its own budget, timely and balanced, to go forward, without coming to Congress, to have its budget done before school opens, to avoid having to pay a premium to Wall Street because the Congress forces the city to bring its budget to the Congress, thereby creating uncertainty for those who hold our bonds. So there is a way, and it is a way that we will never give up until we get that way.

May I ask how much time remains?

The SPEAKER pro tempore (Mr. PEARCE). The gentlewoman has 3 minutes remaining.

Ms. NORTON. So as the residents of the District of Columbia look at the national appropriations, they will see the national conference report and they will have much to be grateful for because the wholesale attack on everything from education to health care reform did not succeed. Yes, there were also some extraordinary and important things in the D.C. appropriations, even as the city is in anguish that the Congress would dictate to the city how it

must spend its own local funds. The city is justifiably angry that there was one rider, one amendment at odds with our own preferences, forced upon us in the way of authoritarian governments. At the same time, other riders that would have been terribly destructive, we were able to fight off.

The D.C. funding had in fact a salutary effect and we are mindful of the needs of the Nation and of the city, especially the funding for the Homeland Security headquarters in ward 8, a ward with a high unemployment rate. DC TAG, which is the program that allows our children to go to State colleges around the country because we do not have a State university system. And we are especially appreciative of the funding for HIV/AIDS, to engage in education and treatment in a city that has a high AIDS rate.

The Appropriations Committee has tried to overcome the partisanship of the 112th Congress. It did so to a fair extent in the general conference report, and it certainly did so on our appropriations, the D.C. appropriations, notwithstanding the issue that we will continue to take on with our appropriations until our appropriation is ours alone, our appropriation, our money.

My thanks to those who, in civil protest, civil disobedience were arrested this morning because of the abortion rider on the D.C. appropriations. And my thanks as well to the hunger strikers, who for the first time in the 210-year history of the District of Columbia made a very special sacrifice to indicate how intolerable it is for the 600,000 residents of the Nation's capital to be treated as second-class citizens.

Happy holidays to all Members of the House. May we have a bipartisan year next year.

I yield back the balance of my time.

## PUBLICATION OF BUDGETARY MATERIAL

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2012 AND THE 10-YEAR PERIOD FY 2012 THROUGH FY 2021

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: To facilitate the application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for fiscal year 2012 and for the 10-year period fiscal year 2012 through fiscal year 2021. This status report is current through December 9, 2012.

The term 'current level' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 34, the concurrent resolution on the budget for fiscal year 2012. This com-

parison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2012 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for action completed by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 34 for fiscal year 2012 and fiscal years 2012 through 2021. "Action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2012 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for fiscal year 2013 of accounts identified for advance appropriations under section 402 of H. Con. Res. 34. This list is needed to enforce section 402 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

If you have any questions, please contact Paul Restuccia at (202) 226-7270.

Sincerely,

PAUL RYAN,  
*Chairman.*

## REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

### STATUS OF THE FISCAL YEAR 2012 CONGRESSIONAL BUDGET; ADOPTED IN H. CON. RES. 34; REFLECTING ACTION COMPLETED AS OF DECEMBER 9, 2011

[On-budget amounts, in millions of dollars]

	Fiscal years—	
	2012 <sup>1</sup>	2012–2021
<b>Appropriate Level:</b>		
Budget Authority .....	2,858,503	(?)
Outlays .....	2,947,662	(?)
Revenues .....	1,890,365	30,278,654
<b>Current Level:</b>		
Budget Authority .....	2,970,326	(?)
Outlays .....	3,024,942	(?)
Revenues .....	1,889,846	30,251,129
<b>Current Level over (+)/under (–) Appropriate Level:</b>		
Budget Authority .....	+111,823	(?)
Outlays .....	+77,280	(?)
Revenues .....	–519	–27,525

<sup>1</sup> Notes for 2012: The appropriate level for FY2012 was established in H. Con. Res. 34, which was subsequently deemed to be in force in the House of Representatives pursuant to H. Res. 287. The current level for FY2012 starts with the baseline estimates contained in An Analysis of the President's Budgetary Proposals for Fiscal Year 2012, published by the Congressional Budget Office, and makes adjustments to those levels for enacted legislation.

<sup>2</sup> Not applicable because annual appropriations Acts for fiscal years 2013 through 2021 will not be considered until future sessions of Congress.

## BUDGET AUTHORITY

Budget authority for FY 2012 are above the appropriate levels set by H. Con. Res. 34.

## OUTLAYS

## REVENUE

Outlays for FY 2012 are above the appropriate levels set by H. Con. Res. 34.

Revenue for FY 2012 is below the appropriate levels set by H. Con. Res. 34.

Revenue for the period FY 2012 through FY2021 is below the appropriate levels set by H. Con. Res. 34.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF DECEMBER 9, 2011

[Fiscal Years, in millions of dollars]

House Committee	2012		2012-2021	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation .....	-2,315	-2,228	-177,866	-176,005
Current Level .....	0	0	0	0
Difference .....	+2,315	+2,228	+177,866	+176,005
Armed Services:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Education and the Workforce:				
Allocation .....	-4,994	-2,522	-149,437	-133,808
Current Level .....	+8,690	+3,492	-8,775	-4,630
Difference .....	+13,684	+6,014	+140,662	+129,178
Energy and Commerce:				
Allocation .....	-698	-1,207	-1,365,771	1,366,350
Current Level .....	0	0	0	0
Difference .....	+698	+1,207	+1,365,771	+1,366,350
Financial Services:				
Allocation .....	-5,986	-6,485	-66,359	-67,488
Current Level .....	0	0	0	0
Difference .....	+5,986	+6,485	+66,359	+67,488
Foreign Affairs:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Homeland Security:				
Allocation .....	-1,900	-1,900	-16,600	-14,100
Current Level .....	0	0	0	0
Difference .....	+1,900	+1,900	+16,600	+14,100
House Administration:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Judiciary:				
Allocation .....	-387	-1	-48,087	-47,701
Current Level .....	-3	-3	-13	-13
Difference .....	+384	-2	+48,074	+47,688
Natural Resources:				
Allocation .....	-239	-190	-10,735	-10,472
Current Level .....	0	0	0	0
Difference .....	+239	+190	+10,735	+10,472
Oversight and Government Reform:				
Allocation .....	-8,102	-8,275	-153,145	-153,302
Current Level .....	0	0	0	0
Difference .....	+8,102	+8,275	+153,145	+153,302
Science, Space, and Technology:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Small Business:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Transportation and Infrastructure:				
Allocation .....	-17,250	-122	-132,784	-4,396
Current Level .....	-185	0	-1,850	0
Difference .....	+17,65	+122	+130,934	4,396
Veterans' Affairs:				
Allocation .....	0	0	0	0
Current Level .....	-26	-26	-7	-7
Difference .....	-26	-26	-7	-7
Ways and Means:				
Allocation .....	-7,945	-8,020	-1,147,818	-1,148,128
Current Level .....	-81	-293	-50,366	-50,447
Difference .....	+7,864	+7,727	+1,097,452	+1,097,681

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2012—COMPARISON OF CURRENT STATUS WITH APPROPRIATIONS AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUB ALLOCATIONS

	302(b) suballocations as of Dec. 9, 2011 (H. Rept. 112-104)		Current status reflecting action completed as of Dec. 9, 2011		Current status minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA .....	17,250	21,452	20,137	23,292	+2,887	+1,840
Commerce, Justice, Science .....	50,237	62,446	52,944	63,759	+2,707	+1,313
Defense .....	648,709	654,698	648,694	654,685	-15	-13
Energy and Water Development .....	30,639	44,577	30,624	44,522	-15	-55
Financial Services and General Government .....	19,895	23,523	19,895	23,523	0	0
Homeland Security .....	40,850	45,122	40,850	45,122	0	0
Interior, Environment .....	27,473	30,766	27,465	30,439	-8	-327
Labor, Health and Human Services, Education .....	139,218	154,253	24,658	124,205	-114,560	-30,048
Legislative Branch .....	4,314	4,397	3,320	3,565	-994	-832
Military Construction and Veterans Affairs .....	72,535	78,492	72,535	78,483	0	-9
State, Foreign Operations .....	39,569	46,060	0	28,254	-39,569	-17,806
Transportation, HUD .....	47,655	118,272	57,312	122,169	+9,657	+3,897
Subtotal (Section 302(b) Allocations) .....	1,138,344	1,284,058	998,434	1,242,018	-139,910	-42,040
Total (Section 302(a) Allocation) .....	1,138,344	1,284,058	998,434	1,242,018	-139,910	-42,040
Memorandum:						
Emergencies <sup>1</sup> .....	—	—	—	918	—	-918
Global War on Terrorism <sup>2</sup> .....	126,544	64,100	118,942	59,939	-7,602	-4,161

<sup>1</sup> Pursuant to H. Con. Res. 34, emergencies are not reflected in 302(b) allocations or current level above.

<sup>2</sup> Section 301 of H. Con. Res. 34 allows the allocation to the House Committee on Appropriations to be adjusted by amounts designated for the Global War on Terrorism (GWOT). The 302(b) allocations and current status above reflect any adjustments made to date for this purpose. Outlays displayed on the GWOT row, represent only new outlays resulting from new GWOT-related budget authority.

2013 ADVANCE APPROPRIATIONS PURSUANT TO H. CON.  
RES. 34 AS OF DEC. 9, 2011

(budget authority in millions of dollars)

Section 402(c)(1) Limits	2013
Appropriate Level	52,541
Accounts Identified for Advances:	
Department of Veterans Affairs:	
Medical Services	n.a.
Medical Support and Compliance	n.a.
Medical Facilities	n.a.
Subtotal, enacted advances <sup>1</sup>	0
Section 402(c)(2) Limits	2013
Appropriate Level	28,852
Accounts Identified for Advances:	
Employment and Training Administration	n.a.
Office of Job Corps	n.a.
Education for the Disadvantaged	n.a.
School Improvement Programs	n.a.
Special Education	n.a.
Career, Technical and Adult Education	n.a.
Payment to Postal Service	n.a.
Tenant-based Rental Assistance	4,000
Project-based Rental Assistance	400
Subtotal, enacted advances <sup>1</sup>	4,400

2013 ADVANCE APPROPRIATIONS PURSUANT TO H. CON.  
RES. 34 AS OF DEC. 9, 2011—Continued

(budget authority in millions of dollars)

Previously enacted advance appropriation <sup>2</sup>	2,013
Corporation for Public Broadcasting	445
Total, enacted advances <sup>1</sup>	4,845

<sup>1</sup> Line items may not add to total due to rounding.  
<sup>2</sup> Funds were appropriated in Public Law 111–117.CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, December 16, 2011.Hon. PAUL RYAN,  
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2012 budget and is current through December 9, 2011. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 34, the Concurrent Resolution on the Budget for Fiscal Year 2012, as approved by the House of Representatives.

Since my last letter dated November 2, 2011, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2012:

An act to extend the Generalized System of Preferences, and for other purposes (Public Law 112–40);

United States-Korea Free Trade Agreement Implementation Act (Public Law 112–41);

United States-Columbia Trade Promotion Agreement Implementation Act (Public Law 112–42);

United States-Panama Trade Promotion Agreement Implementation Act (Public Law 112–43);

The Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112–55); and

An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding . . . and for other purposes (Public Law 112–56).

Sincerely,  
ROBERT A. SUNSHINE  
(For Douglas W. Elmendorf, Director).  
Enclosure.

## FISCAL YEAR 2012 HOUSE CURRENT LEVEL REPORT THROUGH DECEMBER 9, 2011

(In millions of dollars)

	Budget authority	Outlays	Revenues
Previously Enacted			
Revenues	n.a.	n.a.	1,891,411
Permanents and other spending legislation	1,842,372	1,771,503	n.a.
Appropriation legislation	0	581,418	n.a.
Offsetting receipts	– 708,099	– 708,099	n.a.
Total, Previously enacted	1,134,273	1,644,822	1,891,411
Enacted this session:			
Authorizing Legislation			
Comprehensive 1099 Taxpayer Protection & Repayment of Exchange Subsidy Overpayments Act of 2011 (P.L. 112–9)	0	0	– 490
Airport and Airway Extension Act of 2011, Part II (P.L. 112–16)	– 185	0	0
Budget Control Act of 2011 (P.L. 112–25)	8,690	3,492	0
Restoring GI Bill Fairness Act of 2011 (P.L. 112–26)	– 26	– 26	0
America Invents Act (P.L. 112–29)	– 28	– 3	– 4
An act to extend the Generalized System of Preferences, and for other purposes (P.L. 112–40)	– 28	– 240	– 996
United States-Korea Free Trade Agreement Implementation Act (P.L. 112–41)	53	53	– 31
United States-Columbia Trade Promotion Agreement Implementation Act (P.L. 112–42)	– 68	– 68	– 137
United States-Panama Trade Promotion Agreement Implementation Act (P.L. 112–43)	1	1	118
An act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding . . . and for other purposes (P.L. 112–56)	– 39	– 39	– 25
Total, authorizing legislation enacted this session	8,395	3,170	– 1,565
Appropriations Acts			
The Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112–55, Divisions A, B, and C) <sup>1</sup>	242,076	195,617	0
Continuing Resolution: The Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112–55, Division D) <sup>1</sup>	957,561	554,056	0
Entitlements and mandates: Budget resolution estimates of appropriated entitlements and other mandatory programs	628,021	627,277	0
Total Current Level <sup>2</sup>	2,970,326	3,024,942	1,889,846
Total Budget Resolution <sup>3</sup>	2,858,503	2,947,662	1,890,365
Current Level Over Budget Resolution	111,823	77,280	n.a.
Current Level Under Budget Resolution	n.a.	n.a.	519
Memorandum:			
Revenues, 2012–2021:			
House Current Level	n.a.	n.a.	30,251,129
House Budget Resolution	n.a.	n.a.	30,278,654
Current Level Over Budget Resolution	n.a.	n.a.	n.a.
Current Level Under Budget Resolution	n.a.	n.a.	27,525

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

<sup>1</sup> P.L. 112–55 contains four divisions: Division A (the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012); Division B (Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012); Division C (Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012); and Division D (Further Continuing Appropriations, 2012), which provides funding through December 16, 2011, for programs in the remaining appropriation bills. The figures shown here for the continuing resolution are calculated on an annualized basis.

<sup>2</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

<sup>3</sup> Periodically, the House Committee on the Budget revises the totals in H. Con. Res. 34, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution	2,858,545	2,947,916	1,891,411
Revisions:			
For the United States-Colombia, Panama, Korea Free Trade Agreement Implementation Acts (section 404)	– 14	– 14	– 50
For an act to extend the Generalized System of Preferences, and for other purposes (section 305)	– 28	– 240	– 996
Revised Budget Resolution	2,858,503	2,947,662	1,890,365

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1612. An act to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity; to the Committee on the Judiciary; in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consider-

ation of such provisions as fall within the jurisdiction of the committee concerned.

S. 2009. An act to improve the administration of programs in the insular areas, and for other purposes; to the Committee on Foreign Affairs; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for

consideration of such provisions as fall within the jurisdiction of the committee concerned; in addition to the Committee on Education and the Workforce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions

as fall within the jurisdiction of the committee concerned.

### ADJOURNMENT

Ms. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, December 19, 2011, at 10 a.m.

### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2011 pursuant to Public Law 95-384 are as follows:

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JENNIFER STEWART, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 4 AND NOV. 12, 2011

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Jennifer Stewart .....	11/5	11/7	Oman .....		366.00		( <sup>3</sup> )				366.00
	11/7	11/9	Afghanistan .....		28.00		( <sup>3</sup> )				28.00
	11/9	11/10	Egypt .....		302.00		( <sup>3</sup> )				302.00
	11/10	11/12	United Kingdom .....		734.00		( <sup>3</sup> )				734.00
Committee total .....											1,430.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. JOHN A. BOEHNER, Speaker of the House, Dec. 6, 2011.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ROMANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 7 AND OCT. 10, 2011

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Michael Turner .....	10/7	10/10	Romania .....		730.60		( <sup>3</sup> )				730.60
Hon. Jo Ann Emerson .....	10/7	10/10	Romania .....		776.68		( <sup>3</sup> )				776.68
Hon. Carolyn McCarthy .....	10/7	10/10	Romania .....		726.68		( <sup>3</sup> )				726.68
Hon. Jeff Miller .....	10/7	10/10	Romania .....		695.60		( <sup>3</sup> )				695.60
Hon. Mike Ross .....	10/7	10/10	Romania .....		739.61		( <sup>3</sup> )				739.61
Hon. David Scott .....	10/7	10/10	Romania .....		870.60		( <sup>3</sup> )				870.60
David Fite .....	10/7	10/10	Romania .....		813.60		( <sup>3</sup> )				813.60
Greg McCarthy .....	10/7	10/10	Romania .....		819.85		( <sup>3</sup> )				819.85
Riley Moore .....	10/7	10/10	Romania .....		772.10		( <sup>3</sup> )				772.10
Tim Morrison .....	10/7	10/10	Romania .....		749.50		( <sup>3</sup> )				749.50
Janice Robinson .....	10/7	10/10	Romania .....		870.60		( <sup>3</sup> )				870.60
Committee total .....					8,565.42						8,565.42

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. MICHAEL R. TURNER, Chairman, Dec. 7, 2011.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO PANAMA, PERU, COLOMBIA, EL SALVADOR, AND GUATEMALA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 5 AND NOV. 12, 2011

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. David Dreier .....	11/5	11/6	Panama .....		240.00		( <sup>3</sup> )				240.00
Hon. Sam Farr .....	11/5	11/6	Panama .....		240.00		( <sup>3</sup> )				240.00
Hon. Jeff Fortenberry .....	11/5	11/6	Panama .....		240.00		( <sup>3</sup> )				240.00
Hon. Susan Davis .....	11/5	11/6	Panama .....		240.00		( <sup>3</sup> )				240.00
Hon. Dennis Cardoza .....	11/5	11/6	Panama .....		240.00		( <sup>3</sup> )				240.00
Barry Jackson .....	11/5	11/6	Panama .....		240.00		( <sup>3</sup> )				240.00
Brad Smith .....	11/5	11/6	Panama .....		240.00		( <sup>3</sup> )				240.00
Rachael Leman .....	11/5	11/6	Panama .....		240.00		( <sup>3</sup> )				240.00
John Lis .....	11/5	11/6	Panama .....		240.00		( <sup>3</sup> )				240.00
Asher Hildebrand .....	11/5	11/6	Panama .....		240.00		( <sup>3</sup> )				240.00
Hon. David Dreier .....	11/6	11/8	Peru .....		615.00		754.64				1,369.64
Hon. Sam Farr .....	11/6	11/8	Peru .....		615.00		754.64				1,369.64
Hon. Jeff Fortenberry .....	11/6	11/8	Peru .....		615.00		754.64				1,369.64
Hon. Susan Davis .....	11/6	11/8	Peru .....		615.00		754.64				1,369.64
Hon. Dennis Cardoza .....	11/6	11/8	Peru .....		615.00		955.24				1,570.24
Barry Jackson .....	11/6	11/8	Peru .....		615.00		754.64				1,369.64
Brad Smith .....	11/6	11/8	Peru .....		615.00		754.64				1,369.64
Rachael Leman .....	11/6	11/8	Peru .....		615.00		754.64				1,369.64
John Lis .....	11/6	11/8	Peru .....		615.00		955.24				1,570.24
Asher Hildebrand .....	11/6	11/8	Peru .....		615.00		754.64				1,369.64
Hon. David Dreier .....	11/8	11/10	Colombia .....		708.00		( <sup>3</sup> )				708.00
Hon. Sam Farr .....	11/8	11/10	Colombia .....		708.00		( <sup>3</sup> )				708.00
Hon. Jeff Fortenberry .....	11/8	11/10	Colombia .....		708.00		( <sup>3</sup> )				708.00
Hon. Susan Davis .....	11/8	11/10	Colombia .....		708.00		( <sup>3</sup> )				708.00
Hon. Dennis Cardoza .....	11/8	11/10	Colombia .....		708.00		( <sup>3</sup> )				708.00
Hon. Gregory Meeks .....	11/8	11/10	Colombia .....		708.00		1,742.00				2,450.00
Barry Jackson .....	11/8	11/10	Colombia .....		708.00		( <sup>3</sup> )				708.00
Brad Smith .....	11/8	11/10	Colombia .....		708.00		( <sup>3</sup> )				708.00
Rachael Leman .....	11/8	11/10	Colombia .....		708.00		( <sup>3</sup> )				708.00
John Lis .....	11/8	11/10	Colombia .....		708.00		( <sup>3</sup> )				708.00
Asher Hildebrand .....	11/8	11/10	Colombia .....		708.00		( <sup>3</sup> )				708.00
Hon. David Dreier .....	11/10	11/11	El Salvador .....		189.00		264.74				453.74

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO PANAMA, PERU, COLOMBIA, EL SALVADOR, AND GUATEMALA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 5 AND NOV. 12, 2011—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Sam Farr .....	11/10	11/11	El Salvador .....		189.00		264.74				453.74
Hon. Jeff Fortenberry .....	11/10	11/11	El Salvador .....		189.00		264.74				453.74
Hon. Susan Davis .....	11/10	11/11	El Salvador .....		189.00		728.74				917.74
Hon. Dennis Cardoza .....	11/10	11/11	El Salvador .....		189.00		325.74				514.74
Barry Jackson .....	11/10	11/11	El Salvador .....		189.00		264.74				453.74
Brad Smith .....	11/10	11/11	El Salvador .....		189.00		264.74				453.74
Rachael Leman .....	11/10	11/11	El Salvador .....		189.00		264.74				453.74
John Lis .....	11/10	11/11	El Salvador .....		189.00		264.74				453.74
Asher Hildebrand .....	11/10	11/11	El Salvador .....		189.00		264.74				453.74
Hon. David Dreier .....	11/11	11/12	Guatemala .....		182.00		( <sup>3</sup> )				182.00
Hon. Sam Farr .....	11/11	11/12	Guatemala .....		182.00		( <sup>3</sup> )				182.00
Hon. Jeff Fortenberry .....	11/11	11/12	Guatemala .....		182.00		414.74				596.74
Barry Jackson .....	11/11	11/12	Guatemala .....		182.00		( <sup>3</sup> )				182.00
Brad Smith .....	11/11	11/12	Guatemala .....		182.00		( <sup>3</sup> )				182.00
Rachael Leman .....	11/11	11/12	Guatemala .....		182.00		( <sup>3</sup> )				182.00
John Lis .....	11/11	11/12	Guatemala .....		182.00		( <sup>3</sup> )				182.00
Asher Hildebrand .....	11/11	11/12	Guatemala .....		182.00		( <sup>3</sup> )				182.00
Committee total .....											32,960.74

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. DAVID DREIER, Chairman, Dec. 9, 2011.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4317. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting proposed amendments to title 12, chapter VI of the Code of Federal Regulations; to the Committee on Agriculture.

4318. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4319. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2011 through September 30, 2011; to the Committee on Oversight and Government Reform.

4320. A letter from the Chairman and President, Export-Import Bank, transmitting the semiannual report of the Inspector General for the period ending September 30, 2011; to the Committee on Oversight and Government Reform.

4321. A letter from the Assistant Attorney General, Department of Justice, transmitting the semi-annual report of the Attorney General concerning enforcement actions taken by the Department under the Lobbying Disclosure Act, Public Law 104-65, as amended by Public Law 110-81, codified at 2 U.S.C. Sec. 1605(b)(1) for the semi-annual period beginning on July 1, 2010, pursuant to 2 U.S.C. section 1605(b)(1); to the Committee on the Judiciary.

4322. A letter from the Assistant Attorney General, Department of Justice, transmitting the semi-annual report of the Attorney General concerning enforcement actions taken by the Department under the Lobbying Disclosure Act, Public Law 104-65, as amended by Public Law 110-81, codified at 2 U.S.C. Sec. 1605(b)(1) for the semi-annual period beginning on January 1, 2010; to the Committee on the Judiciary.

4323. A letter from the Secretary, Department of Veterans Affairs, transmitting a letter reporting the FY 2011 expenditures from the Pershing Hall Revolving Fund for projects, activities, and facilities that support the mission of the Department of Veterans Affairs, pursuant to Public Law 102-86, section 403(d)(6)(A); to the Committee on Veterans' Affairs.

4324. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting a report on the Retirement Benefits for Former Employees of Air America, pursuant to Public Law 111-84, section 1057(b)(1) 123 Stat. 2464; to the Committee on Intelligence (Permanent Select).

4325. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Privacy Office fourth quarterly report for fiscal year 2011; to the Committee on Homeland Security.

4326. A letter from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the Department's report for the Office of Civil Rights and Civil Liberties for the Third Quarter of 2011; jointly to the Committees on Homeland Security and the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALL: Committee on Science, Space, and Technology. H.R. 2484. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to include a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, to provide for the development and implementation of a comprehensive research plan and action strategy to reduce harmful algal blooms and hypoxia, and for other purposes; with an amendment (Rept. 112-333, Pt. 1). Ordered to be printed.

## DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII,

H.R. 1981. the Committee on Energy and Commerce discharged from further consider-

ation. H.R. 1981 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2484. Referral to the Committee on Natural Resources extended for a period ending not later than February 9, 2012.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARTON of Texas (for himself, Mr. COHEN, and Mr. SIMPSON):

H.R. 3696. A bill to prohibit, as an unfair and deceptive act or practice, the promotion, marketing, and advertising of any post-season NCAA Division I football game as a national championship game unless such game is the culmination of a fair and equitable playoff system; to the Committee on Energy and Commerce.

By Mrs. CAPITO:

H.R. 3697. A bill to honor the Nation's fallen miners by requiring improved mine safety practices and compliance in order to prevent future mine accidents; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCAUL (for himself, Mr. MACK, Mr. AUSTIN SCOTT of Georgia, Mr. SCHOCK, Mr. YOUNG of Indiana, Mr. HARPER, Mr. FRELINGHUYSEN, Mr. PETERSON, Mr. WALSH of Illinois, Mr. POE of Texas, Mr. THORNBERRY, Mr. OLSON, Mr. KING of New York, Mrs. MILLER of Michigan, Mr. CARTER, Mr. FARENTHOLD, and Mr. ROHRABACHER):

H.R. 3698. A bill to direct the Secretary of State to designate Iran's Revolutionary



Guard Corps as a foreign terrorist organization, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself and Mrs. MALONEY):

H.R. 3699. A bill to ensure the continued publication and integrity of peer-reviewed research works by the private sector; to the Committee on Oversight and Government Reform.

By Mr. McCAUL:

H.R. 3700. A bill to award a Congressional Gold Medal to Louis Zamperini, U.S. Olympian and World War II prisoner of war, for his service to the country, sacrifice during the war, and his inspiration to others through his courage as a survivor; to the Committee on Financial Services.

By Mr. LEWIS of Georgia:

H.R. 3701. A bill to amend title XX of the Social Security Act to provide grants to support job creation initiatives, and for other purposes; to the Committee on Ways and Means.

By Mr. GARAMENDI (for himself, Mr. TONKO, Mr. SCHIFF, Mr. JOHNSON of Georgia, Mrs. CAPPS, Mr. HEINRICH, Mr. SHERMAN, Mr. CONYERS, Ms. CLARKE of New York, Mr. CARSON of Indiana, Mr. RUSH, Ms. HIRONO, Ms. HAHN, and Mr. JACKSON of Illinois):

H.R. 3702. A bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes; to the Committee on the Judiciary.

By Mr. INSLEE:

H.R. 3703. A bill to establish a program to provide student fellowships in fields of science, technology, engineering, and mathematics, with preference given to the study of technological development encompassing the fields of energy, environment, and economy; to the Committee on Science, Space, and Technology.

By Mr. ACKERMAN (for himself, Mr. KING of New York, Mr. MORAN, Ms. JACKSON LEE of Texas, Mr. GEORGE MILLER of California, Mrs. LOWEY, Mr. KUCINICH, Ms. BORDALLO, Mr. BLUMENAUER, Mr. MICHAUD, and Ms. SCHAKOWSKY):

H.R. 3704. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes; to the Committee on Agriculture.

By Mrs. CAPPS (for herself and Mr. BOUSTANY):

H.R. 3705. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing grants programs for provider education, and related research; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 3706. A bill to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Mr. FLAKE (for himself and Mr. COOPER):

H.R. 3707. A bill to prohibit the consideration in the House of Representatives of any legislation containing an earmark; to the Committee on Rules.

By Mr. FORTENBERRY (for himself and Mr. TERRY):

H.R. 3708. A bill to prohibit the Secretary of Labor from issuing a final rule that prevents the agricultural employment of minors to detassel; to the Committee on Education and the Workforce.

By Mr. GIBSON (for himself, Mr. BARTLETT, Mr. BENISHEK, Mr. BROOKS, Mr. BURTON of Indiana, Mr. DAVIS of Kentucky, Mr. DUNCAN of Tennessee, Ms. FOXX, Mr. GOSAR, Mr. JOHNSON of Ohio, Mr. LABRADOR, Mr. LANKFORD, Mr. LATOURETTE, Mr. MILLER of Florida, Mr. MULVANEY, Mr. NUGENT, Mr. PENCE, Mr. REED, Mr. RIBBLE, Mr. ROONEY, Mr. ROSS of Florida, Mr. AUSTIN SCOTT of Georgia, Mr. SHIMKUS, Mr. SMITH of New Jersey, and Mr. STIVERS):

H.R. 3709. A bill to amend the War Powers Resolution to limit the use of funds for introduction of the Armed Forces into hostilities, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas:

H.R. 3710. A bill to direct the Secretary of Interior and the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, to initiate immediate action to create jobs in America, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Science, Space, and Technology, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 3711. A bill to require the President to call a White House Conference on Haiti; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEINRICH (for himself, Mr. LUJÁN, and Mr. PEARCE):

H.R. 3712. A bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLDEN (for himself, Mr. MORAN, and Mr. MICHAUD):

H.R. 3713. A bill to direct the Foreign Claims Settlement Commission to receive and determine the validity and amount of claims for loss of wages and other property of those plaintiffs in the case *Bruce D. Abbott et al. v. Socialist People's Libyan Arab Jamahiriyah*; to the Committee on Foreign Affairs.

By Mr. HOLT (for himself, Mr. GRIJALVA, Mr. COURTNEY, Ms. BORDALLO, Mr. POLIS, and Mr. PAYNE):

H.R. 3714. A bill to provide for grants from the Secretary of Education to State and

local educational agencies for EnergySmart schools and Energy Star programs; to the Committee on Education and the Workforce.

By Mr. HOLT:

H.R. 3715. A bill to encourage online workforce training; to the Committee on Education and the Workforce.

By Mr. HUELSKAMP (for himself and Mrs. ELLMERS):

H.R. 3716. A bill to provide that Federal funds may not be used for National Heritage Areas and similar areas, and for other purposes; to the Committee on Natural Resources.

By Mr. ISRAEL (for himself, Ms. DELAUNO, Mr. BISHOP of New York, Mr. ACKERMAN, Mr. HIMES, Mr. MURPHY of Connecticut, Mr. COURTNEY, Mr. LARSON of Connecticut, Mr. CROWLEY, Mrs. MCCARTHY of New York, Mr. ENGEL, Mr. KING of New York, and Mr. SERRANO):

H.R. 3717. A bill to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KEATING:

H.R. 3718. A bill to prioritize certain returning workers for purposes of the numerical limitation on H-2B temporary workers; to the Committee on the Judiciary.

By Mr. KING of Iowa (for himself, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. LOEBACK, Mr. GRAVES of Missouri, Mrs. HARTZLER, Mr. LATHAM, Mr. TERRY, and Ms. JENKINS):

H.R. 3719. A bill to provide that funds made available to the Corps of Engineers for certain Missouri River fish and wildlife purposes be used for the reconstruction of flood control structures, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa (for himself, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. ROHRBACHER, Mr. BURGESS, Mrs. MYRICK, Mr. GINGREY of Georgia, Mr. FLEMING, Mr. BROOKS, Mr. BILBRAY, Mrs. BLACKBURN, Mr. ROYCE, Mr. BURTON of Indiana, Mr. GRAVES of Georgia, Mr. BARLETTA, Mr. POSEY, Mr. BARTLETT, Mr. ROE of Tennessee, Mr. DESJARLAIS, Mr. NEUGEBAUER, Mr. MARINO, Mr. SENSENBRENNER, Mr. POE of Texas, and Mr. CHAFFETZ):

H.R. 3720. A bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN (for himself, Mr. YODER, Mr. FATTAH, and Mr. ANDREWS):

H.R. 3721. A bill to authorize veterans' treatment courts and encourage services for veterans through drug courts under the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. PEARCE (for himself, Mr. WESTMORELAND, Mr. ROE of Tennessee, Mr. DUNCAN of South Carolina, Mr. DESJARLAIS, Mr. HUIZENGA of Michigan, Mr. POSEY, Mr. KING of Iowa, and Mr. MULVANEY):

H.R. 3722. A bill to amend part A of title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families program; to the Committee on Ways and Means.

By Mr. SCHILLING (for himself, Mr. HULTGREN, Mr. MCKINLEY, Mr. SCHOCK, and Mr. WALSH of Illinois):

H.R. 3723. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to enter into contracts with health care providers to improve access to health care for veterans who have difficulty receiving treatment at a health care facility of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SESSIONS:

H.R. 3724. A bill to amend the Controlled Substances Act to authorize physicians, pursuant to an agreement with the Attorney General, to transport controlled substances from a practice setting to another practice setting or to a disaster area; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself and Mr. BURTON of Indiana):

H.R. 3725. A bill to authorize the President to vest certain property of the Government of Libya seized or blocked by the United States and to authorize the use of that property to defray the full costs of Operation Odyssey Dawn and United States participation in NATO Operation Unified Protector, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STIVERS (for himself and Mr. HIGGINS):

H.R. 3726. A bill to amend the Homeland Security Act of 2002 to improve efficiency and guarantee accountability in the Urban Area Security Initiative grant program; to the Committee on Homeland Security.

By Mr. ROGERS of Kentucky:

H.J. Res. 94. A joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes; considered and passed.

By Mr. ROGERS of Kentucky:

H.J. Res. 95. A joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes; considered and passed.

By Mr. LATHAM (for himself and Mr. BOREN):

H. Con. Res. 95. Concurrent resolution expressing the sense of Congress that the Secretary of Labor should recognize the unique circumstances of farm family youth workers when issuing regulations under the Fair Labor Standards Act relating to hired farm workers under the age of 16; to the Committee on Education and the Workforce.

mitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BARTON of Texas:

H.R. 3696.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mrs. CAPITO:

H.R. 3697.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 & 18 of Section 8, Article I, of the U.S. Constitution

By Mr. MCCAUL:

H.R. 3698.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Mr. ISSA:

H.R. 3699.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 8:

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries

By Mr. MCCAUL:

H.R. 3700.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. LEWIS of Georgia:

H.R. 3701.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. GARAMENDI:

H.R. 3702.

Congress has the power to enact this legislation pursuant to the following:

Article 1—The Legislative Branch  
Section 8—Powers of Congress

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and Post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the Supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. INSLEE:

H.R. 3703.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority of Congress to enact this legislation is provided by Article 1, Section 8 which states that Congress shall have the power "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." and that Congress shall have the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. ACKERMAN:

H.R. 3704.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the Constitution.

By Mrs. CAPPS:

H.R. 3705.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mrs. CHRISTENSEN:

H.R. 3706.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3 of the US Constitution which provides: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of particular State.

By Mr. FLAKE:

H.R. 3707.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 5,

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are sub-

Clause 2, which includes "each House may determine the rules of its proceedings."

By Mr. FORTENBERRY:

H.R. 3708.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. GIBSON:

H.R. 3709.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clauses 11, 12, 13, 14, and 18.

By Ms. JACKSON LEE of Texas:

H.R. 3710.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. HASTINGS of Florida:

H.R. 3711.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution.

By Mr. HEINRICH:

H.R. 3712.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8

By Mr. HOLDEN:

H.R. 3713.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. HOLT:

H.R. 3714.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the U.S. Constitution

By Mr. HOLT:

H.R. 3715.

Congress has the power to enact this legislation pursuant to the following:

Article 1 of the U.S. Constitution

By Mr. HUELSKAMP:

H.R. 3716.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ISRAEL:

H.R. 3717.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Sec. 8, Clause 3.

By Mr. KEATING:

H.R. 3718.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. KING of Iowa:

H.R. 3719.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

tions made by Law. . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. KING of Iowa:

H.R. 3720.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 and under Article I, Section 8, Clause 4 of the United States Constitution.

By Mr. MEEHAN:

H.R. 3721.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8.

By Mr. PEARCE:

H.R. 3722.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Mr. SCHILLING:

H.R. 3723.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to the power granted to Congress under Article I, Section 8, Clauses 12, 13, 14, and 16 of the United States Constitution, the bill is authorized by Congress' power over the care of the Armed Forces.

By Mr. SESSIONS:

H.R. 3724.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. SHERMAN:

H.R. 3725.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. STIVERS:

H.R. 3726.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. ROGERS of Kentucky:

H.J. Res. 94.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. ROGERS of Kentucky:

H.J. Res. 95.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. WEST.  
H.R. 139: Mr. GUTIERREZ, Mr. RANGEL, and Mr. JOHNSON of Georgia.  
H.R. 141: Mr. JONES.  
H.R. 178: Mr. WELCH.  
H.R. 266: Ms. CLARKE of New York.  
H.R. 267: Ms. CLARKE of New York.  
H.R. 303: Mr. SCHILLING.  
H.R. 370: Mr. KUCINICH.  
H.R. 371: Mr. JONES.  
H.R. 376: Ms. PINGREE of Maine.  
H.R. 422: Mr. CARNAHAN.  
H.R. 466: Mr. RAHALL.  
H.R. 487: Mr. LIPINSKI.  
H.R. 576: Mr. CARNAHAN.  
H.R. 657: Mr. POMPEO.  
H.R. 676: Mr. BACA.  
H.R. 718: Ms. TSONGAS and Mr. LUJÁN.  
H.R. 721: Mr. KIND.  
H.R. 733: Ms. LINDA T. SÁNCHEZ of California and Mr. LIPINSKI.  
H.R. 813: Mr. MICHAUD.  
H.R. 835: Mr. TIPTON, Ms. SLAUGHTER, Mr. HIGGINS, and Mr. TURNER of New York.  
H.R. 860: Mr. ALEXANDER, Mr. GRAVES of Missouri, Mr. YODER, Mrs. HARTZLER, Mr. QUAYLE, Mr. YOUNG of Florida, Ms. MOORE, Mr. FRANKS of Arizona, and Mrs. LOWEY.  
H.R. 894: Mr. PETERS and Mr. GONZALEZ.  
H.R. 933: Mr. OLVER and Mr. HONDA.  
H.R. 938: Mr. JONES.  
H.R. 975: Mr. CLAY.  
H.R. 995: Mr. BOSWELL.  
H.R. 1005: Mr. HEINRICH.  
H.R. 1116: Mr. BACA.  
H.R. 1148: Mr. SAM JOHNSON of Texas.  
H.R. 1175: Mr. BOREN and Mr. PASTOR of Arizona.  
H.R. 1206: Mr. PENCE.  
H.R. 1221: Mrs. NOEM.  
H.R. 1236: Mr. SERRANO.  
H.R. 1265: Mr. COFFMAN of Colorado and Mr. KIND.  
H.R. 1288: Ms. DELAULO and Mr. DENT.  
H.R. 1294: Ms. CHU.  
H.R. 1295: Ms. CHU.  
H.R. 1339: Mr. DOGGETT, Mr. COURTNEY, Mr. YARMUTH, Ms. SUTTON, Ms. KAPTUR, Mr. COHEN, Mr. CONNOLLY of Virginia, Ms. DEGETTE, Mr. TONKO, Ms. EDWARDS, Mr. LARSON of Connecticut, Mrs. LOWEY, Ms. WASSERMAN SCHULTZ, Ms. VELÁZQUEZ, Mr. WALZ of Minnesota, Mr. PASTOR of Arizona, Mr. GRIJALVA, Ms. DELAULO, Mr. CROWLEY, Mr. BISHOP of New York, Mr. BRALEY of Iowa, Mr. HIGGINS, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. ROTHMAN of New Jersey, Mr.

RYAN of Ohio, Mr. FATTAH, Ms. SCHWARTZ, Mr. QUIGLEY Mr. DEFazio, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. MEEKS, Mr. LANGEVIN, Mrs. DAVIS of California, Mr. COSTELLO, Mr. MATHESON, Mr. KIND, Mr. CARDOZA, Mr. SHULER, Mr. BOREN, Mr. KINGSTON, Mr. SMITH of Washington, Mr. POE of Texas, Mr. DICKS, Mr. BONNER, Mr. VAN HOLLEN, Mr. UPTON, Mr. DINGELL, Mr. HUNTER, Mr. BERMAN, Mr. JONES, Ms. MATSUI, Mr. CHAFFETZ, Mr. GARAMENDI, Mr. COLE, Ms. SPEIER, Ms. ESHOO, Ms. ZOE LOFGREN of California, Mr. SCHIFF, Mr. WAXMAN, Mr. THOMPSON of California, Mr. HOLT, Mr. LEVIN, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. WATT, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Ms. RICHARDSON, Mrs. NAPOLITANO, Mr. BACA, Mr. RUSH, Mr. CLARKE of Michigan, Mr. KILDEE, Mr. MCNERNEY, Mr. BLUMENAUER, Mr. JOHNSON of Georgia, Mr. McDERMOTT, Ms. HIRONO, and Mr. ISRAEL.

H.R. 1340: Ms. HOCHUL.

H.R. 1370: Mr. SULLIVAN, Mr. SESSIONS, Mr. WILSON of South Carolina, and Mr. ROSS of Florida.

H.R. 1418: Mr. HEINRICH.

H.R. 1501: Mr. STIVERS.

H.R. 1513: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HAYWORTH, Ms. SPEIER, Mr. McCOTTER, and Ms. Linda T. SANCHEZ of California.

H.R. 1519: Mr. MILLER of North Carolina, Ms. HAHN, Mr. OWENS, and Mr. KISSELL.

H.R. 1537: Mr. PAYNE and Mr. BACA.

H.R. 1546: Mr. GUTHRIE and Ms. HANABUSA.

H.R. 1558: Mr. HALL.

H.R. 1621: Mr. WILSON of South Carolina.

H.R. 1639: Mr. SCHILLING.

H.R. 1648: Ms. WILSON of Florida and Ms. KAPTUR.

H.R. 1666: Ms. RICHARDSON.

H.R. 1681: Mr. MILLER of North Carolina and Mr. YARMUTH.

H.R. 1736: Mr. LUETKEMEYER.

H.R. 1738: Mr. GERLACH, Mr. NADLER, and Mr. PASCRELL.

H.R. 1895: Mr. LOBIONDO and Mr. ROTHMAN of New Jersey.

H.R. 1897: Mr. CHANDLER.

H.R. 1964: Mr. GOWDY, Mr. COFFMAN of Colorado, Mr. WALDEN, Mr. MCCAUL, Mr. OLSON, and Mr. KELLY.

H.R. 1971: Mr. TOWNS.

H.R. 1981: Mr. MCINTYRE, Mr. AUSTRIA, Mr. WOMACK, and Mr. FITZPATRICK.

H.R. 2016: Mr. SCHIFF and Mr. CONNOLLY of Virginia.

H.R. 2028: Mr. BLUMENAUER.

H.R. 2052: Mr. CRITZ.

H.R. 2069: Mr. GRIMM.

H.R. 2094: Mr. WITTMAN.

H.R. 2131: Mr. KIND, Mr. THOMPSON of California, Mr. PALAZZO, and Mr. COSTA.

H.R. 2139: Mr. RENACCI, Mr. YODER, and Mr. REED.

H.R. 2194: Mr. GRIJALVA.

H.R. 2239: Mr. HINCHEY.

H.R. 2252: Mr. BOUSTANY.

H.R. 2288: Mr. CRITZ and Mr. TURNER of New York.

H.R. 2341: Mr. LUJÁN.

H.R. 2353: Mr. HINCHEY, Mr. PASCRELL, Mr. BOSWELL, Mr. PLATTS, and Mr. LOEBSACK.

H.R. 2359: Mr. LEWIS of Georgia.

H.R. 2376: Ms. PINGREE of Maine.

H.R. 2429: Mr. BERG.

H.R. 2453: Ms. HERRERA BEUTLER.

H.R. 2464: Mr. PASTOR of Arizona.

H.R. 2492: Mr. TIPTON, Mr. UPTON, Mr. HIGGINS, Ms. RICHARDSON, Ms. VELÁZQUEZ, Ms. SPEIER, Mr. BISHOP of New York, Mrs. BONO MACK, Mr. MCINTYRE, Mr. SCHOCK, Ms. SLAUGHTER, Mr. LIPINSKI, Mr. DENHAM, and Mr. CALVERT.

H.R. 2563: Mr. MANZULLO.

H.R. 2569: Mr. SAM JOHNSON of Texas, Mr. BUCHANAN, and Mr. WALDEN.

H.R. 2580: Mr. MARINO.

H.R. 2677: Ms. HAHN.

H.R. 2678: Mr. FILNER and Ms. RICHARDSON.

H.R. 2689: Mr. ROTHMAN of New Jersey.

H.R. 2735: Mr. PASCRELL.

H.R. 2810: Mr. KING of Iowa.

H.R. 2885: Mr. BOREN and Mr. MANZULLO.

H.R. 2900: Mr. MCINTYRE.

H.R. 2936: Mr. CUELLAR.

H.R. 2948: Mr. DEFazio and Mr. HONDA.

H.R. 2959: Mrs. MILLER of Michigan.

H.R. 2962: Mr. KIND and Mr. MARCHANT.

H.R. 2966: Mr. THOMPSON of Mississippi, Ms. DELAURO, Mr. BISHOP of New York, Ms. VELÁZQUEZ, Mr. PAYNE, Mr. ENGEL, and Mr. MCCOTTER.

H.R. 2972: Ms. HOCHUL, Mr. SMITH of Washington, and Ms. SLAUGHTER.

H.R. 2977: Mr. MCCOTTER.

H.R. 2997: Mr. YODER, Mr. PITTS, Mr. BARTON of Texas, and Mr. WALDEN.

H.R. 3053: Ms. WATERS.

H.R. 3057: Mr. KINZINGER of Illinois.

H.R. 3059: Mr. DOLD.

H.R. 3061: Mr. GRIMM and Mr. SCOTT of South Carolina.

H.R. 3066: Mr. BARLETTA.

H.R. 3087: Mr. MCCOTTER.

H.R. 3144: Mr. HEINRICH.

H.R. 3159: Mr. REHBERG.

H.R. 3187: Ms. SPEIER.

H.R. 3193: Mr. HUIZENGA of Michigan.

H.R. 3200: Mr. BASS of New Hampshire.

H.R. 3206: Mr. MCCAUL.

H.R. 3208: Mr. AKIN.

H.R. 3209: Mr. BENISHEK and Mr. AKIN.

H.R. 3216: Mr. LUETKEMEYER and Mr. HEINRICH.

H.R. 3230: Mr. ROKITA.

H.R. 3258: Mr. ROSS of Arkansas.

H.R. 3266: Mr. KUCINICH.

H.R. 3271: Mr. KUCINICH.

H.R. 3286: Mr. HONDA, Mr. PASCRELL, and Ms. SPEIER.

H.R. 3288: Mr. HARRIS and Ms. DEGETTE.

H.R. 3324: Mr. DEFazio and Ms. BALDWIN.

H.R. 3337: Mr. McDERMOTT, Mr. GRIFFIN of Arkansas, Mr. BLUMENAUER, Mr. CONNOLLY of Virginia, and Mr. HECK.

H.R. 3365: Mr. AMODEI and Mr. PASTOR of Arizona.

H.R. 3378: Mr. CONYERS and Mr. AMASH.

H.R. 3393: Mr. YOUNG of Florida.

H.R. 3425: Mr. McDERMOTT and Mr. KUCINICH.

H.R. 3441: Mr. SAM JOHNSON of Texas, Mrs. BLACKBURN, Mr. FLORES, and Mr. WESTMORELAND.

H.R. 3461: Mr. SCOTT of South Carolina, Mr. CALVERT, Mr. BOREN, Mr. SCALISE, Mr. RAHALL, Mr. GUTHRIE, Mrs. ELLMERS, Mr. FINCHER, Mrs. NOEM, Mr. THOMPSON of Pennsylvania, Mr. REHBERG, Mr. PERLMUTTER, Ms. HAYWORTH, Mr. HUELSKAMP, and Ms. MOORE.

H.R. 3488: Mr. SENSENBRENNER.

H.R. 3506: Mr. RANGEL.

H.R. 3510: Mr. MCGOVERN and Mr. PEARCE.

H.R. 3521: Mr. PENCE.

H.R. 3523: Mr. WALBERG and Mr. CAMP.

H.R. 3529: Ms. HOCHUL.

H.R. 3553: Mr. COHEN and Mr. FILNER.

H.R. 3562: Mr. GRIJALVA.

H.R. 3564: Mr. CONYERS.

H.R. 3568: Mr. FALLONE.

H.R. 3573: Mr. CARSON of Indiana.

H.R. 3575: Mrs. BLACKBURN.

H.R. 3577: Mrs. BLACK and Mr. SHULER.

H.R. 3582: Mr. BARTLETT, Mr. ROE of Tennessee, and Mr. WESTMORELAND.

H.R. 3583: Mr. BENISHEK, Mr. CANSECO, and Mr. HUIZENGA of Michigan.

H.R. 3586: Mrs. BLACKBURN, Mr. BILBRAY, Mr. BURGESS, and Mr. LUETKEMEYER.

H.R. 3593: Mr. BISHOP of New York, Mr. ISRAEL, Mr. MEEKS, Mr. CROWLEY, Mr. NADLER, Mr. TURNER of New York, Mr. TOWNS, Ms. CLARKE of New York, Ms. VELÁZQUEZ, Mr. HINCHEY, Mr. HIGGINS, and Ms. SLAUGHTER.

H.R. 3594: Mr. JONES, Mr. CANSECO, Mr. DUNCAN of Tennessee, Mr. BOUSTANY, Mr. NUNNELEE, Mr. KLINE, Mr. BURTON of Indiana, Mr. YOUNG of Florida, and Mr. WITTMAN.

H.R. 3599: Mr. INSLEE.

H.R. 3606: Ms. MOORE.

H.R. 3608: Ms. FOXX.

H.R. 3609: Mrs. MYRICK.

H.R. 3615: Mr. ROKITA, Mr. HARRIS, Mr. GOWDY, Mr. FLEMING, Mr. CONAWAY, Mr. POSEY, Mr. KING of Iowa, Mr. GOHMERT, Mr. MULVANEY, Mr. MARCHANT, Mr. STUTZMAN, Mr. MANZULLO, Mr. DESJARLAIS, Mr. BARTLETT, Mr. FRANKS of Arizona, and Mr. COLE.

H.R. 3620: Mr. HOLT.

H.R. 3626: Mr. HINCHEY.

H.R. 3627: Mr. BUCHSON.

H.R. 3634: Mr. SHULER.

H.R. 3635: Mr. JOHNSON of Georgia and Ms. MOORE.

H.R. 3638: Ms. CHU, Mr. GUTIERREZ, Mr. HONDA, and Ms. JACKSON LEE of Texas.

H.R. 3639: Mr. MCKINLEY.

H.R. 3643: Mr. LOEBSACK.

H.R. 3652: Mr. MULVANEY, Mr. WESTMORELAND, Mr. HUIZENGA of Michigan, Mr. ROE of Tennessee, Mr. GRAVES of Georgia, Mr. DUNCAN of South Carolina, Mr. FLEMING, Mr. LANDRY, Mr. GOWDY, Mr. PRICE of Georgia, Mr. NEUGEBAUER, Mr. ROSS of Florida, and Mr. AUSTIN SCOTT of Georgia.

H.R. 3653: Mr. KIND.

H.R. 3658: Mr. SCHOCK and Mr. McDERMOTT.

H.R. 3665: Ms. FUDGE.

H.R. 3676: Mr. CLEAVER, Mr. JORDAN, Ms. CLARKE of New York, and Mr. GIBSON.

H.R. 3680: Mr. INSLEE.

H.J. Res. 80: Mr. OLVER.

H.J. Res. 86: Mr. MCGOVERN.

H.J. Res. 90: Mrs. MALONEY, Ms. PINGREE of Maine, Mr. PALLONE, Mr. FRANK of Massachusetts, Mr. CONYERS, Ms. JACKSON LEE of Texas, Ms. SUTTON, Mr. VAN HOLLEN, Mr. RANGEL, Mr. COHEN, and Ms. FUDGE.

H. Con. Res. 85: Mr. MILLER of North Carolina, Mr. MCNERNEY, Ms. PINGREE of Maine, and Mr. WELCH.

H. Res. 58: Mr. POE of Texas, Mr. SABLAN, Mr. LOEBSACK, Mr. CRITZ, Ms. HIRONO, and Ms. HAHN.

H. Res. 298: Mr. WOLF and Mr. STARK.

H. Res. 446: Mr. ISRAEL, Mr. MCNERNEY, and Mr. LIPINSKI.

H. Res. 460: Mr. MORAN, Mr. RUPPERSBERGER, and Mr. MEEKS.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY: MR. ROGERS OF KENTUCKY

H.J. Res. 94, making further continuing appropriations for fiscal year 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 rule XXI.

OFFERED BY: MR. ROGERS OF KENTUCKY

H.J. Res. 95, making further continuing appropriations for fiscal year 2012, does not contain any congressional earmarks, limited

tax benefits, or limited tariff benefits as defined in clause 9 rule XXI.

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DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3589: Mr. HONDA.

## EXTENSIONS OF REMARKS

### END OF U.S. MILITARY OPERATIONS IN IRAQ

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. McDERMOTT. Mr. Speaker, yesterday marked the official end of United States military operations in Iraq. President Obama has fulfilled his promise to bring all of our troops home by December and, for that, I commend him.

I objected to the invasion of Iraq at the outset, and I have vigorously opposed it since. As we withdraw from Iraq after nearly nine years of war, there is no sense of "mission accomplished" because the mission was incomprehensible. We invaded the country under false pretenses and deliberate misrepresentations: no credible evidence pointed to the existence of weapons of mass destruction and, not surprisingly, none were found.

It is my hope that history books accurately will record the sorry consequences of invading a sovereign nation on the basis of adulterated evidence. That is what we did in 2003, and our country has paid, and will continue to pay, dearly for its foolish rush to war. Today, Iraq's economy is in shambles, its coalition government is fragile, anti-Americanism runs high, and violence abounds.

Since we launched this war, nearly 4,500 American soldiers have lost their lives and tens of thousands have sustained lifelong injuries. Their sacrifice must be honored and remembered. One way to do so is by not repeating the grievous mistakes that led us into Iraq. My fear is that those who sought this war again are urging conflict—this time with Iran. George Santayana warned that "Those who cannot remember the past are condemned to repeat it." Let us reflect at length on the punishing costs of war and its unforgiving legacy.

### CONGRATULATIONS TO TIME WARNER CABLE ON THE OPENING OF THEIR D.C. BUREAU

**HON. RENEE L. ELLMERS**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mrs. ELLMERS. Mr. Speaker, I rise today to congratulate Time Warner Cable for its investment in local television news coverage in North Carolina and its recent expansion into Washington, D.C.

By opening a news bureau in our nation's capital, the people of North Carolina will have another outlet to learn about the important work being done on their behalf and other updates that are important to the communities throughout the region.

Mr. Speaker, TWC is dedicating significant resources to high quality local news channels that provide critical local news, weather, traffic and sports coverage in the communities that they serve.

In my district, the Raleigh research triangle area is home to some of the leading innovators in technology and healthcare. The legislation that we pursue and enact in Washington has an enormous impact on these businesses and research facilities. With Time Warner Cable's commitment to reporting both at the local and national level, they are giving our residents an important resource to stay informed and involved.

I applaud Time Warner Cable for recognizing the importance of local news, for investing in it and creating jobs while providing this critical service to their customers and the constituents I serve.

### IN RECOGNITION OF RICHARD ROBINSON

**HON. DENNIS A. CARDOZA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. CARDOZA. Mr. Speaker, I rise today to recognize my friend, Richard Robinson in the event of his retirement after seven dedicated years of service as Chief Executive Officer of Stanislaus County.

Rick was appointed Stanislaus County Chief Executive Officer in September 2004. In this position, under the director of the Board of Supervisors, Rick oversees all aspects of Stanislaus County government, which includes 26 County departments, a \$900 million operating budget and over 3,600 employees.

Faced with severe financial challenges during the current economic crisis, Rick led an effort to develop a multi-year framework around which the County budget functions, a strategy which enables the County to address both current and future year budget shortfalls in a systematic and proactive manner. During his career with Stanislaus County, he also led many efforts aimed at strengthening the County health care safety net, including successful initiatives to attain the Federally Qualified Health Care Facility Designation in the County's health clinic system, a multi-year effort to retain the County Residency Program, and the sale and transition of the Stanislaus Behavior Health Center to private Ownership.

Prior to his appointment with Stanislaus County, Rick had, since 1991, held the position of Chief Administrator with Tehama County. Rick started his local government career in 1982 as an Accountant for the Tehama County Auditor-Controller's Office. In 1986, he was elected Auditor-Controller and ran unopposed for a second four-year term in 1990.

Rick currently serves on several local committees, including the Community Hospice

Board of Directors, the Governing Board of Doctors Medical Center, Stanislaus Workforce Alliance Board of Directors and the Valley First Credit Union Supervisory Committee. Rick was recently honored by the Stanislaus County Equal Rights Commission as a recipient of the 2011 Annual Dale Butler Equal Rights Award for exemplary service in equal employment opportunity matters and leadership in promoting equal rights.

Rick was an honors graduate of California State University, Chico, earning his degree in Business Administration with an emphasis in Accounting. He is a lifetime selection to Beta Gamma Sigma, a national scholastic honor society for business graduates. Rick has been married to his beautiful wife Kathy for 37 years. They have 4 children and 8 grandchildren.

Mr. Speaker, I ask that my colleagues join me in honoring my good friend, Mr. Richard Robinson for his years of dedication to the County of Stanislaus.

### TO COMMEND ZIAMATIC CORPORATION FOR RECEIVING THE GOVERNOR'S AWARD FOR SAFETY AND EXCELLENCE IN 2011

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor a prestigious Bucks County based company, Ziamatic, for receiving the Governor's Award for Safety and Excellence. Ziamatic Corp. (ZICO) was founded in 1958 with the intention of providing the men and women in the fire services industry with products that make their profession safer and easier. Over the years, Ziamatic has grown to become a leading manufacturer of fire and safety equipment in the United States. Today, the Yardley-based company employs 33 people.

For almost half of the last century, ZICO has designed and developed dozens of new products ranging from breathing apparatus to ambulance equipment and ladder access systems. With each new design, one thing has always been consistent: quality. Before a product has the ZICO name attached to it, it must undergo rigorous testing to be sure that it meets the highest of standards.

Thank you to Mike Ziayalek, and all of the employees at Ziamatic. Congratulations on receiving the Governor's Award for Safety and Excellence. We appreciate all that you do for the community and wish you many more years of success.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING THE SAINT XAVIER  
UNIVERSITY COUGARS FOOT-  
BALL TEAM FOR PLAYING THE  
NAIA CHAMPIONSHIP GAME

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize the 2011 St. Xavier University Cougars football team, who will compete in the school's first National Association of Intercollegiate Athletics (NAIA) championship game on December 17, 2011. The Cougars, who call my district home, will compete for the title in Rome, Georgia, against Carroll College of Montana.

St. Xavier defeated Marian University on December 3rd to go 13-1 for the season and earn a trip to the title game. Marian was the only school to defeat St. Xavier this year, and the Cougars avenged their loss in exciting fashion to earn their title birth. With SXU leading by three points in the final moments of the game, Marian was threatening to score with a first-and-goal situation. On third down, SXU freshman Clayton Fejedelem intercepted a pass in the end zone to seal the victory.

The Cougars' potent spread offense was on full display in the second half of the contest with three touchdowns through the air. St. Xavier's offense leads the NAIA in scoring offense with 45.9 points per game. Just as impressive was the defense as it held Marian's star running back to just 26 yards on 16 carries.

SXU had come close in the past, making it to the NAIA semifinals three times before, but this year the fourth time was the charm. When the Cougars face Carroll College tomorrow, I am confident they will be ready to take on the Fighting Saints. Please join me in honoring the St. Xavier University Cougars football team and their head coach, Mike Feminis, on competing in the NAIA National Championship and sealing their place as a perennial football powerhouse. May they perform like champions and bring back a national championship trophy.

IN HONOR OF ALBERT CASWELL  
AND THE MEN AND WOMEN OF  
OUR NATION'S ARMED SERVICES

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Albert "Bert" Caswell.

Bert has worked as a United States Capitol tour guide for over twenty-five years. He is known throughout the Capitol for his extraordinary work and selfless attitude. After hours, Bert volunteers his time offering Capitol tours to wounded veterans and participants of the Make-A-Wish foundation. He also visits and writes poems for wounded soldiers at local hospitals to lift their spirits and celebrate their heroic nature.

Mr. Speaker, I submit before you a poem, authored by Albert, reflecting on the extraor-

dinary sacrifices and courage of the men and women of our Nation's Armed Services.

CHRISTMAS TEARS

This Christmas season, as you awake. . . .  
Please, so take the time to so take. . . .  
To remember in this December, all of those  
families whose hearts now quake. . . .  
For they are so separated, so far across the  
shores . . . by such dark and most evil  
war. . . .  
All in fear, not knowing . . . if but their  
loved ones may live but one day more.

So say a prayer. . . .  
Because, there will be tears across this na-  
tion. . . . Christmas Tears. . . .  
And as you so see the smiles upon your chil-  
dren's faces. . . .  
Remember, there are such men and women of  
honor, fighting all in such dark places.

Giving all of their treasure, oh yes That Last  
Full Measure . . . so you may live in  
peace. . . .

So say a prayer and shed a tear, for all of  
them and all of these so here . . . Our  
Patriots of Peace!

And all of the ones, who now so in hospitals,  
who have so just begun their new bat-  
tles in this new year. So shed a tear.

For the ones who now so live without arms  
and legs, and holes in all places . . .  
teaching us all what faith is!

For them all so shed a tear!

And for all of those most magnificent ones,  
as Thy Will Be Done, On Earth As It Is  
In Heaven now in the ground . . . for  
freedom won! Shed a tear. . . .

For all those little boys and girls, who have  
just lost their best friends in the world.

Its so sad now, shed a tear. . . .  
And as you so sing your songs of joy, remem-  
ber all of these little girls and boys in  
your hearts so very loud! And shed a  
tear. . . .

And in this evening as you break your bread,  
remember to say a prayer for all those  
whom have bled!

All so you can be free and live in peace. . . .  
Please shed a tear, and say a prayer for all of  
these. . . .

A child is born. . . .  
As we remember on this golden morn. . . .  
Remember all of their Christian Acts, for  
their courage does not lack. . . .  
So for all of our Armed Forces, shed a tear.

Say a prayer, that they will all be home one  
day . . . safe and sound in the coming  
years. . . .

And on this Christmas night as you so lay  
yourself down to sleep. . . .

All in your hearts, so very deep. . . . Say a  
prayer. . . .

That our Lord will so watch over all of these.

And say a prayer for peace . . . do so please.

Now, on this night from high above. . . .  
But comes a gentle rain, soft falling snow  
flakes from our Lord all in his love.

All for their selfless sacrifice, all of these  
fine men and women who now must  
fight. . . .

Are but our Lord's tears, for all these and  
their families on this night. . . .

So say a prayer and shed a tear, and so pray  
that they will all be back next year.

But, with their loved ones, on Christmas  
night. . . .

Lord God, Bless Them. . . . Bless Them All!  
Thank Them All. . . .

And say a prayer and shed a tear for all  
those most magnificent families and  
heroes who answer the call!

Thank them all and shed a tear.

PERSONAL EXPLANATION

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. CONYERS. Mr. Speaker, on December 14, 2011, I inadvertently cast "yea" votes on the final passage of H.R. 1905 and H.R. 2105. I am opposed to both bills.

TRIBUTE TO JOHNNIE B. BOOKER

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Ms. Johnnie B. Booker on the occasion of her retirement from the Coca-Cola Company. Ms. Booker's career has been marked by an extraordinary record of success as a corporate executive, national expert on workforce and supplier diversity, and senior federal government official.

Ms. Booker has served as Global Director of Supplier Diversity for the Coca-Cola Company since 2001. In this capacity, she has been responsible for developing and implementing the company's supplier diversity program and initiatives to assure equal contracting opportunities for minority- and women-owned businesses. During her first year with Coca-Cola, contracts with minority- and women-owned businesses increased over the previous year by 50 percent, exceeding the company's goal by 27 percent. Under Ms. Booker's leadership, the company has consistently exceeded its goals for subsequent years, and its supplier diversity profile has grown substantially in actual dollars expended and global recognition.

Mr. Speaker, I might add that this is Ms. Booker's second retirement. Before joining Coca-Cola, she had a successful career in the federal government, culminating in her role as Director of the Office of Equal Opportunity at the Federal Deposit Insurance Corporation (FDIC), from which she retired in 1996. In 1991, Ms. Booker joined the Resolution Trust Corporation (RTC) as Vice President, Division of Minority and Women's Programs. While at the RTC, she created unprecedented contracting and investment opportunities for minority- and women-owned businesses and law firms. She commissioned the first disparity study by a federal agency and increased contracting fees for minority- and women-owned businesses from 18 percent to over 48 percent and from 3 to 26 percent for minority- and women-owned law firms. Her work at the RTC served as a model for other federal agencies as well as private companies seeking to establish viable minority procurement programs.

Prior to her tenure at the RTC, Ms. Booker served as Deputy Assistant Secretary of Fair

Housing and Equal Opportunity at the U.S. Department of Housing and Urban Development. In this role, she established a new office of affirmative action and equal opportunity and successfully revamped the Department's fragmented approach to discrimination complaint processing and affirmative employment programs. Ms. Booker also served in executive capacities with the Federal Home Loan Bank Board and the National Urban League.

Active in her community, Ms. Booker serves on the boards of the National Minority Supplier Development Council, Women's Business Enterprise National Council, US Pan Asian Chamber of Commerce, Bronx Community College Foundation, the Ashley Stewart Foundation, National Advisory Board of the Whitney M. Young, Jr., School of Social Work—Clark Atlanta University and the Supplier Diversity Council of The Conference Board. Her civic affiliations include Delta Sigma Theta Sorority, Dogwood City Chapter of The Links, Inc., Circle-Lets, The National Black Child Development Institute, NAACP, Urban League and Big Bethel AME Church. Ms. Booker has appeared in a myriad of national publications and has received numerous honors and awards for her outstanding professional contributions and accomplishments.

Ms. Booker received a Bachelor of Science Degree from Hampton University and a Master of Social Work Degree from the Atlanta University School of Social Work. She is the proud mother of a son, S. Courtney Booker, III, mother-in-law of Nissa and grandmother of two wonderful grandchildren, Dalyn and Aiden, who bring her special joy. I know that she is looking forward to being able to spend more time with them in retirement.

Mr. Speaker, I ask that the entire House join me in congratulating Ms. Johnnie B. Booker on this well deserved retirement. I wish her good health and Godspeed.

**HONORING SARAH SMIERCIAK, RECIPIENT OF THE 2011 RHODES SCHOLARSHIP**

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Sarah Smierciak, a graduate of my alma mater, Northwestern University, who was recently awarded a prestigious Rhodes Scholarship.

Ms. Smierciak hails from Lemont and majored in History and in Middle East Language and Civilization. She studied Arabic at the American University in Cairo and Damascus University. She is also an accomplished triathlete and a member of the Phi Beta Kappa Honor Society.

Established in 1903, Rhodes Scholarships are awarded to outstanding well-rounded students to attend Oxford University for post-graduate study. The selection committee identifies young men and women of outstanding intellect, character, leadership, and commitment to service. Over 830 of our nation's top students applied and Sarah was awarded one of only 83 Rhodes Scholarships.

Ms. Smierciak's work and experiences demonstrate that she is a very deserving choice for this prestigious scholarship. She has published articles on social justice and published her photography, and serves as a docent on Egyptian art at The Field Museum.

Fluent in Arabic, she currently resides in Egypt, where she is promoting the value of education by assisting orphans in the aftermath of the Egyptian Revolution. Through her work with the international charity, FACE for Children in Need, she is working to develop a teaching curriculum for the street children of Egypt and Sudan. She remains tireless in her devotion to helping these young boys appreciate the need for education.

Ms. Smierciak plans to use her Rhodes Scholarship to pursue developmental studies at Oxford University. She aspires to one day be an advisor at the United Nations.

I ask you to join me in honoring Ms. Sarah Smierciak, a member of the Rhodes Scholarship Class of 2012, and may she have success in all her endeavors to promote the value of education throughout the United States and the world.

**RECOGNIZING RADM MICHAEL A. BROWN**

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I am honored to recognize Rear Admiral Michael A. Brown for his distinguished service to the Government of the United States as the Director, Cybersecurity Coordination, National Protection and Programs Directorate, and Senior Department of Homeland Security Cybersecurity Representative to the National Security Agency and the United States Cyber Command from December 2010 to January 2012.

Rear Admiral Brown is a national level leader on cybersecurity, a matter of highest importance to the nation's national security, homeland defense and economic competitiveness. Since the Department of Defense and the Department of Homeland Security each bring different authorities, capabilities and cultures to this national challenge, the nation needed an astute solution provider and consensus builder in each of these areas. Handpicked to bridge the two leading Departments in this mission space, he quickly earned the respect of each due to his intellect, skill and determination for national-level solutions and brought the Departments closer together.

Rear Admiral Brown's sound advice routinely developed and informed policy and operations positions taken by senior decision makers at the national level, thereby advancing national and international cybersecurity policy and critical legislative proposals needed to change the nation's antiquated cybersecurity-related laws. Few people had a bigger role at increasing the understanding and appreciation of the complexity and relationship between policy, technology and operations required to secure our nation's public and private infrastructure.

Rear Admiral Brown's leadership was crucial in the execution of a first-of-its-kind government-wide boundary cyber defense system to which the U.S.'s foreign intelligence system would be connected, to setting the course to transform DHS's cyber operational centers into national assets, to creating the public-private partnerships necessary to jointly operate to mitigate extraordinarily pressing nation state, crime, and hacktivist cyber threats.

The National Cybersecurity and Communications Integration Center was another of his notable achievements providing the vision and execution to make it operational. Both a warrior and innovative thinker, he seamlessly worked with government and private sector counterparts to strengthen and support operational partnerships.

During a perilous time for our nation, in which our adversaries' ability and will to steal and control our national assets through cyberspace often far outpaces our posture to stop it, Rear Admiral Brown helped set the necessary strategic direction by unifying the Federal Executive branch, state and local government, the U.S. critical infrastructure community, and the private sector. His leadership culminated in a White House-supported effort that defined a national plan for unified public and private response to malicious activity under the National Cyber Incident Response Plan.

Our thanks also go to his wife, Therese L. Brown and his children Michael R. Brown, Meghan T. Brown and Lauren M. Brown. Their support and sacrifice on behalf of our Nation should be recognized along with Rear Admiral Brown's tremendous hard work.

**HONORING THE 60TH ANNIVERSARY OF CANAAN GALILEE MISSIONARY BAPTIST CHURCH**

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 60th Anniversary of Canaan Galilee Missionary Baptist Church in Madison, Illinois.

In 1951, Mother Georgia Jones accepted her calling to help organize a new church in the Eagle Park area of Madison, Illinois. Word of Mother Jones' efforts reached Rev. C. D. McClinton, the former pastor of Southern Tabernacle Church in nearby Lovejoy. These two, along with a small group of dedicated pioneers, met for several weeks before forming a Mission which would become Canaan Galilee Missionary Baptist Church, with Rev. McClinton as the first Pastor.

Early meetings of the new church were held in the Jones' home. Soon, a lot was purchased and the first church structure was constructed through the labors of the church members. A fire destroyed the first church building on Good Friday, 1966, and temporary facilities were required, including a tent where services were held during the summer and fall of 1966. Work was ongoing for a permanent replacement which would be completed in stages as resources were available. The physical church structure continued to develop as



the church congregation grew and a new edifice was recently dedicated.

Canaan Galilee Missionary Baptist Church has grown and expanded since its humble beginnings. A number of ministries have been instituted to serve not only the church congregation but also the Eagle Park community. The current and seventh pastor, Rev. Don Sanford, has been a driving force for expanding the church involvement in the community.

Mr. Speaker, I ask my colleagues to join me in honoring the 60th Anniversary of Canaan Galilee Missionary Baptist Church and to wish them the best for many years to come.

#### **DIVISION E OF THE CONSOLIDATED APPROPRIATIONS ACT**

#### **HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. SIMPSON. Mr. Speaker, the Statement of Managers language contained in Division E of the Consolidated Appropriations Act of 2012 regarding the Boiler MACT rule is not intended in any way to convey an endorsement by the conferees of any Boiler MACT rulemaking proposal.

#### **IN RECOGNITION OF THE RETIREMENT OF MR. FRANK CASTELLI**

#### **HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mr. Frank Castelli's retirement as the Service Director for the City of Middleburg Heights after 25 years of dedicated service.

Mr. Frank Castelli was born in Jefferson, Ohio and graduated from Geneva High School. He later continued his education by attending Cleveland State University. Mr. Castelli and his wife, Delia, have been married for 45 years and have one daughter, Claudia, and two sons, Marc and Matt. Frank also has two grandchildren, Marcella and Pete.

Mr. Castelli is a veteran of the United States Army and served in Germany during 1955 and 1956. Following his service in the Army, Mr. Castelli worked in the insurance industry for nearly 30 years as a claim adjuster and commercial insurance agent. He also spent 16 years as the co-owner and operator of Trans Ohio Insurance Agency with his brother, Ron. In 1986, Frank became the Service Director for the City of Middleburg Heights, Ohio.

In addition to his careers serving his country, fellow Ohioans and residents of Middleburg Heights, Mr. Castelli has been a leader in the community. Since 1976 he has served as the president of the Misty Lake Condominium Association and at one time served as a member of the Planning Commission. From 1976 to 1986 Frank was a councilman for Middleburg Heights, Ward 1. He has also been serving as the president of the Middleburg Heights Democratic Club since 1998 and is an

active member of the Cuyahoga County Democratic Party Executive Committee.

Mr. Speaker and colleagues, please join me in honoring Mr. Frank Castelli as he celebrates his retirement.

#### **HONORING ACTIVIST AND CIVIL RIGHTS HERO KATHLYN GILLIAM**

#### **HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the life of Kathlyn Gilliam, a champion of civil rights and the Dallas school district's first African-American female trustee. Ms. Gilliam was 81 years old when she passed away this last Sunday.

There is no shortage of talent and diversity in the 30th District of Texas, and residents like Kathlyn Gilliam are a testament to this fact. An activist and a leader, Ms. Gilliam dedicated her life to achieving higher quality education and living standards for all.

Growing up and working during the days of segregation, Ms. Gilliam's exceptional character helped her to triumph over a unique set of institutional hurdles and staunch resistance from her peers. She bravely attended Lincoln High School before Dallas ISD's desegregation and even went on to become the school district's first Black female trustee.

Ms. Gilliam actively shaped the way South Dallas schools would evolve into some of the magnet schools we understand them to be today. By fiercely advocating for stronger curricula and warding off near-constant opposition from the rest of the school board, Ms. Gilliam enhanced the overall learning experience for thousands of students in the area, the effects of which are still apparent today.

Mr. Speaker, it saddens me and thousands of other Dallas residents to hear of Ms. Gilliam's passing. Her legacy of effectively reshaping the Dallas school district and improving her community is not only immortalized in a school named in her honor, but also in our hearts and memories. Ms. Gilliam's passing comes as a great loss to the 30th District of Texas, and I hope that others will take example by her leadership and exceptional character.

#### **WITHDRAWAL OF U.S. TROOPS FROM IRAQ**

#### **HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mrs. MALONEY. Mr. Speaker, I rise today to praise our troops—and our President—as we end our involvement in Iraq.

America's armed forces were called to duty, did everything asked of them and served with distinction. Their valor and dedication in serving our country half a world away has been an inspiration to me and to our nation. And now, as they leave the nation of Iraq, we here at home honor their sacrifice, the sacrifice of

their families, and welcome them with open arms and open hearts. As we welcome those who are coming home, we must not forget the nearly 4,500 servicemembers who lost their lives and the more than 30,000 troops who were wounded in this conflict who, along with their families, have made the ultimate sacrifice for our country.

President Obama deserves much credit for keeping his promise to the American people to withdraw from the Iraq conflict and have our troops home by the holidays. Those of us in the House and the Senate must continue to honor our commitment to our veterans and their families, helping to ensure a future in which they can fulfill their hopes and dreams for themselves and their children.

#### **JOBS ARE OUR HIGHEST PRIORITY**

#### **HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. TOWNS. Mr. Speaker, I rise today to call attention to incentives that add to unemployment and decrease tax revenues.

Strong consumer protection laws are the responsibility of each State in our Union and I support efforts to enforce them to protect our constituents. However, no reasonable person would favor an approach so draconian in its effect that it makes innocent employees victims. The impact on our hard-working union members is unfair and unwarranted. Proportionality in these cases is critical. Perverse incentives can be seen when the settlements in these cases are used to pay operating budgets of the agencies that bring the charges, especially if it encourages the targeting of out of state companies for huge settlements. The payments should be enough to compensate for any harm and to push the company to act in an appropriate manner according to law. Only in egregious or criminal circumstances should companies be forced out of business.

It is crucial to enforce strong consumer protection and deceptive advertising laws. In this economy, as we hasten to take measures to protect jobs, we have got to be mindful of incentives that put states revenue needs in competition with each other. Without question, the states must have the power to stop deceptive advertising and unfair competition, but they should not have the authority to abuse that power in ways that decrease other states tax revenues by forcing businesses to add thousands of Americans to the ranks of the unemployed. I would encourage those enforcing our laws to take this into account.

#### **RECOGNIZING THE 40TH ANNIVERSARY OF THE SUNCOAST SEABIRD SANCTUARY**

#### **HON. C.W. BILL YOUNG**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. YOUNG of Florida. Mr. Speaker, I rise to recognize the 40th anniversary of the

Suncoast Seabird Sanctuary, the largest and most successful non-profit wild bird hospital in the United States.

It is a privilege for me to represent the Suncoast Seabird Sanctuary in Indian Shores and to have seen firsthand the outstanding commitment of its staff that works to rehabilitate the more than 8,000 injured birds it admits each year.

The Sanctuary was founded in 1971 by zoologist Ralph T. Heath and is staffed by highly trained individuals equipped with emergency facilities, a surgical center, recovery areas, and an outdoor wild bird recuperation area. Admitting up to 159 different species per year, the Sanctuary is world renowned for its innovative rehabilitation techniques with over 80 percent of its admitted birds successfully rehabilitated and released back into the wild.

Over the years, the Sanctuary has also become a cherished attraction to Central Florida visitors. Attracting over 100,000 visitors each year, the Sanctuary offers a unique environment for bird watching, and a tremendous opportunity for photographing wildlife on Florida's beautiful Gulf Coast. Admission into the Sanctuary has always been free, giving the general public a great opportunity to visit and learn about Florida's wildlife.

Mr. Speaker, through their hard work and dedication, the staff and volunteers of the Suncoast Seabird Sanctuary not only give back to Florida's natural world, but also serve as a valued asset to our community. This weekend, many of the Sanctuary's family and friends from the past 40 years will gather to celebrate the history and accomplishments of this valuable facility. It is my hope that my colleagues in the House will join me in saying thank you to all those who have been a part of the Suncoast Seabird Sanctuary.

#### DORIS VIRGINIA TRACY TRIBUTE

#### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2011

Mr. TIPTON. Mr. Speaker, I rise today in honor of Doris Virginia Tracy, a longtime resident of La Veta, Colorado. Mrs. Tracy was a distinguished World War Two-era pilot and loving wife and mother.

From the earliest days of her childhood in Missouri, Doris dreamed of learning to fly. She took her first ride in a bi-plane at the age of nine, and decided to become an "aviatrix," as female pilots were then known. After entering college with her sister Bernice, Doris was only the second girl to sign up for Civilian Pilot Training. After a long wait, as only one woman was allowed in the program for every nine men, she earned her license.

In order to continue flying and serve her country during World War Two, she applied with the Women's Airforce Service Pilots (WASP), who flew military aircraft in support of the Army Air Forces. After seven months of training, she flew engineering flight tests, co-piloted B-24s, and flew administrative flights in C-45s at bases in Texas, Ohio, Mississippi, and Wyoming.

After the WASP program disbanded, Doris moved to La Veta with her family to start a

store. It was there she met Julian Tracy at a local dance. They were married in 1946 and raised two daughters together, Glenna Lee and Julie. In addition to running the store, she was active with the PTA, the Francisco Fort Museum, and the Eastern Star, and enjoyed searching the Colorado hills for artifacts.

In March 2010, Doris was in attendance here in Washington as the WASP were presented with the Congressional Gold Medal for their service to the nation. She passed away at the age of ninety on July 29, 2010, and was survived by her daughters, five grandchildren, and three great-grandchildren.

Mr. Speaker, it is an honor to recognize Doris Tracy. I rise today to salute this one-of-a-kind woman who is remembered for her smile, warmth, and patriotism.

#### ON THE WINGS OF LUKE

#### HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2011

Ms. FOXX. Mr. Speaker, I submit the following poem by Albert Caswell.

#### ON THE WINGS OF LUKE

All in . . .  
 All in those most darkest hours of war . . .  
 When, most precious life so lies before . . .  
 All in that balance that which so insures . . .  
 When, who lives or dies . . .  
 'Oh but to so see another sunrise . . .  
 When, a loved one's caress will so shower . . .  
 Such faith and strength, in all of its great power . . .  
 As their loved ones, encouragement will so flower . . .  
 Such strength and faith all in these hours . . .  
 All in these precious moments which above all else so towers . . .  
 With loved ones at their sides, as against all odds they so reach for the skies . . .  
 Where, the beginning of hope and healing so lies!  
 But, comes the very will to live or die!  
 While, in the coming months and days . . .  
 As into the year as do they . . .  
 As upon bended knees so pray . . .  
 As upon The Wings of Luke their loved ones arrive this day . . .  
 From all across our Country 'Tis of Thee, come their loved ones all in tears to provide such relief . . .  
 I open arms hope we now see!  
 To provide the strength that they all need!  
 For all of these great American families our hearts so bleed . . .  
 Because, the one thing that which but means the most!  
 I but when loved ones lie all in arm's length so very close!  
 Because hearts of love can lift such souls higher!  
 To help win all of those battles, all in these times so dire . . .  
 That in the end but mean the most . . .  
 So On These Wings of Luke . . .  
 We give these great America's families what they need most . . .  
 All in this battle, when recovery and death lies close . . .  
 For a family's love but means most!  
 From on The Wings of Luke comes hope . . .

#### TRIBUTE TO DR. PETER FRIEDMAN

#### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2011

Mr. SIMPSON. Mr. Speaker, I stand here today to express my gratitude to Dr. Peter Friedman who served as my Congressional Fellow this year. Pete served as my point person on energy issues with the Energy and Water Appropriations Subcommittee and was responsible for all nuclear and defense related issues in my office.

Pete's background as chairman of an engineering department, a naval officer, and engineering background, provided me with unique technical knowledge of nuclear power and defense issues. His expertise came to the forefront during the Fukushima Daiichi nuclear reactor accident. Pete provided me with data-driven, measured advice on the crisis which was both forward-looking and justifiable. It was an important year for nuclear energy and it was good to have Pete on my staff.

In the appropriations process, Pete developed well-researched and insightful positions, which properly prioritized the spending on energy projects based on their potential impact. His astute political insights and his willingness and ability to learn the legislative process served me very well.

I benefited greatly from Pete's advice, knowledge and work ethic over the past year. I want to thank him, and commend him, for a job well done. I also want to thank his wife, Sylvia, and daughter, Helen, for allowing us to have Pete for the year. I know it wasn't easy for them to have him away for such a long period. I am sure they will be glad to have him back and that he will be glad to resume his position as Chairman of the Department of Mechanical Engineering at the University of Massachusetts, Dartmouth.

Finally, I want to thank the American Society of Mechanical Engineers for sponsoring Pete as a Congressional Fellow. At a time when the world is becoming increasingly technical and competitive, Congress benefits from the advice of experienced and educated experts.

#### HONORING DAVID MONTGOMERY

#### HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2011

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to note the passing of David Montgomery, after a long and well-lived life.

David Montgomery had many roles in his life: machinist, union activist, educator, author and, most importantly, father and husband.

Dr. Montgomery came to my state of Connecticut in 1979, where he had a distinguished research, writing and teaching career. It was there that he wrote his most notable work, "Fall of the House of Labor: The Workplace, the State and American Labor Activism, 1865-1925," which was a Pulitzer Prize finalist in 1989.

More than an author though, Dr. Montgomery was an activist who started his career not in academia, but on the shop floor. In the 1950s, after graduating from college, he went to work as a machinist, where he began to organize workers to join the International Association of Machinists. He was black-listed and fired from his first job in Minneapolis as a result of his organizing efforts, as he was repeatedly throughout his career. Yet, instead of ceding his cause, he continued to fight for his values. He then made a remarkable transition: he earned his doctorate and began a career in teaching. Dr. Montgomery taught at several colleges, eventually becoming the Farnum Professor of History at Yale.

But whatever job he had, he never stopped being an activist. Dr. Montgomery helped strengthen the resolve of workers and activists while teaching in New Haven. His research and teaching informed his students about the history of working people, and he inspired generations of students to study that history as they sought to change the nation. He knew that by valuing the dignity of work and recognizing workers' struggle for justice in their workplace and country, we could help build a more just society.

A former student of his, Jennifer Klein, captured his essence when she said in a press account that Dr. Montgomery was not only "the model of the scholar-activist but also the activist-scholar."

My heartfelt condolences to Dr. Montgomery's wife, Martel, his sons Claude and Edward, his five grandchildren, his brother Daniel and sister Virginia.

Dr. Montgomery led the kind of full and committed life to which all of us should aspire. He will be missed by all who were lucky enough to know him.

#### CONGRATULATING THE CHINESE AMERICAN FILM FESTIVAL FOR CELEBRATING ITS 7TH YEAR

#### HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mrs. NAPOLITANO. Mr. Speaker, I rise to congratulate the Chinese American Film Festival, which was held in Los Angeles and San Francisco, California, for celebrating its 7th successful year.

This year, the opening ceremonies were held on October 27, 2011 at the Directors Guild of America in Los Angeles, and on October 30, 2011 at the Marina Theatre in San Francisco. With over 10 workshops and seminars, and over 200 officially selected films that were screened in Hollywood, Los Angeles, and San Francisco, the Festival has once again demonstrated how effectively the Chinese and American cultures can join together through the medium of film to create unique and outstanding work.

Many of those in the Chinese industry have been recognized by the American film industry, but for many others this was the first time these films had ever been screened in North America. The films chosen for the Festival were audiences' favorites in the Chinese and American film markets.

With the support of the Consulate General of China in Los Angeles, and the Motion Picture Association of America, the Chinese American Film Festival has become a grand annual event of cultural exchange and communication between the two film industries.

As one of the major annual cultural events in Hollywood, this festival demonstrates that creativity has no boundaries of race, color, language, or traditions. Through the window of film, people see each other, hear each other and understand each other. As described by James Su, Founder and current Chairman of the Festival, "The Chinese American Film Festival continues to showcase the dynamic power of creations it produces when East meets with West and when hands are joined together."

Mr. Speaker, I ask all my colleagues to join me in congratulating Mr. Su and the Chinese American Film Festival for another successful year and for showing tremendous dedication to cultural exchange while opening communication between the Chinese and American film industries. Welcome to California, and welcome to the United States.

2010 CAFF Golden Angel Award Films: The Seal of Love; My Kingdom; Color Me Love; 72 Heroes; Detective D; Always Be With You; An Eternal Lamb; Love You You; A Simple Life; Snow Flower and the Secret Fan.

Best Documentary Film: The Day of Noah 2: Apocalypse.

Best Independent Film: Dali.

Best Asian American Film: Wedding Palace.

Best Short Film: A Petal Onto the Sea.

Best Children's Feature Film: Close to Me.

Charity Film: My Girlhood.

Outstanding Chinese Culture Promoter: Dedication.

Outstanding Chinese Film Promoter: Macau Film Association.

Chinese Film Promoter Mayor Award: Xin Hua City Mayor.

Outstanding Newcomer Actor: Joshua Hannum—Leading Actor of "Once Upon a Time in Tibet."

Outstanding Newcomer Actress: Zhou Yang—Leading Actress of "Love You You."

Outstanding Newcomer Director: Chen Miao—Director of "Son of the Stars."

Outstanding Newcomer Producer: Wang Bin, Yang Yue—The Producers of "Time Flies Soundlessly."

Best Actor of the Year: Wang Qianyan—Leading Actor of "The Piano in a Factory."

Best Actress of the Year: Ni Ping—Leading Actress of "The Sun."

Best Director of the Year: Yang Yazhou—The Director of "The Sun."

Outstanding Achievement Award: Tang Guo Qiang.

#### CHIEF GERALD WHITMAN TRIBUTE

#### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. TIPTON. Mr. Speaker, I rise today in honor of Chief Gerald Whitman of the Denver Police Department. Chief Whitman has served capably and honorably in this position for over eleven years.

Chief Whitman's distinguished career with the Department began in 1982. After excelling as a Patrol Officer, Field Training Officer, Sergeant, and Lieutenant, he was promoted to the rank of Captain in 1995. During this time he was responsible for the protection of the newly-formed District 6, including Capitol Hill and Downtown Denver. Three years later, he was again promoted to Division Chief of Patrol, where he oversaw uniformed patrol operations.

Mayor Wellington Webb named Gerald Whitman as Denver's 68th Chief of Police in 2000. Under his leadership, major crime rates have dropped despite an economic recession and fewer officers per capita on patrol. The Department has gained a reputation for innovative ideas, the effective use of technology, and an emphasis on community and victim outreach. Its forensics lab and cold case unit have received wide acclaim, and serve as a model for departments nationwide.

Gerry Whitman holds a Bachelors Degree in Law Enforcement Administration and a Masters in Criminal Justice from the University of Colorado at Denver. Despite having a longer tenure than any of his predecessors, he intends to return to the rank of Captain after stepping down as Chief of Police.

Mr. Speaker, it is an honor to recognize Chief Gerald Whitman. I rise today to thank him for his continuing devotion to the City of Denver and its citizens.

H.R. 1254

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. KUCINICH. Mr. Speaker, I rise in opposition to H.R. 1254, the Synthetic Drug Control Act of 2011 because it will do little, if anything, to curb abuse of synthetic marijuana. It will, however, unnecessarily burden the criminal justice system and inhibit important scientific research on synthetic substances. It will also impose further unnecessary costs onto taxpayers as the federal criminal code is expanded.

Evidence suggests that criminalizing substances, as this bill envisions, does not change demand or prevent health harms that stem from their use. The deaths and injuries that result from abuse of any substance and the destruction that drug abuse inflicts on our families and communities is heartbreaking. I support comprehensive drug education programs which promote clear information for children and adults about how to recognize drug abuse and the risk factors that promote it. It is important to recognize that drug abuse proliferates differently depending on the socioeconomic conditions that exist in a given community, which makes it all the more important for the federal government to assist state and local governments in addressing this public health problem. This bill does nothing to boost real public health and education awareness campaigns which must be a part of addressing substance abuse.

Instead, H.R. 1254 would place a number of synthetic substances under Schedule I of the

Controlled Substances Act. As Schedule I is the most restrictive, placing substances on it makes research on these substances vastly more difficult. Scientific researchers have warned Congress that this legislation will impede research on treatments for a range of diseases and disorders, including Parkinson's disease. In addition, the Drug Enforcement Agency already has the power to place substances on the Schedule I list.

Finally, criminalization of another group of drugs will engender an expansion of the criminal justice regime. Our present system of criminal justice already places a far too large and disproportionate burden onto poor and minority communities. Marijuana arrests in the United States cost on average \$10,000 per individual from arrest to adjudication, according to public policy researcher John B. Gettman at the George Mason University School of Public Policy. The prosecution and prison terms that will necessarily arise from enforcement of this bill will impose enormous costs on taxpayers at a time when resources are scant. I urge my colleagues to join me in opposing this legislation.

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MASON PUNCHERS STATE  
CHAMPIONSHIP

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. CONAWAY. Mr. Speaker, I rise today to congratulate the Mason Punchers football team on an outstanding 2011 season. Yesterday, the Punchers won the Class 1A, Division I Texas state championship and ended their season with a perfect record, 15–0.

I want to congratulate the team on their dedication and hard work. It takes determination and focus to win a state championship, and the focus must be all the greater to do it on top of a perfect season. I applaud the perseverance of the team.

Coach Kade Burns, as well as all the young men on this team, deserves recognition for the accomplishment. The 15–0 season was all the greater considering this was Coach Burns' first season as head coach at Mason.

I know that many years from now, these young men from Mason will look back on this day with fond memories. I encourage them to enjoy this achievement to the utmost, as it is a once-in-a-lifetime experience.

It is my honor to represent the student and families Mason and their state championship football team. Again, I congratulate the Mason Punchers on a perfect season and a state championship!

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HONORING THE LIFE OF AND  
ACHIEVEMENTS OF JUDGE  
HOSEA T. "H.T." LOCKARD

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. COHEN. Mr. Speaker, I rise today to honor the life of Judge H.T. Lockard, born

Hosea T. Lockard on June 24, 1920. Judge Lockard was a civil rights leader, hero and pioneer who fought alongside giants to bring racial equality to Memphis, Tennessee and the surrounding area. He grew up on a small farm near Henning, Tennessee before deciding to attend LeMoyne College in Memphis in 1940.

Prior to completing his studies at LeMoyne College, Mr. Lockard chose to postpone his education to serve his country in the Army Medical Corps during World War II which included three and half years in North Africa, Italy, France and Germany. After his discharge in 1945, he continued his studies at Sorbonne University in Paris before returning to LeMoyne where he attained his bachelor's degree in 1947. After finishing at LeMoyne, H.T. Lockard was not allowed to attend a Tennessee law school due to segregation. Undeterred by challenges he faced in Tennessee, he pursued his Juris Doctorate by attending Lincoln University Law School in St. Louis, Missouri where he graduated in 1950. While in law school, H.T. Lockard observed that conditions for African-Americans in St. Louis were far better than those in Tennessee. After much debate, he made the tough decision to move back to Memphis where he began practicing law and working with the National Association of the Advancement of Colored People, NAACP, to improve race relations in Memphis.

Mr. Lockard once recalled how at a NAACP meeting, the topics of police brutality and segregation in public facilities were like music to his ears. He said, "... Good music, because that's what I wanted to get involved in and help bring about the change ... I was ready to roll up my sleeves and go and ready to tackle anything that needed to be tackled." In 1955, he assumed the presidency of the Memphis Branch of the NAACP and served in that position until 1958. H.T. Lockard headed up their legal committee and contributed to national efforts. During this time, H.T. Lockard was joined by Russell Sugarmon, Vasco and Maxine Smith, Jesse Turner, Billy Kyles and the late Benjamin Hooks and A.W. Willis. Together, these stalwarts of the civil rights movement fought for and won many victories including desegregating Memphis Street Railway Co., public buildings, restaurants and the University of Memphis, formerly Memphis State University.

H.T. Lockard broke significant barriers and paved the way for future African-American politicians in Memphis. In 1964, Mr. Lockard became the first African-American to hold elective office in Shelby County by being elected to the Shelby County Quarterly Court, now known as the County Commission. He then became active in local African-American political clubs and played a key role behind the scenes as an advisor on civil rights issues to President Lyndon B. Johnson. H.T. Lockard was appointed to serve as Administrative Assistant to Tennessee Governor Buford Ellington from 1967–1971 thereby becoming the first African-American cabinet member in the State of Tennessee. In 1975, H.T. Lockard became a Criminal Court judge and served until 1994.

Judge Lockard later served as a board member of the National Civil Rights Museum in Memphis from 1989–1999. He gave much

of his time to the Memphis Charter Commission, a non-partisan group that reviewed the city Charter and made recommendations for changes to be presented to the citizens of Memphis through voter referendums. Mr. Lockard was awarded the Benjamin L. Hooks Award by the Memphis Bar Foundation in 2010 in recognition of his lifelong commitment to social justice and his prominence on the national stage.

Some of his closest colleagues and friends recounted his dedication to the civil rights movement while he was a lawyer and president of the NAACP. The late Vasco Smith, a former Shelby County Commissioner, said "... Lockard was pretty much the whole show. He did an outstanding job, and he probably laid the foundation for a lot of things that happened later on." His wife, Maxine Smith, a former executive secretary of the Memphis Branch of the NAACP described him as the inner circle of the civil rights movement in Memphis. Former General Sessions Court Judge Russell Sugarmon commented on H.T. Lockard saying "When he put his mind to something, he was a plow. He dug in and dug in and wouldn't let up ... If Lockard was on the other side, you'd better be prepared."

Judge Lockard was an exceptional judge, leader and gentleman. I had the pleasure of meeting him in 1970 when he and I supported Senator Stan Snodgrass for Tennessee governor. In addition to the legacy he leaves behind, I will remember Judge Lockard for his service to the community and his dedication to the bench. As an admirer of classic cars, I will also remember his convertible Thunderbird.

Judge Hosea T. "H.T." Lockard passed away on December 12, 2011 at 91 years of age. He leaves to memory his wife of 49 years, Ida Walker Lockard; three brothers, Emmitt Lockard, Albert Lockard Jr. and Lorenza Lockard; and one sister, Lydia Morgan. Mr. Speaker, I ask all of my colleagues to join me in honoring the life of Judge H.T. Lockard. Judge H.T. Lockard will be remembered by many. His was a life well lived.

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CONGRATULATING SILVER CROSS  
HOSPITAL

HON. ADAM KINZINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. KINZINGER of Illinois. Mr. Speaker, today I rise to congratulate Silver Cross Hospital, which is located in my district, for expanding its facilities to New Lenox, IL. In this new facility, the wonderful caregivers of Silver Cross will be better able to serve the many residents of Will County. Each and every day, healthcare professionals across the country provide life saving and sustaining help to those most in need. The professionals at Silver Cross exemplify the best qualities we have come to expect from our healthcare professionals. Their distinguished history provides a tremendous example for others to follow.

I would like to highlight just a couple of their accolades as they continue construction of their new state-of-the-art 289-bed hospital. First, Silver Cross Hospital has been named a

100 Top Hospital Award recipient for seven consecutive years by Thomson Reuters Healthcare, a leading provider of information and solutions to improve the quality and cost of healthcare. Only four hospitals in the nation have won the award for the last seven consecutive years. Secondly, new programs including an enhanced partnership with Children's Memorial Hospital, Rehabilitation Institute of Chicago and University of Chicago Medical Center will bring new services to patients and improve the health of the community.

It is a true pleasure to represent Silver Cross Hospital. This new facility will allow the Silver Cross family to better fulfill their vision, which is "We, the Silver Cross Family, are committed to our culture of excellence, and will deliver an unrivaled healthcare experience for our patients, their families and the community."

#### RECOGNIZING THE SERVICE OF JOHN SULLIVAN

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize John Sullivan on his retirement after 40 years in public service, including 38 with the Social Security Administration.

John Sullivan began his career in public service in 1972 when he joined NASA as a Budget Specialist. Two years later, Mr. Sullivan transferred to the Social Security Administration, where he would spend the next 38 years. Mr. Sullivan started in the Social Security Administration as Mail Clerk, quickly rising through the ranks to positions including Claims Representative, Quality Review Specialist, Supervisory Resident Representative, Branch Manager, Project Manager, and District Manager.

Mr. Sullivan is an assiduous worker, and his professionalism, dedication, outstanding initiative and resourcefulness have been recognized on multiple occasions. He has been awarded more than 30 performance awards, including the Social Security Administration Regional Commissioners Citation, the Social Security Commissioner's Team Award and Biltmore's Who's Who of American Empowering Executives and Professionals.

In addition to his tireless work with the Social Security Administration, Mr. Sullivan is actively involved in his Church and local community. He has served on the St. Anne's Catholic Church Parish Council, as well as its Finance Council. Mr. Sullivan has also volunteered for more than 25 years with the Boy Scouts of America, where he is currently the Vice President of Programs Gulf Coast Council, and numerous scouts in his troop, including three of his sons, have gone on to become Eagle Scouts.

Mr. Speaker, on behalf of the United States Congress it is my honor to recognize Mr. John Sullivan for his dedicated career as a public servant and thank him for his service to Northwest Florida. My wife Vicki and I wish Mr. Sullivan, his wife Jennie, and his sons—Richard,

John, Matthew, Michael and Taylor—all the best.

#### PERSONAL EXPLANATION

**HON. BRETT GUTHRIE**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. GUTHRIE. Mr. Speaker, due to the death of a close friend, I was absent from the House on Thursday, December 15th and Friday, December 16th. Had I been present, I would have recorded the following votes:

Rollcall 933—aye;  
Rollcall 934—aye;  
Rollcall 935—aye;  
Rollcall 936—aye;  
Rollcall 937—aye;  
Rollcall 938—aye;  
Rollcall 939—aye;  
Rollcall 940—aye;  
Rollcall 941—aye;  
Rollcall 942—aye;  
Rollcall 943—no.

#### PERSONAL EXPLANATION

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. ANDREWS. Mr. Speaker, due to a personal family matter on December 15, 2011, I was absent from votes. As such, I am submitting these remarks to indicate how I would have voted if I were here: I would have voted No on the Journal Vote, and Yes on H.R. 886, H.R. 2719, and H.R. 443.

#### RECOGNIZING THE WEST SPRINGFIELD DANCE TEAM ON THEIR TREMENDOUS ACCOMPLISHMENTS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the West Springfield Dance Team for their incredible run on the nationally televised show, "America's Got Talent". The West Springfield Dance Team progressed to the semi-finals with their professional grade choreography, distinct style, and superb dancing talents.

Under the tutelage of their coaches, renowned choreographers Tara Perez and Jason King, and with the full support of the West Springfield High School community, including principal Mark Greenfelder and Director of Student Activities Andy Muir, the West Springfield Dance Team has received numerous awards and recognitions including back-to-back Championship titles from the National Dance Alliance, including the "Innovative Choreography" and "Best in Category" awards. West Springfield Dance Team has distin-

guished itself as the dominant team in local and national competitive dance, and it is now a national celebrity for its run on "America's Got Talent" and a recent appearance on "The View" Halloween episode.

Their eye-popping performances were a delight to watch, and these young people served as tremendous ambassadors not only on behalf of their dance team, but also their school, their families and our community. They and their families should be proud of these accomplishments. I know we are, and I want to congratulate the following members of the West Springfield Dance Team for their many successes in the area of competitive dance, their achievements on "America's Got Talent", and recent appearance on "The View":

WS Dance Team 2010–2011 (performers on "America's Got Talent"): Chelsea Kopf and Julian Asuncion

WS Dance Team 2010–2011 and 2011–2012 (performers on "America's Got Talent", and "The View"): Emily Barnes, Dori Shapiro, Katie Lee, Riley O'Rourke, Nicole Mobley, Breezy Thompson, Sarah Thompson, Kristen Toler, Natalie Wawrzeniak, Jordan Penrod, Hannah Ernst, Jordan Dey, Nicky Ditnoy, and May Ditnoy

WS Dance Team 2011–2012 (performers on "The View"): Ellen Abood, Madeline Diez, Victoria Diez, Brianna Burns, Lauren Rader, Danny Lora, and Collin Hensley

Mr. Speaker, I ask that my colleagues join me in congratulating the West Springfield Dance Team on their many accomplishments and awards and for making it into the semi-finals of "America's Got Talent." I thank the team's coaches, Tara Perez and Jason King, Principal Mark Greenfelder, Director of Student Activities Andy Muir, and the entire West Springfield High School community for their robust support of these exceptional students.

#### TRIBUTE TO U.S. HOUSE SERGEANT AT ARMS WILSON "BILL" LIVINGOOD

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. BONNER. Mr. Speaker, I rise to pay tribute to a man who may not be a household name in most American towns and cities but who, over the past two decades, has become an integral part of the U.S. House of Representatives, the Honorable Wilson "Bill" Livingood, our outstanding Sergeant at Arms, who will be retiring next month.

Known around the Capitol as the "protector" and "keeper of the House," Bill Livingood has etched his name in the history books for serving the third longest term as Sergeant at Arms of the U.S. House of Representatives. To most Americans, he is the man—and the voice—who for 15 seconds every year announces at the beginning of the annual State of the Union address, "Mr. Speaker, The President of the United States."

Bill was first sworn in as House Sergeant at Arms by Speaker Newt Gingrich on January 4, 1995. He is only the thirty-sixth person to hold this post since the House of Representatives first met in New York City in 1789.

Bill Livingood's remarkable record of public service is even more noteworthy because of the unique experience he brought to the position. He was the first House Sergeant at Arms to possess considerable expertise in law enforcement, an asset that has served the House well during his tenure.

Prior to his appointment, he was Senior Advisor to the Director of the U.S. Secret Service from 1989 to 1995, and a Special Agent with the Secret Service for a total of 33 years. His background includes service on then-Vice President Lyndon Johnson's security detail, as well as spending more than a decade aboard Air Force One.

As an elected officer of the House of Representatives, the Sergeant at Arms is the chief law enforcement and protocol officer of the body, and is responsible for maintaining order on the House side of the United States Capitol complex.

The Sergeant at Arms reviews and implements all issues relating to the safety and security of Members of Congress and the Capitol complex. The Sergeant at Arms also coordinates extensively with the U.S. Capitol Police and various intelligence agencies to assess threats against Members of Congress and the Capitol complex.

Every visitor to the U.S. Capitol, whether it be the President of the United States, a foreign head of state or one of our youngest citizens, can roam safely around the vast Capitol complex because of Bill Livingood's professionalism, his dedication to duty and his considerable experience.

When this most recent chapter of American history is written, it will be noted that Bill served the House during some of the most challenging times in its history, including the 1998 shootings of two U.S. Capitol Police officers, the 9/11 attacks on our country, as well as the anthrax threats to Congress that came in the wake of the 2001 terror attacks. Make no mistake, House security has undergone significant improvements over the last decade and Bill Livingood's contributions are evident in what is, today, a much safer environment for lawmakers, staff and the public here on Capitol Hill.

As an added tribute to his good stewardship of this important job, Bill served under four speakers, both Democrat and Republican, starting with Speaker Gingrich, then Speaker Dennis Hastert, Speaker NANCY PELOSI and our current Speaker, JOHN BOEHNER. He and his office have been completely above reproach and non-partisan. To say that Bill Livingood is a consummate professional with a sterling reputation for honesty, integrity and class would be a fair way of describing the respect every Member of this House has for Bill.

Mr. Speaker, we are all indebted to Bill Livingood's stewardship and watchful eye over this historic chamber. As he prepares to leave the House in the coming weeks, I join my colleagues and the American people in offering him a hearty "job well done" and wish him all the best in his well-deserved retirement.

## HONORING THE HILLSBOROUGH COUNTY SHERIFF'S OFFICE FOR ITS TRIBUTE TO OUR FALLEN HEROES

**HON. GUS M. BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Hillsborough County Sheriff David Gee for his efforts to honor fallen military heroes from the Tampa Bay area. At the direction of Sheriff Gee, the Hillsborough County Sheriff's Office has instituted a program to conduct honor escorts for every fallen hero from Tampa Bay who returns to Hillsborough County. To date, Sheriff Gee and the Hillsborough County Sheriffs have conducted 12 honor escorts for fallen heroes since the escorts were implemented in 2009. While that is 12 honor escorts too many, I am proud to represent a community with an institution as respectful and dignified as the Hillsborough County Sheriff's Office.

At the direction of Sheriff Gee, and with the permission of the fallen hero's family, any fallen hero that arrives in Hillsborough County is escorted to any destination. These escorts involve multiple motorcycle deputies, patrol cruisers, and other Sheriff's vehicles, including members of the Sheriff's aviation unit, as the hearse and the family's vehicles are led through the county. Each family is given a copy of a DVD and photo album commemorating the escort to help them heal, remember, and recall that their loved one was a real American hero.

Many of us recall the unfortunate response that many of our veterans received upon their return from Vietnam. One of the great lessons of that tragedy was to always remember the sacrifices of the service member. As Vice-Chairman of the House Committee on Veterans' Affairs, I constantly find myself in awe of the sacrifices and efforts that have been made on behalf of our great country by the men and women who have worn the uniform of our Armed Services. Regardless of the politics of the conflicts that our country has engaged in over the course of the last decade, I am proud of and appreciative of the efforts that Sheriff Gee and the Hillsborough County Sheriff's Office have taken to honor and respect our fallen heroes. Mr. Speaker, I salute the efforts of not only our brave men and women in uniform, but also that of Sheriff Gee and the Hillsborough County Sheriffs to honor their brothers and sisters in arms and to protect the safety and security of the citizens of Hillsborough County.

IN RECOGNITION OF MR. PIERRE BEJJANI

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Pierre Bejjani, the president of the Northeast Ohio Lebanese American Asso-

ciation, NOLAA, as he is honored by the American Nationalities Movement.

Mr. Bejjani was born in Lebanon and immigrated to Cleveland, Ohio 1981. He attended The Ohio State University where he earned a degree in civil engineering. He returned to Cleveland after graduating and began working as a construction manager. Mr. Bejjani started his own business in 1991. Today, he serves as the managing director/executive editor of Profile News Ohio and is the senior partner for Diversity Advertising Agency.

Mr. Bejjani has served the Cleveland community since the mid-1990s. He organized the first Annual Lebanon Day on November 22, 2011. He currently serves as the president NOLAA and vice president of the Cleveland American Middle East Organization. He is also on the boards of Worldwide Intercultural Network of Cleveland, Global Cleveland Initiative and the Recruiting Battalion of Northern Ohio.

As a result of his dedication to the community, Mr. Bejjani has been received numerous awards. He received NOLAA's Community Recognition Award in 2009. In 2010 he was the recipient of the Census 2010 Partnership Award. Mr. Bejjani was also recognized for his work on the U.S. Army Strength in Diversity Program in April, 2011.

Mr. Speaker and colleagues, please join me in recognizing the life and achievements of Mr. Pierre Bejjani and congratulating him on being this year's American Nationalities Movement's honoree.

## THE 50TH ANNIVERSARY OF RICK CASE AUTOMOTIVE

**HON. ALLEN B. WEST**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. WEST. Mr. Speaker, I rise today to recognize my friend and constituent, Rick Case, who will be celebrating the 50th Anniversary of Rick Case automotive in early 2012.

Rick discovered his true passion at an early age, selling used cars in high school from the front yard of his family home in Akron, Ohio. In 1962, he opened his first dealership, Moxie Motors, in Akron, followed by Sharp Used Cars in Barberton, Ohio in 1963.

Rick Case is as excited today about his business as he was 50 years ago and aggressively seeks opportunities to grow the Rick Case Auto Group which currently encompasses 15 dealerships in Ohio, Georgia and Florida and employs more than 900 people.

Recognized as leaders in the auto industry, Rick and Rita Case have received numerous awards; including National Dealers of the Year by USA Today, Time and Sports Illustrated magazines, the American International Automobile Dealers Association and the National Automobile Dealer Association. Most recently Rick and Rita Case were the 2011 recipients of the Ernst & Young Entrepreneur Of The Year Award. Additionally, in 2012, they also became the first couple to ever win the American International Automobile Dealers Association David F. Mungenast National Lifetime Achievement Award.

Beyond running a successful business, Rick and Rita Case founded the Rick Case "Bikes

for Kids" program in 1962 and have collected and donated more than 100-thousand bicycles to children in need in their community.

As Rick celebrates this incredible milestone, I am proud to support him here on the floor of the House of Representatives, and am honored to call him a friend.

#### POVERTY AND THE HALF IN TEN CAMPAIGN

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Ms. SCHAKOWSKY. Mr. Speaker, at this holiday season, it is proper for us to pause and consider the major threat that poverty poses to our nation, and how the path we take to address that challenge will determine whether we succeed in improving America's long-term social, economic, and moral well-being.

Income inequality has risen sharply over the past 30 years. Since 1979, the gap in after-tax income between the wealthiest one percent and middle- and low-income quintiles has more than tripled. Adjusted gross income for working-class families has seen the least growth, and the economic collapse of 2008 put many out of work.

Last year, 49 million Americans—including almost 17 million children—lived in poverty. One in four children in America is considered "food insecure," sometimes going to bed hungry. That number is unconscionable. But poverty is not just a statistic—it impacts our families, neighbors, and communities in many ways.

Shirley G. is a Social Security beneficiary in Harwood Heights, Illinois, who suffers from severe asthma, diabetes, high cholesterol and high blood pressure. On September 1, she learned that due to state budget shortfalls, she would have to pay out-of-pocket for her medications. Shirley elected to pay her basic health insurance, rent, gas, electric and telephone bills and NOT buy food. She signed up for a "meals on wheels" program to provide her with one meal per day and relies on a local food pantry for her remaining food needs. She was also forced to ration her medication. The unpredictability of food and medicine has wreaked havoc on her health and she cannot stabilize her asthma or diabetes.

Jack K. worked for decades as a taxi cab driver, but retired with very little wealth. He now lives in subsidized housing and depends on soup kitchens and food pantries to stave off hunger.

Yesterday I met with two outstanding young people—Starnica Rodgers and Brandon Dunlap—who have struggled with homelessness their whole lives. During high school, both were what is called "unaccompanied homeless youth," meaning they were underage and without a home.

Against those odds, both Starnica and Brandon are now thriving. Starnica is enrolled in college and is an expectant mother. Brandon is a college graduate with a good job and a bright future. Both are incredible success stories, but they are the exception to the rule—

particularly in today's economy. More common are the homeless to whom I passed out sandwiches on a recent cold Chicago night, working with the Night Ministry.

Too many Americans born in poverty don't have the tools to escape it. And too many formerly middle-class Americans are falling into poverty. We must promote and protect affordable housing, nutrition assistance, good schools, and other services to enable everyone to have a chance at the American Dream.

We have a responsibility to reduce poverty so that no one has to make the choice between medication and heat, and so that every child has a place to call home and food to eat. We owe it to our constituents and our country to buffer existing social safety net programs so that Shirley, Jack, Starnica and Brandon can keep a roof over their heads and put food in their stomachs.

I am troubled with the vitriol that many public figures have directed at those struggling with poverty and at the programs that give them a chance to thrive. This is a time when all Americans need to help one another succeed.

The Half in Ten Campaign has set an ambitious but achievable goal of cutting poverty in half in ten years. I am an original cosponsor of Congresswoman BARBARA LEE's Half in Ten Act, which would strengthen anti-poverty initiatives by creating a national plan to meet the goal of reducing poverty by 50 percent, eliminating extreme poverty, and eliminating child poverty over the next decade.

This task will be difficult. It will require an honest assessment of the successes and failures of our social safety net programs, and make recommendations on how to improve the effectiveness of those programs. It will also seek solutions to the causes of poverty; income inequality, economic instability, lack of living wages, and lack of investment in low-income communities.

Poverty touches every community in America, and we should be able to formulate a robust, bipartisan solution to the crisis. I thank Congresswoman LEE for her leadership on this issue, and I urge my colleagues to come together in support of the Half in Ten Act.

#### IN RECOGNITION OF DR. WILLIAM MOBLEY

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. SESSIONS. Mr. Speaker, I rise to recognize Dr. William C. Mobley, Distinguished Professor and Chair of the Department of Neurosciences at the University of California San Diego. On December 8th, Dr. Mobley was awarded the International Sisley-Jerome Lejeune Prize, in Paris, France, for his therapeutic research on Genetic Intellectual Disabilities.

Dr. Mobley's many contributions in the field of Down Syndrome have been truly valued in the special needs community. His research to identify causes of neurodegenerative disorders has brought new optimism to those afflicted with diseases from Alzheimer's to Down Syndrome.

As the parent of a child with Down Syndrome, I understand first-hand the daily challenges that families are facing. We are the beneficiaries of Dr. Mobley's important research and future generations will be enabled as a result.

Dr. Mobley has used his expertise to serve this Congress. As the expert advisor for the Congressional Down Syndrome Caucus, Dr. Mobley has educated Members of Congress on this important issue, raising public awareness while advancing critical research.

This award is a well deserved recognition of his life's work to eradicate debilitating neurological diseases and disorders. I applaud Dr. Mobley on his outstanding commitment to this vital research and look forward to a continuing partnership.

Mr. Speaker, I know my colleagues will join me in congratulating Dr. Mobley. Because of his efforts, I know that those with Down Syndrome, and their families, will see easier days ahead. With Dr. Mobley's work, we will one day see a world free of these devastating neurological disorders.

#### TRIBUTE TO JANICE "TEKO" WISEMAN

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. BONNER. Mr. Speaker, I rise to offer this tribute to Janice "Teko" Wiseman, a native of Mobile, AL, who recently passed away at the age of 83. She spent her life in active service to her community and her family.

Married for 62 years, Teko and her husband, Dr. Hollis Wiseman, originally met as high school sweethearts.

During the 1960's—a decade of turmoil in Alabama—Teko and Hollis set an example of courage and commitment to justice and the city they loved by founding ABLE (Alabamians Behind Local Education), an organization to help peacefully integrate the Mobile County schools. Although opposed by some political leaders at the time, the Wisemans stood fast and eventually saw their goals realized. Their efforts received international attention on a Voice of America broadcast.

In 1983, Teko helped found Keep Mobile Beautiful and worked as its coordinator for ten years. Her energy and creativity resulted in a beautification competition called No More Eyesore, which engaged residents from schoolchildren to bank presidents to clean up and beautify the ugliest eyesores around town. Other projects included planting the intersection of I-65 and I-10 and landscaping the entrance to Bankhead Tunnel. Her impact on the city is visible to this day.

When they retired twenty years ago, Teko and Hollis moved to Fairhope, Alabama. There, Hollis, who had built the University of South Alabama Neonatal Intensive Care Unit named in his honor, became president of the Fairhope Library Board and spearheaded the drive to raise approximately seven million dollars to build the current state of the art library.

Meanwhile, Teko Wiseman turned her attention to the lack of sidewalks along the Bay and



conceived a project to building a hike/bike trail beginning at the Battleship on the Causeway and extending along the Eastern Shore to Weeks Bay. The organization she founded in 1995 to realize this dream, the Eastern Shore Trailblazers, has raised over \$6.5 million through private donations and grants. The 32 mile trail is only two miles short of completion.

Mr. Speaker, Teko was a treasure to South Alabama and her loss is one that is shared by our entire community.

I offer my heartfelt condolences to her husband, Hollis; her sister, Merrellyn Miller; their six children, Holly Wiseman, Merrell Wiseman, Valery De Laney, Carole Norden, Jay Wiseman, and David Wiseman; and their six grandchildren and many friends. You are all in our thoughts and prayers.

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IN RECOGNITION OF MR. DAVID  
DAWSON

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**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mr. David Dawson as he retires after 40 years of service at the Legal Aid Society of Cleveland.

Legal Aid Society of Cleveland is a law firm for low-income individuals and provides services in the areas of consumer rights, domestic violence, education, employment, family law, health, housing, foreclosure, immigration, public benefits, utilities and tax. It was founded as a nonprofit in 1905 and until 1966 operated primarily with volunteers. In 1966, staff attorneys were hired and today there are 53 attorneys, 40 staff members and more than 1800 volunteers that serve Cleveland's low-income individuals. Legal Aid's mission is to secure justice and resolve fundamental problems for those who are low income and otherwise vulnerable by providing high quality legal services and working for systemic solutions.

Mr. Dawson attended Kenyon College where he received a degree in English in 1964. He earned his Juris Doctor in 1971 from Vanderbilt University. He bravely served with the United States Navy between 1964 and 1967. He began working at the Legal Aid Society of Cleveland in 1971 as a staff attorney in the Hough Neighborhood Office. Throughout the past 40 years Mr. Dawson has also served as an Attorney in Charge, the Civil Director, and today serves as the Deputy Director for the Main Office and Interim Managing Attorney for the Lorain County Office.

Because of his dedication to serving the people of Cleveland and vast expertise in poverty law, Mr. Dawson was honored by the Ohio Legal Assistance Foundation in 2010.

Mr. Speaker and colleagues, please join me in congratulating Mr. David Dawson as he retires after 40 years of dedicated service to the Legal Aid Society of Cleveland.

HONORING ARMY SPECIALIST  
CHRISTOPHER KURTZ

**HON. STEVE STIVERS**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. STIVERS. Mr. Speaker, I rise today to honor a true American hero, Army Specialist Christopher Kurtz of the 1st Platoon, Apache Troop, 1st Squadron, 75th Cavalry Regiment, 2nd Brigade Combat Team of the 101st Airborne Division. This month marks the one year anniversary of an IED blast that nearly took his life and left him without his legs and took from him part of his hand.

As a Lieutenant Colonel in the Ohio Army National Guard, I have had the honor and privilege of witnessing firsthand the heroism, selflessness, and dedication of those who serve in our military. We enjoy unparalleled freedom and opportunity in this country, because brave Americans like Christopher Kurtz have dedicated their entire lives to building and preserving the United States as the greatest nation on earth. I truly am grateful for this opportunity to pay tribute to Christopher Kurtz.

Mr. Speaker, I ask that this poem penned in his honor by Albert Caswell be placed in the CONGRESSIONAL RECORD.

In . . .  
All In That Fight!  
Are but all of those courageous brave hearts,  
who must bring their light!  
Whose most magnificent hearts, must somehow reach upward but to the greatest heights!  
Who are all Airborne, with but their fine hearts so worn . . .  
Who so courageously must ignite!  
While, moving all out there into that darkness of war. . . .  
Armed, but only with their most courageous of all lights to victory to insure!  
To So Find That Courage . . . To So Find That Faith. . . .  
All in how their fine hearts have so behaved. . . .  
All with such Strength In Honor, so all in place. . . .  
To so win that battle, to so win that fight!  
As from out of such darkness, they so bring their light!  
While, one and all are so willing to face!  
That Face of Death!  
And not so ask why, while there all of their fine hearts so crest!  
Armed but with only your saw gun in hand, as Chris you so heroically went out ahead. . . .  
As was heard your most courageous battle cry, all in your stead!  
As from out of such darkness as said!  
As from out of all of your heartache, as your great heart so led. . . .  
With such courage and faith, all in this your most amazing grace. . . .  
Excepting this fight!  
Because, from hearts of courage full like yours,  
America's Sons over darkness have so shown their might!  
Because with only such fine men as you Christopher, will we so win that fight!  
As on that day, when you so walked through that valley death. . . .  
Armed with but only your courage as so left, as with your Brothers In Arms as you had all so pledged!

When, a bomb almost left you for dead!  
While, lying there all between life and death!  
As you had so died several times, as when you said the Lord came to you and so said!

So said, "don't give up, I have more work for you to do!"

As from that moment on, you began your new fight as onward you so moved!

So on that next morning as you so awoke, so close to death. . . .

As in that moment, your fine heart so spoke. . . .

So spoke to you about all what you had so left!

As into the future, with all of your courage our nation would so bless!

As you had lost your two strong legs, and part of your hand. . . .

But, somehow your great heart still found the strength to stand!

As we so watched you Chris, so watched you grow. . . .

As you so came back from the dead, and all of that pain and woe!

As what a fine work of art, your life to our world would show!

To So Teach Us All! To So Beseech Us All!

As it was you who so led!

To take us to higher places, with tears upon our faces. . . . with but your heart so pledged!

To places where only hearts of courage, have so sped!

For you will walk again my son, and you will so run!

As you rebuild your life, America's most brilliant of all sons!

For from what you've lost. . . . far much more you've gained!

But, with your iron will, the price you paid. . . .

With your beautiful children and wonderful wife!

Oh yes you are now so winning that fight!

For heroes like you are put upon this earth, to so teach us all what so comes first!

And if ever I have a son, I wish he could but be as brilliant as you this one!

Who All In The Fight, so did what must be done!

And led with his heart of honor, upon battlefields so on!

And came back home, through all of this pain and heartache. . . . as Thy Will Be Done!

Who has taught us even greater things, showing us all to what new heights hearts can run!

And one day for all of your sacrifice, you will shine. . . . all up in Heaven's sun!

For up in Heaven, you need not arms or legs!

And that's where Christopher you are going one day!

All for what you gave! And what you've done!

But your life here on earth, is not finished! Is not so done, because our Lord has more work for you my son!

All In That Fight!

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IN RECOGNITION OF THE PHOEBUS  
HIGH SCHOOL FOOTBALL TEAM

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**HON. ROBERT C. "BOBBY" SCOTT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. SCOTT of Virginia. Mr. Speaker, I am honored to rise, on behalf of Congressman ROB WITTMAN, Congressman SCOTT RIGELL,



and myself, to call attention to a group of young students from Hampton, Virginia, who have, for the fourth year in a row, distinguished themselves, their school, their community and the Commonwealth of Virginia.

The Phoebus High School Phantoms football team had a remarkable season. On December 10, Coach Stan Sexton and the Phantoms won their fourth consecutive Virginia state football championship, defeating South County High School of Lorton 20–10 at Scott Stadium in Charlottesville, Virginia.

After overcoming injuries to finish 8–2, Phoebus High entered the postseason tournament as the number three seed. Led by Coach Stan Sexton, after a series of close games, including a come from behind fourth quarter win in the regional semifinals, and a 27–26 win in the state semifinals, Phoebus High entered the state championship game.

To cap what Coach Sexton could only call “an unusual season,” Phoebus High turned to their defense to bring home a championship. The Phantoms forced five turnovers over the course of the game on their way to a 20–10 win, and another state championship. The Phantom’s excellence in football is characteristic of the quality of athletics on the Lower Peninsula area of Virginia. Phoebus High School’s championship this year marked the 13th time in the last fifteen years that a Peninsula District team has won a state title in football.

Although very accomplished in football, Phoebus High’s legacy of excellence is not limited to the field of athletics. Under the Direction of Principal Robert Johnson, the Phoebus faculty seeks to inspire all students to strive for excellence and achievement in the classroom, in their extracurricular activities and in their communities.

Phoebus has two innovative programs aimed at expanding the learning experience outside of the traditional classroom. One of them involves courses that prepare students for careers in technology. As host of the Hampton School Division’s Information Design and Engineering Academy (IDEA), Phoebus offers magnet career classes in pre-engineering, design and information technology, and media technology and design. These courses provide the students a foundation to prepare for college classes and jobs in the technology sector. Phoebus is also home to the Blue Phantom Inn, a student-run restaurant that gives students an opportunity to develop their culinary arts skills. The restaurant program was nationally recognized in Southern Living magazine.

So we would like to extend our enthusiastic congratulations to Coach Stan Sexton, his coaching staff, the players on the Phoebus High School Phantoms and to all of Phoebus High School students, families, friends and fans, for their continued dedication to excellence in winning the Group AAA Division 5 Virginia High School League state football champions of 2011.

## ENDING AMERICA’S WAR IN IRAQ

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Ms. MCCOLLUM. Mr. Speaker, President Obama deserves tremendous credit for ending America’s war in Iraq, honoring his commitment to bring all U.S. troops home by the end of 2011. As commander-in-chief he has always set the appropriate course of action in Iraq while always honoring the service and sacrifice of our troops and our military families.

The Iraq War has been a tragedy for far too many American and Iraqi families. The human costs of this war—in deaths, suffering, and permanent loss—cannot be calculated. U.S. troops served and fought with a profound sense of duty to our country. For this, all Americans should be grateful. The family members and loved ones of our brave troops also endured tremendous sacrifices that can never be repaid. Those selfless Americans who sacrificed their lives and bodies in service to our country, must always be remembered and Congress must always fulfill the promises it has made to our veterans and their families.

At home we cannot ignore the war’s other costs. The Iraq War directly added \$800 billion to the nation’s debt—a bill that will be paid by our children and grandchildren. Meeting the long-term health care needs of Iraq war veterans will require hundreds of billions more for decades to come and that’s an obligation Congress must never balk at paying.

Over the past nine years, my opposition to this war has been well known. Iraq was a war of political choice, not strategic necessity. While Iraq is no longer ruled by a dictator, the human price the Iraqi people paid in death, destruction, violence, and misery casts a very dark shadow over their country’s future.

In the final analysis, America’s war in Iraq was a strategic and human tragedy that must never be repeated. Now, as armchair generals in their disgraced neo-conservative pinstripes plot a new misadventure, this time with Iran, the American people must not be deceived, not be driven by fear, and not yield to another expensive and painful war of choice.

Mr. Speaker, I request the attached New York Times editorial regarding the end of America’s war in Iraq entitled “A Formal End” be included.

[From the New York Times, Dec. 15, 2011]

### A FORMAL END

It is a relief that the American role in the misguided Iraq war is finally over. It came to an official close on Thursday with an appropriately subdued ceremony in Baghdad. We mourn the nearly 4,500 American troops and tens of thousands of Iraqis who lost their lives.

After so much pain and sacrifice, Iraqis now have the responsibility for making their own better future. The fighting is not over, and success is still a long shot. The United States has a major role to play: encouraging, supporting and goading Iraq’s leaders to make the long-delayed political compromises that are their only hope for building a stable democracy.

The fact that Saddam Hussein is gone is a genuine cause for celebration. But the list of

errors and horrors in this war is inexcusably long, starting with a rush to invasion based on manipulated intelligence.

The Bush administration had no plan for governing the country once Saddam was deposed. The Iraqi economy still bears the scars from the first frenzied days of looting. The decision to disband the Sunni-dominated Iraqi Army helped unleash five years of sectarian strife that has not fully abated. Iraq’s political system remains deeply riven by ethnic and religious differences.

America’s reputation has yet to fully recover from the horrors of Abu Ghraib. The country is still paying a huge price for President George W. Bush’s decision to short-change the war in Afghanistan. American policy makers, for generations to come, must study these mistakes carefully and ensure that they are not repeated.

As for Iraq today, the authoritarian tendencies of Prime Minister Nuri Kamal al-Maliki are deeply troubling. A member of the Shiite majority that was badly persecuted under Saddam, he has been far more interested in payback than inclusion.

Washington has pushed him over the years—but, often, not hard enough.

The Baghdad government promised jobs to 100,000 members of the Sunni Awakening movement—insurgents whose decision to switch sides helped end the civil war—but only half that have been hired. Parliament still needs to enact a law, called for in the Constitution, that would provide a legal basis for determining who should be prosecuted for supporting Saddam’s Baath Party or other extremist ideologies. Iraq’s leaders have many more issues to resolve. Incredibly, they have still not decided how to divide the country’s oil wealth. There is no agreement on who will control the oil-rich city of Kirkuk, which is claimed by both Baghdad and the semiautonomous Kurdish regional government.

Iraq’s oil production still has not rebounded, and basic services like electricity are still woefully inadequate. Iraq needs an impartial justice system. Washington has pressed Baghdad for years to end corruption and build a representative government. It will need to keep pressing.

After investing billions of dollars, the United States has had more success rebuilding Iraq’s security forces. But Iraqi and American commanders say these forces are not ready to fully protect the country against insurgents or potentially hostile neighbors. There are critical weaknesses in intelligence, air defenses, artillery and logistics.

The Obama administration was unable to reach a new defense agreement with Baghdad that would have allowed several thousand American troops to stay behind as backup. We hope that the Iraqi Army will do better than expected. The administration must be prepared to offer limited help if the army does get into serious trouble.

President Obama, who first ran for office campaigning against the war, has never wavered on his promise to bring the troops home. The last few thousand will be out of Iraq by year’s end. We celebrate their return. But this country must never forget the intolerable costs of a war started on arrogance and lies.

RECOGNIZING CROSSROADS INDUSTRIAL SERVICES, BOSMA INDUSTRIES AND THE ABILITYONE PROGRAM

**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. CARSON of Indiana. Mr. Speaker, today I rise to recognize two organizations in Indianapolis, Crossroads Industrial Services and Bosma Enterprises. Both of these organizations are a part of the AbilityOne Program, which has helped more than 47,000 Americans who are blind or who have significant disabilities gain skills and training that ultimately led to gainful employment.

Together, these organizations employ 189 people in Indianapolis, jobs made possible by the AbilityOne Program. This critical program harnesses the purchasing power of the federal government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. It affords Americans with disabilities the opportunity to acquire job skills and training, receive good wages and benefits, and gain greater independence and quality of life.

This segment of the population has suffered from significant unemployment. Federal opportunities through the AbilityOne Program have played an important role in bringing people with disabilities into the workforce. For example, one of Bosma Enterprises' employees Kevin Mossberger exemplifies how training and the AbilityOne Program can make a real difference in the life of someone. Kevin, who is in his early twenties obtained a degree in Business Management, but because of a genetic eye disease called Retinitis Pigmentosa was unable to find work in his small, southern Indiana hometown.

His parents suggested he go to Bosma Enterprises' Rehabilitation Center to receive additional training to live independently and to help find employment. He did so and is now employed at Bosma Enterprises. Kevin says that the instruction he received taught him "to live on his own and to have a whole new outlook."

Kevin is not alone, earlier this year I was able to visit Crossroads Industrial Services and see firsthand the impact of the AbilityOne Program on not only its employees, but also the impact it has on our men and women in uniform. Crossroads employees are responsible for producing items that our service members rely on, like ballistic helmet pad sets, combat identification panels, and rocket launcher spare parts. It is with these important contributions that Crossroads, like Bosma, exemplifies the quality of work and determination to enhance the lives of disabled Americans that make the AbilityOne Program so invaluable.

Mr. Speaker, it is with great pleasure that I extend my support to the AbilityOne Program. I also want to commend the dedication and commitment to Jim Vento of Easter Seals Crossroads, Lou Moneymaker of Bosma Industries, and their staffs, for helping individuals who are blind or have a significant dis-

ability find employment. The impact of their work and that of each AbilityOne employee has an undeniably positive impact on our community.

IN RECOGNITION OF REVEREND  
MARVIN McMICKLE, PH.D.

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Reverend Marvin McMickle and congratulate him on his retirement after twenty-four years of service as the pastor of Antioch Baptist Church in Cleveland, Ohio. Rev. McMickle will become the president at Colgate Rochester Crozer Divinity School.

Rev. McMickle was born in 1948 in Chicago, Illinois. He was ordained as a reverend in New York City in 1973. Rev. McMickle served as the pastor of St. Paul Baptist Church in Montclair, New Jersey and as the associate pastor for the Abyssinian Baptist Church in New York City prior to becoming the pastor of Antioch Baptist Church in Cleveland, Ohio in 1987.

In addition to being a staple in Cleveland's spiritual community, Rev. McMickle is also a major influence in academia and politics. He earned his undergraduate degree from Aurora College, a Master of Divinity degree from Union Theological Seminary, a Doctor of Ministry degree from Princeton Theological Seminary and a doctorate in philosophy from Case Western Reserve University. Over the years, Rev. McMickle has taught at several colleges and universities including Ashland Theological Seminary, Case Western Reserve University, Cleveland State University, Fordham, Princeton and spent a semester as a visiting professor at Yale University.

Rev. McMickle has served as president of Shaker Heights School Board and Montclair Branch of the National Association for the Advancement of Colored People (NAACP). He has also served on the boards of Greater Cleveland Roundtable, United Pastors in Mission, Urban League of Greater Cleveland, Gateway Economic Development Committee and United Way Services of Greater Cleveland.

Mr. Speaker and colleagues, please join me in thanking Rev. Marvin McMickle for more than two decades of leadership and service to the congregation of Antioch Baptist Church and residents of Cleveland. I wish him luck in his new position.

INTRODUCING WHITE HOUSE CONFERENCE ON HAITI ACT OF 2011

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the White House Conference on Haiti Act of 2011. This important piece of legislation would call on the President

of the United States to convene a White House Conference on Haiti within the next calendar year.

As we are all well aware, in January of last year, a 7.0 magnitude earthquake rocked the already struggling nation of Haiti. Approximately three million people were affected and 230,000 are estimated to have died. Those who survived continue to face unimaginable conditions with a crumbling infrastructure and recurring Cholera outbreaks.

If there is a silver lining to this unimaginable tragedy, it is that out of this, the Haitian people have been given the incredible opportunity to right the wrongs of the past and rebuild their nation stronger than ever before. Millions of dollars in aid have flooded into the country and thousands of aid organizations are committed to building a sustainable recovery.

Immediately following the earthquake, we all witnessed countless foreign governments and aid organizations pledging to stand with Haiti, and I have been inspired by the countless individuals throughout the globe who have donated their talents and services to the recovery and the many more who are eager to help, but simply don't know how.

We cannot let this opportunity go to waste. However, with the possibility to do good comes the very real possibility of waste, duplication, and inefficiencies in the rebuilding and recovery process.

Under this bill, the major stakeholders in the rebuilding, along with other interested parties, will come together to share their knowledge and best practices and identify gaps in the recovery process. It is my hope that out of this Conference, opportunities for collaboration and coordination in projects big and small will emerge.

The Conference will also highlight innovative ideas for rebuilding and redevelopment in Haiti. From inexpensive hurricane and earthquake proof housing and green building techniques to sustainable economic practices and urban development. There are countless companies and individuals who have developed groundbreaking concepts in response to this tragedy, but they have yet to be connected with those who can put these ideas into practices or with others pursuing similar goals who may be able to improve upon their initiatives. Innovation does not happen in a bubble; great things can happen when great minds come together.

Further, Haitians living abroad are eager to help their brothers and sisters in Haiti, but many simply do not know where to begin. The White House Conference on Haiti will tap the immense resource that is the Haitian Diaspora by bringing their abilities together with those who are in a position to use them.

Most importantly however, the White House Conference on Haiti will help ensure that the challenges facing the Haitian people remain in the public eye and in the minds of all Americans.

While the United States has been instrumental in the recovery and rebuilding from countless natural and man-made disasters throughout the world, few international tragedies have had as deep an impact on the United States, and particularly the State of Florida, as this one.

Helping our Haitian neighbors is not only the right thing to do; it is also in our own nation's

best interests. Just a stone's throw from our shores, instability in Haiti impacts our own economy and immigration levels.

Our nation's rapid, comprehensive response, from our government down to everyday Americans, has been commendable, but the President and this administration are in a position to do more. This legislation would not be a costly endeavor, but could stand to save millions of dollars that could be used to improve the lives of the Haitian people for generations to come.

At a time of continued instability and crisis, the United States must do all within its power to help ensure a long-term sustainable recovery for Haiti.

I ask my colleagues to support this legislation and urge the House Leadership to bring it swiftly to the House floor for consideration.

IN HONOR OF RADIO STATION  
KZRG'S RESPONSE TO THE JOPLIN  
TORNADO

**HON. BILLY LONG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. LONG. Mr. Speaker, I rise today to recognize and honor the service of one of the 7th District of Missouri's radio stations, KZRG.

KZRG is an AM radio station broadcasting from Joplin, Missouri that does news broadcasting for Missouri, Arkansas, Oklahoma, and Kansas, or as they call it, "the four state" area.

On May 22, 2011, an EF-5 tornado struck Joplin, Missouri, devastating a once quiet Missouri town. On that Sunday evening, Joplin was forever changed. Much was destroyed. Family, friends, neighbors, homes and businesses disappeared in the blink of a tornado's eye. After the winds stilled, over 160 people, 8,000 homes and 500 businesses were lost.

The early days were tough. Shock and disbelief, chaos and devastation, but out of that wreckage came hope and inspiration. We found out there are a lot of heroes in Joplin. During those dark hours they stood up and came to the aid of their community when their neighbors needed them most. There is no better example of that than the associates at KZRG.

Despite the fact that seven KZRG associates lost homes during the tornado, despite seeing their town in ruins, despite the horror and devastation of one of the most destructive tornados in American history, KZRG continued to broadcast and report, 24 hours a day, on-air and in the field.

The tornado's widespread devastation damaged or destroyed much of Joplin's cell phone towers and phone and electrical lines. This left much of the community powerless and unable to communicate. However, the radio broadcasts of KZRG continued. KZRG remained on air, 24 hours a day, seven days a week, giving folks critical and time-sensitive information as it was happening. KZRG was there, helping the police dispatch their officers, helping loved ones find each other, helping community leaders coordinate disaster recovery efforts. Truly, journalism at its finest.

They also launched a relief collection effort, which collected food, clothing, and toiletry items to listeners in need. In fact, their station became a meeting place of sorts, for emergency personnel and volunteers. They became a symbol of the community getting back on its feet.

Folks in Southwest Missouri should be proud to know that in times of trouble, KZRG was and will always be there. I too am proud and honored to call the associates of KZRG my fellow citizens and neighbors in the 7th Congressional District of Missouri.

THANKING BILL HARRIS

**HON. MAC THORNBERRY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. THORNBERRY. Mr. Speaker, each Member of this body is assisted by those who serve on our staffs. The roles and responsibilities of a Member of Congress make it impossible for any one individual to do it all. It takes a team.

Today I wish to recognize and express appreciation to a key member of my team as he retires from official public service.

Bill Harris has served as my Chief of Staff and then Senior Counselor since 2004. But his service to the country began in 1968 as a member of U.S. Army Signal Corps and his service to the Congress began in 1972, when he took a job as a staff assistant to Congressman Mike McCormack of Washington State. Earning his law degree from Georgetown, he was Congressman McCormack's Counsel until 1976.

Between his stints with the Congress, Bill worked for the Atomic Industrial Forum, the Committee for Energy Awareness, the U.S. Council for Energy Awareness (which is now the Nuclear Energy Institute), and the University Research Alliance. In each of these positions, Bill's focus was energy and the tremendous possibilities that can come from nuclear research and development.

In 2004, I enticed Bill back into government service to serve as my Chief of Staff. He led my team by helping each staff member develop his or her talents and interests to grow and serve the people of the 13th district. His expertise in energy and in management, as well as his background in the law, were invaluable. But, perhaps most importantly has been his character and strong, steady leadership.

Too few individuals possess the modesty that puts the good of the organization and the mission ahead of any personal considerations. Yet some of the strongest leaders and those with the most to say are those persons of character whose soft-spoken demeanor quiets the noise with intellect, honesty, and sound judgment. Bill is just such a leader.

He has helped ensure that we made decisions based on the concerns of the people in Texas, not how policy in Washington should control the lives of people back home. No matter what the task, my staff and I counted on Bill's guidance and sense of duty to the people we represent.

Of course, Bill's commitment to service goes beyond his profession. He spends his free

time engaging with all corners of the community. For example, he is currently a Mission Pilot with the Civil Air Patrol, a long-serving board member of the Harrington Cancer Center of Amarillo, and a member of the Amarillo Chamber of Commerce Executive Committee. But that is just a sampling. Over the years, Bill and wonderful wife Bev have become fixtures in the community when it comes to serving others and the community as a whole. Bill has been on more committees and organizational projects than anyone could count.

President Reagan put a premium on principle-based leadership. He kept a small plaque on his desk in the Oval Office with a quote that read, "There is no limit to what a man can do or where he can go if he does not mind who gets the credit." Bill's example of servant leadership is one that has shaped the lives of many individuals and shown that a benevolent heart earns the respect of others.

It is for this spirit of service and dedication to the highest standards of excellence that I am honored to recognize the contributions and to acknowledge the retirement of a man who is a credit to my office, his family, and our country.

As he moves into the next phase of his life, I want to express my gratitude, not only for all of his help with my work in representing the 13th district, but for all he has done so far to make our community and our region a better place to live.

HONORING AND COMMEMORATING  
THE LIFE OF JAMES E. BURCH

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today to honor and commemorate the life of James E. Burch, military veteran, advertising executive and lifelong anti-war and environmental activist. A renaissance man with a passion for leaving the world better than he found it, Jim spent his life acting on the life philosophy passed along to him by his mother, "I am my brother's keeper."

Born in Evanston, Illinois on February 27, 1926, Jim served in the United States Infantry in the South Pacific. At age 19, he became the program director of the Armed Forces Radio Service station WVTQ in Osaka, Japan. He was honorably discharged in May 1946. After working in the radio business in Hollywood, he moved to Arizona where he met and married his wife of 61 years, Wileta. In 1951, Jim, Wileta and their two children, Bill and Barbara moved to northern California where Jim began a 23-year career working with the San Francisco-based advertising agency Batten, Barton, Durstine & Osborn where he created numerous award winning advertisements.

Jim left his professional position and began his second career as a volunteer activist. Instrumental in the beginnings and ongoing work of Sequoia Seminar, Creative Initiative, Project Survival, Beyond War and the Foundation for Global Community, Jim contributed his many talents to groundbreaking projects. Among them were, the beginning of a recycling program in Palo Alto, California that became a

model for the Nation, the first space bridge to connect the United States and the Soviet Union during the Cold War (1984), the first satellite space bridge connecting seven countries on five continents (1985) and the creation of a series of nature documentaries that were featured on PBS. Jim served as a Member of the Board of Trustees for the Foundation for Global Community until December of 2010.

Launching yet a third career, Jim was elected to the Palo Alto City Council in 1999. In 2005, at the age of 78, he was elected mayor, the oldest mayor in the city's history. While knowing that the job required a local focus, Jim continued to bring his understanding of global interconnectedness to city government. He observed on more than one occasion that, "It's one world, it's one Earth, it's one planet; it's one ecosystem. We're either all going to make it or nobody's going to make it."

Jim is survived by Wileta, his son Bill Burch, (Bill's wife, Kathy), his daughter Barbara Lindsay, (Barbara's husband, Targe) and grandchildren Merrill Burch, David Lindsay, (David's wife, Stephanie), Kristina Lindsay, and his many friends and colleagues whose lives were enriched by his sense of humor, creativity and generosity.

ROBERT GRIFFIN III—BAYLOR  
HEISMAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. POE of Texas. Mr. Speaker, each year the Heisman Memorial Trophy is presented to the "outstanding college football player whose performance best exhibits the pursuit of excellence with integrity." The 2011 winner, Baylor University Quarterback Robert Griffin III, or RG3 as he's known to fans, highly deserves American collegiate athletics most celebrated honor.

Robert was born in Okinawa, Japan to two U.S. Army Sergeants. They would eventually settle in football-mad Texas, home of the original Friday Night Lights, but Robert's talents could not be contained to the gridiron. He was a three sport star for Copperas Cove High School, excelling in baseball, football, and track.

Recruiters came from across the nation to bring Robert's talents to their University, but he believed in the message of Head Coach Art Briles and followed him to Baylor, not known as a football powerhouse. In 2008 Robert shined, starting 11 of his 12 games and winning the Big 12 Freshman of the Year honors. The Bears finished 4–8 but their future was bright.

2010 was the breakthrough year for RG3 and the Baylor Bears. They fought to a 7–5 record and played in their first bowl game in over 15 years and also ranked in the national top 25 for the first time in 30 years. Robert dug deep inside himself and vowed to lead the Bears through uncharted waters—football prominence.

The 2011 season started off with a bang. The Bears defeated #14 TCU, the previous year's Rose Bowl winner. Robert would com-

mand the Bears to a 9–3 record, their best in over 25 years, including upsets of Texas and, for the first time in school history, then #5 Oklahoma. Griffin was dangerous in the air and on his feet, passing for 3,998 yards and 36 touchdowns while rushing for 644 yards and 9 touchdowns. He lead the nation with a 192.31 passing efficiency, on pace to shatter the all-time record. The success propelled the team into a bowl for the second consecutive year and made Griffin the 77th Heisman Trophy winner and first from Baylor University.

Robert was a leader both on and off the field. The perennial Honor Roll student graduated in three years with his political science degree and will finish his Masters in Communication next spring. He is as known for his faith as he is his football abilities. Upon winning the trophy in New York City, he and his military family immediately headed to the Ground Zero 9/11 memorial for some reflection. Robert never forgot his roots.

Mr. Speaker, it is always refreshing to see good things happen to good people, and Robert Griffin III deserves all the success and more. I am honored to commemorate his accomplishments and proud to call him a Texan. And that's just the way it is.

PERSONAL EXPLANATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. DAVIS of Kentucky. Mr. Speaker, on Thursday, December 15, 2011, I was unable to vote due to an important family event.

Had I been present, I would have voted:

On rollcall No. 933—"yes"—Approval of the Journal.

On rollcall No. 934—"yes"—H.R. 886—U.S. Marshals Service 225th Anniversary Commemorative Coin Act.

On rollcall No. 935—"yes"—H.R. 2719, Rattlesnake Mountain Public Access Act.

On rollcall No. 936—"yes"—H.R. 443, To Provide for the conveyance of certain property from the U.S. to the Maniilaq Association in Kotzebue, AK.

RECOGNIZING 16TH ANNIVERSARY  
OF DAYTON PEACE ACCORDS

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. TURNER of Ohio. Mr. Speaker, today I am glad to recognize the 16th anniversary of the Dayton Peace Accords.

On December 14, 1995, the General Framework Agreement for Peace in Bosnia and Herzegovina, known as the Dayton Peace Accords, ended a conflict that threatened to destabilize Europe and resulted in the death of approximately 250,000 people, and the displacement of more than 2,000,000 men, women, and children.

Negotiations began on November 1, 1995, at Wright-Patterson Air Force Base in Dayton,

Ohio, and concluded there on November 21, 1995, when the leaders of Bosnia and Herzegovina, Croatia, and Serbia all agreed to a breakthrough peace settlement that sought to halt conflicts that began in Bosnia and Herzegovina in April 1992.

Previous attempts to negotiate peace in Bosnia and Herzegovina had been unsuccessful; and the negotiations were initiated under intense pressure by many of the world powers, particularly the United States and Russia, prompting the leaders of the three sides to attend the negotiations in Dayton, Ohio.

The United States negotiating team, led by Ambassador Richard Holbrooke, guided peace negotiations endorsed by members of the European Union (EU) and Russian Federation; and 21 days of intense negotiations occurring at the Hope Hotel at Wright-Patterson Air Force Base brought hope and an opportunity for peace.

The negotiations succeeded, against all predictions, due to the visionary leadership, the determination of all involved, the desire for peaceful resolution of the conflict, and the extensive community support. Wright-Patterson Air Force Base was chosen as the site of the negotiations due to its diversity and security, which offered an environment where the warring parties could focus on negotiating peace out of the spotlight of the media and away from distracting geopolitical pressures.

The Dayton community unexpectedly became part of the process as its people became proud to be part of history, holding candlelight vigils, placing "candles of peace" in their front windows, congratulating and praying for the negotiators, forming a human peace chain around Wright-Patterson Air Force Base, and continuing to study peace and human rights based on the community's experiences hosting these historic negotiations.

The negotiators highlighted Ohio's ethnic diversity to show the warring parties that people from disparate ethnic histories could live everyday life in peace; and the Dayton Peace Accords provided a framework and common agreement to the North Atlantic Treaty Organization (NATO) implementation and stabilization force missions which provided security for the citizens of Bosnia and Herzegovina, Croatia, and Serbia.

The Dayton Literary Peace Prize, established in 2006, remains the only literary peace prize awarded in the United States, and continues the legacy of the 1995 Dayton Peace Accords by honoring authors who write about peace and whose work provides enduring literary value.

The Dayton International Peace Museum in downtown Dayton, a nonprofit, all-volunteer organization, is one of the few community-based institutions with a focus on peace in the United States, and the Museum honors Dayton's history as the host of the 1995 Dayton Peace Accords, offering nonpartisan educational programs and exhibits featuring themes of non-violent conflict resolution, social justice issues, international relations, and peace.

Mr. Speaker, the Dayton, Ohio, community supported the peace negotiations and worked to create a strong, lasting relationship with Bosnia and Herzegovina by hosting numerous visiting delegations, creating a sister city relationship with Sarajevo, and hosting an international anniversary commemoration. Bosnia

and Herzegovina has received a conditional Membership Action Plan to join NATO pending continued progress on reforms. Croatia is progressing on the path to join the EU, became a NATO member in 2009, and has deployed troops around the world, including in Afghanistan, fighting alongside the United States Armed Forces to bring peace, stability, and prosperity to others. The Montenegrin Parliament declared independence from Serbia on June 3, 2006, and thus created a multi-ethnic country with a viable economy, professional military and democratic institutions.

The entire State of Ohio has contributed to stability and prosperity in the Balkan region by fostering an exemplary relationship between the Ohio National Guard and the Serbian Armed Forces; and the Dayton Peace Accords effectively ended the conflict, created a multi-ethnic country in the Balkans, and addressed topics critical to the future of Bosnia and Herzegovina, including regional stabilization, a constitutional framework, the repatriation of refugees, and internal security.

HONORING 50TH ANNIVERSARY OF  
HILL-MURRAY

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Ms. McCOLLUM. Mr. Speaker, today I rise to honor the students, alumni, parents, faculty and staff of Hill-Murray School in Maplewood, Minnesota on the occasion of its 50th Anniversary. This educational institution has a distinguished record on academics, community involvement and athletic success.

Archbishop Murray Memorial High School was founded in 1958 by the Benedictine Sisters as a school for young women. In 1959, just a few blocks down the street, the Christian Brothers founded the Hill High School as a school for boys. Classes officially began in both schools in 1951, and in 1971 the schools merged and the Hill-Murray School was born.

During the past 50 years, Hill-Murray has strived for excellence in all areas. Its mission statement declares the school "is committed to developing creative and responsible leaders for tomorrow's world who will provide effective moral leadership in their local and global communities". This charge is reflected in both the school's design and its results: from its students, 92% of whom enroll in post-high school educational institutions; to its classrooms, where the student-teacher ratio is 14:1; and to its teachers 79% of whom hold advanced degrees and 80% of whom have more than 5 years of experience.

Following the school's mission to prepare students not only for college but for the broader journey of life, Hill-Murray students in grades nine through twelve complete two service requirements per year helping the economically disadvantaged, the physically or mentally impaired, and the elderly. With its emphasis on developing the entire person, 90% of the student body participates in extra-curricular activities.

The Hill-Murray athletics department has one of the finest histories in the State of Min-

nesota. In the past 5 years, Hill-Murray teams and individual athletes advanced to the Minnesota State Tournament in boys and girls basketball, boys and girls track, boys and girls golf, girls tennis, competitive cheerleading, and danceline. The boys hockey team is regarded as one of the best in the state, and earned its 3rd State Championship in 2008.

Additionally Hill-Murray has produced 6 National Hockey League players, 3 World Hockey Association players, over 70 Division I NCAA players; 2 Major League Baseball players, and 3 Olympians including a member of the gold-medal winning 1980 U.S. hockey team responsible for the "Miracle on Ice."

Mr. Speaker, in honor of all members of the Hill-Murray family, I am pleased to submit this statement for the CONGRESSIONAL RECORD recognizing the many contributions this school has made to the State of Minnesota and the United States of America during the past 50 years.

THE DECLARATION OF OCCUPY  
D.C.

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. KUCINICH. Mr. Speaker, I submit the following:

THE DECLARATION OF OCCUPY D.C.

CONSENTED TO BY GENERAL ASSEMBLY  
NOVEMBER 30TH, 2011

We have been captives of corrupt economic and political systems for far too long. The concentration of wealth and the purchase of political power stifle the voices of the increasingly disenfranchised 99 percent. Corporate dominance subverts democracy, intentionally sows division, destroys the environment, obstructs the just and equitable pursuit of happiness, and violates the rights and dignity of all life.

Occupy D.C. is an open community of diverse individuals, facing different forms of oppression and impacted by economic exploitation to differing degrees, but united by a shared vision of equality for the common good. The harsh economic conditions that have plagued the poor, working class, and communities of color for generations have begun to affect the previously financially secure. This acute awareness of our common fate has united us in our struggle for a better future. We recognize that inequality and injustice systemically affect every aspect of our society: our communities, homes, and hearts. To build the world we envision, we commit ourselves to overcoming our personal biases so we can successfully challenge systems of oppression in solidarity.

We are peaceably assembled at McPherson Square, practicing direct democracy on the doorstep of K Street, the epicenter of destructive corporate and governmental relationships. Recognizing that the term "occupy" is associated with exploitation, violence, and imperialism, we are reclaiming it to mean the peaceful liberation of public space. In this disenfranchised city, we are insisting that our economic and political systems serve the people's interests. Now is the time to advance and complete the struggles of the many who came before us.

We are assembled because . . .

It is absurd that the 1 percent has taken 40 percent of the nation's wealth through exploiting labor, outsourcing jobs, and manipulating the tax code to their benefit through special capital tax rates and loopholes. The system is rigged in their favor, yet they cry foul when anyone even dares to question their relentless class warfare.

Candidates in our electoral system require huge sums of money to be competitive. These contributions from multi-national corporations and wealthy individuals destroy responsive representative governance. A system of backroom deals, kickbacks, bribes, and dirty politics overrides the will of the people. The rotation of decision makers between the public and private sectors cultivates a network of public officials, lobbyists, and executives whose aligned interests do not serve the American people.

The entrenched two-party system overlooks public interests by pursuing narrow political goals. This climate encourages candidates to polarize voters for individual power and personal gain. Citizens' meaningful input has been compromised by gerrymandering, voter disenfranchisement, and unresponsive politicians. Residents of Washington, D.C., continue to lack autonomy and legislative representation.

The 1 percent benefits from economic, political, and legal structures that oppress communities long targeted by displacement, denial of sovereignty, slavery, and other injustices. These persecuted but resilient communities continue to suffer through generations of disproportionately higher rates of unemployment, poverty, criminalization, and homelessness. Facets of the 1 percent campaign to blame these groups for these problems while obstructing healing and restoration.

Those with power have divided us from working in solidarity by perpetuating historical prejudices and discrimination based on perceived race, religion, immigrant or indigenous status, income, age, gender, gender identity, sexual orientation, and disability, among other things. These divisions have inhibited our ability to work in solidarity, though today we recognize the power of uniting as the 99 percent.

Financial institutions gambled with our savings, homes, and economy. They collapsed the financial system and needed the public to bail them out of their failures yet deny any responsibility and continue to fight oversight. Corporations loot from those whose labor creates society's prosperity, while the government allows them to privatize profits and socialize risk.

Corporate interests threaten life on Earth by extracting and burning fossil fuels and resisting the necessary transition to renewable energy. Their drilling, mining, clear-cutting, overfishing, and factory farming destroys the land, jeopardizes our food and water, and poisons the soil with near impunity. They privilege polluters over people by subsidizing fossil fuels, blocking investments in clean energy and efficient transportation, and hiding environmental destruction from public oversight.

Private corporations, with the government's support, use common resources and infrastructure for short-term personal profit, while stifling efforts to invest in public goods.

The U.S. government engages in drawn-out, costly conflicts abroad. Numerous acts of conquest have been, and continue to be, pursued to control resources, overthrow foreign governments, and install subservient regimes. These wars destroy the lives of innocent civilians and American soldiers, many

of whom suffer adverse effects throughout life. These operations are a blank check to divert money from domestic priorities.

Government authorities cultivate a culture of fear to invade our privacy, limit assembly, restrict speech, and deny due process. They have failed in their duty to protect our rights. Exacerbated by profiteering interests, the criminal justice system has unfairly targeted underprivileged communities and outspoken groups for prosecution rather than protection.

Corporatized culture warps our perception of reality. It cheapens and mocks the beauty of human thought and experience while promoting excessive materialism as the path to happiness. The corporate news media furthers the interests of the very wealthy, distorts and disregards the truth, and confines our imagination of what is possible for ourselves and society.

Leaders are trading our access to basic needs in exchange for handouts to the ultra-wealthy. Our rights to healthcare, education, food, water, and housing are sacrificed to profit-driven market forces. They are attacking unemployment insurance, Medicare, Medicaid, and Social Security, creating an uncertain future for us all.\*

A better world is possible.

To all people,

We, the Washington D.C. General Assembly occupying K Street in McPherson Square, urge you to assert your power.

Exercise your right to peaceably assemble and reclaim the commons. Re-conceive ways to build a democratic, just, and sustainable world.

To all who value democracy, we encourage you to collaborate and share available resources.

Join your voice with ours and let it amplify until the heart of the movement booms with our chorus of solidarity.

\*These grievances are not all inclusive.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,098,098,486,788.82. We've added \$10,296,693,311,494.54 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

## HONORING THE LIFE OF MR. CLYDE MCINTOSH OF NORTH CAROLINA

### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. SHULER. Mr. Speaker, I rise today to honor the life of an outstanding public servant and dedicated volunteer in Yancey County,

North Carolina. Mr. Clyde McIntosh of Burnsville committed his life to service and activism. After graduating from Burnsville High School in 1950, Mr. McIntosh proudly served four years in the United States Navy. Upon completion of his service, he moved back to the mountains of Western North Carolina where he built a successful real estate and development business and operated a dairy farm. During this period, he worked diligently toward the goal of preserving the rural heritage of the area.

Mr. McIntosh assumed public office when he was elected Sheriff of Yancey County in 1986. From 1999 to 2005, he served on the Board of Directors of the Yancey County Department of Social Services, spending a portion of his tenure as Chair. For many years, Mr. McIntosh was an active community volunteer for the Lions Club and Meals on Wheels.

Mr. McIntosh worked for years to educate Yancey County youth on the importance of civic engagement and community involvement. He acted as a mentor for the Young Democrats organization of Yancey County, encouraging young people to be politically active.

I commend his outstanding contributions to the Democratic Party. In April 2001, he was named Mountain Democrat of the Year and also served as the Yancey County Democratic Party Chair. He served as Precinct Chair for both Jacks Creek and Burnsville Townships.

Our mountain community is a better place because of Mr. McIntosh's devotion to activism and service. Mr. McIntosh was an invaluable presence in the lives of the many people he inspired and helped through his work. Though he will be missed, I know this legacy will live on for years to come.

Mr. Speaker, I ask my colleagues to join me in honoring the exemplary life of Mr. Clyde McIntosh of Yancey County, North Carolina.

## WE MUST GET OUR FISCAL HOUSE IN ORDER

### HON. SCOTT DESJARLAIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. DESJARLAIS. Mr. Speaker, I have made it clear from the beginning that until the Senate leadership can pass a budget, the House should be using the baseline off of the framework included in the House-passed 2012 budget. The Path to Prosperity is a credible and commonsense proposal that would put our nation on the path to balanced budgets and debt reduction.

Unfortunately, the spending levels set forth in today's omnibus appropriations package exceed those numbers established in the Path to Prosperity. For this reason, I had to cast my vote against the legislation considered in the House today.

It is impossible to get our nation's fiscal house in order unless we have a budget framework to work off of. House Republicans have done their job and passed a budget, it is now time for Senate Democrats to do the same.

My constituents sent me to Washington to make the difficult spending decisions, and I'm

more than willing to make them. Continuing Resolutions and omnibus packages are not the sort of bold action that the people in Tennessee's Fourth Congressional District expect. I applaud efforts by the House Leadership in which a number of our appropriations bills were considered this year under regular order and under open rules which allowed for debate and amendments. Unfortunately, this process was unable to be completed and many of the bills passed by the House have simply languished in the Senate without consideration.

I am hopeful that United States Congress will restart a process in which budgets are passed and the 12 appropriations bills are considered in an open process. Omnibus bills are unpopular to our constituents. They invite poor legislating and lead to increased spending. Our constituents expect and deserve more.

I have made a commitment to continue the fight for long-term solutions to rein in Washington's out-of-control spending, and I am appreciative of the constituents in the Fourth District of Tennessee who have sent me to Washington to do that very thing.

## CELEBRATING THE LIFE OF COMMAND SERGEANT MAJOR PATRICIA GRIFFIN CARDWELL, NCANG, RET.

### HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. BUTTERFIELD. Mr. Speaker, I rise to honor the life of Command Sergeant Major Patricia Griffin Cardwell. CSM Cardwell passed away last week on December 7. She was a veteran of the North Carolina Army National Guard (NCANG) and is survived by her mother, two brothers, and her niece and nephew.

CSM Cardwell was the daughter of Betty Nowarah Griffin and the late Reginald Griffin. She was a native of Martin County, a graduate of Williamston High School, and a member of the First Christian Church.

CSM Cardwell began her distinguished 28-year career with the NCANG on December 5, 1979, as a Specialist, and became a full-time member of the Guard in 1984. From 2001–2002, she attended the United States Army Sergeants Major Course at the USA Sergeants Major Academy in Fort Bliss, Texas. CSM Cardwell made history on April 1, 2004, when she was promoted to the rank of Sergeant Major, becoming the first woman to rise to this rank in the NCANG. She was later laterally appointed as a Command Sergeant Major of the 217th Human Resources Battalion Headquarters, and served in a dual status in both this post and as the Chief, Personnel Services of the Human Resources Section at Joint Forces Headquarters in Raleigh until her retirement on December 31, 2007.

CSM Cardwell served our country for three decades with tremendous character and devotion. She deserves the highest appreciation and commendation. I pray that her family is

able to find peace in this difficult time. I ask that my colleagues join me in honoring her today.

220TH ANNIVERSARY OF THE RATIFICATION OF THE FIRST 10 AMENDMENTS TO THE CONSTITUTION, THE BILL OF RIGHTS

**HON. CORY GARDNER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. GARDNER. Mr. Speaker, I rise today to mark the 220th anniversary of the ratification of the first 10 amendments to the Constitution, the Bill of Rights. The Bill of Rights serves to check the power of government and preserve the freedom of Americans. Our founding fathers realized that even well intentioned governments answerable to the will of the voters can grow to be tyrannical. They recognized that protections were needed to guard against government interference and so they enshrined those protections in the highest law of the land. The Bill of Rights is unique in that it is a document that outlines government power not by what the government can do but by what it CAN'T do. The spirit of our nation is in that distinction. We are a nation built on the idea that private individuals could create private industry with private interests and build a great society without an all knowing bureaucracy telling them how to do it. Times have changed since 1791. Our nation has grown, our government has grown, and today we inhabit a different world. There is no way that Madison and Jefferson and the rest of the founders who fought for a Bill of Rights could have envisioned the country we have become. Over the years we have fought many battles over the interpretation of these amendments and these principles have stood the test of time. The Bill of Rights is a fundamental feature of our country and a beacon to the rest of the world that freedom works, it is to be celebrated, and not repressed.

IN RECOGNITION OF MR. HAROLD L. WILLIAMS

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mr. Harold L. Williams as he retires after 35 years of service at the Legal Aid Society of Cleveland.

Legal Aid Society of Cleveland is a law firm for low-income individuals and provides services in the areas of consumer rights, domestic violence, education, employment, family law, health, housing, foreclosure, immigration, public benefits, utilities and tax. It was founded as a nonprofit in 1905 and until 1966 operated primarily with volunteers. In 1966, staff attorneys were hired and today there are 53 attorneys, 40 staff members and more than 1800 volunteers that serve Cleveland's low-income individuals. Legal Aid's mission is to secure

justice and resolve fundamental problems for those who are low income and otherwise vulnerable by providing high quality legal services and working for systemic solutions.

Mr. Williams began working at Legal Aid Society of Cleveland in 1975 in the Law Reform Unit. Since 2003, he has served as the managing attorney of Legal Aid's Consumer Law Unit. Mr. Williams also supervises Legal Aid's law participation in Ohio's Save the Dream foreclosure prevention program. He is the editor and principal author of Ohio Consumer Law.

Because of his dedication to serving the people of Cleveland and his vast expertise in consumer law, Mr. Williams was the recipient of the William J. Brown Consumer Protection Award from the Ohio Attorney General in March 2010.

Mr. Speaker and colleagues, please join me in congratulating Mr. Harold L. Williams as he retires after 35 years of dedicated service to the Legal Aid Society of Cleveland.

END OF THE WAR IN IRAQ

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. WAXMAN. Mr. Speaker, this week America solemnly observes the end of an era. After almost nine years of war in Iraq, our troops are finally coming home, and Iraqis will assume the full responsibilities of self-government. The Obama Administration's leadership and the skill and bravery of our military men and women have made this moment possible. But as we welcome those troops returning home to their families, we must also remember the tens of thousands who came home with wounds both seen and unseen, the more than 1.5 million Americans who served in Iraq, and most of all the nearly 4,500 brave men and women who made the ultimate sacrifice in pursuit of this day. America's military families have born a heavy burden, and we must continue our commitment to support our troops, veterans, survivors, and families.

Iraq will face significant challenges in the days ahead. But America has an interest in Iraqi security and stability, as with all of our friends and allies in the Middle East. So when Iraq encounters those challenges, it will do so as a sovereign nation, with America as its partner.

HONORING MR. MIKE BUNCH, DEPUTY COMMANDER OF THE JOINT MANUFACTURING AND TECHNOLOGY CENTER AT ROCK ISLAND ARSENAL

**HON. DAVID LOEBSACK**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. LOEBSACK. Mr. Speaker, today I would like to recognize the long, successful, and highly dedicated career of Mr. Mike Bunch, the Deputy Commander of the Joint

Manufacturing and Technology Center, which is located at the Rock Island Arsenal. Mr. Bunch has served our country as an employee of the United States Army for over 34 years. A native of Moline, Illinois and a proud graduate of Upper Iowa University, Mike followed his great-grandfather, grandfather, grandmother, mother, and father to work on the Rock Island Arsenal. His first job on the Island was as a second shift keypunch operator earning \$3 an hour. Since then, he has worked on Rock Island Arsenal for all but three years of his adult life, even meeting his wife of 34 years, Julie, on the Island.

During that time, Mike served with the Army Material Command, Information Systems Command, and the Army Corps of Engineers. He has dedicated his career to ensuring that our Soldiers have the equipment they need to safely carry out their missions. I have not met a person more dedicated to our Soldiers, the United States Army, or Rock Island Arsenal than Mike. His expertise has served the Joint Manufacturing and Technology Center and our nation exceedingly well, and I have often relied on his years of knowledge and expertise in my work for the Rock Island Arsenal and our Soldiers.

Mike is very humble and most likely would not admit this himself, but, while his retirement is well-deserved, it is also a significant loss to the Rock Island Arsenal. His commitment to the Arsenal and the work of the Joint Manufacturing and Technology Center to equip our troops is unparalleled. Whether it was during his time as a tool grinder at the Arsenal or his four years as Deputy Commander, his commitment to producing nothing but top quality equipment and carrying on the proud tradition of the Rock Island Arsenal has been demonstrated in every position he has held. Under his leadership, production rates at the Arsenal have gone up, prices have been reduced, and the Arsenal was able to meet the needs of our troops more quickly. Fortunately, Mike's retirement is not the end of the family legacy on the Island his—son Ryan began as a pipe fitter at the Arsenal and currently works at Army Contracting Command-Rock Island.

On behalf of all of my constituents, I would like to thank Mike for his years of service to Rock Island Arsenal, the United States Army, and our nation. I know I join his colleagues, friends, and loved ones in wishing him well in his retirement.

PERSONAL EXPLANATION

**HON. MARIO DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. DIAZ-BALART. Mr. Speaker, due to a family medical issue, I was unable to cast the following votes. If I had been present, I would have voted as follows:

Rollcall vote 913—I would have voted "yes"  
Rollcall vote 914—I would have voted "yes"  
Rollcall vote 915—I would have voted "yes"  
Rollcall vote 916—I would have voted "no"  
Rollcall vote 925—I would have voted "yes"  
Rollcall vote 926—I would have voted "yes"  
Rollcall vote 927—I would have voted "yes"



Rollcall vote 928—I would have voted “yes”  
 Rollcall vote 929—I would have voted “yes”  
 Rollcall vote 930—I would have voted “yes”  
 Rollcall vote 931—I would have voted “no”  
 Rollcall vote 932—I would have voted “yes”  
 Rollcall vote 933—I would have voted “yes”  
 Rollcall vote 934—I would have voted “yes”  
 Rollcall vote 935—I would have voted “yes”  
 Rollcall vote 937—I would have voted “yes”  
 Rollcall vote 938—I would have voted “yes”  
 Rollcall vote 939—I would have voted “yes”  
 Rollcall vote 940—I would have voted “yes”

COMMENDING TIME WARNER  
CABLE

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2011

Mr. REED. Mr. Speaker, I rise today to commend Time Warner Cable for its dedication to keeping citizens informed about what is going on in Washington. The better informed our citizens are, the better it is for our democracy. As our founding father Thomas Jefferson wrote in 1789, “Whenever the people are well-informed, they can be trusted with their own government.”

At a time when news coverage budgets are being cut, I applaud Time Warner cable for expanding their presence in Washington, DC with the opening of a new bureau.

I have always been a champion for transparency in government. News coverage is one of the ways that sunlight is shined into government operation. This increased presence will lead to a more informed citizenry, and I congratulate Time Warner Cable for making this investment in democracy.

HONORING BILL BUCHANAN OF  
KSHN IN LIBERTY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2011

Mr. BRADY of Texas. Mr. Speaker, I rise to share with all of you an American success story built on hard work and an overflowing community spirit.

Bill Buchanan is one of the newest members of the Texas Radio Hall of Fame. He got there the old fashioned way—he went to work everyday to keep his community both informed and entertained and his peers honored him for it.

Let me tell you a bit about Bill. He didn’t get his start in Texas radio. He started making his way selling appliances in Kentucky and working part-time as a radio sports announcer and writing copy for the Indianapolis Star.

He then packed his bags and headed south landing at KGTV in Georgetown, Texas where he started making a name for himself selling radio commercials.

In 1977, he got the news that would change his life forever. He learned that a radio station was for sale in Liberty. He bought what was then KPXE and put down roots in Liberty. In

the last nearly quarter century, he’s made the switch to the FM dial and kept providing Liberty County with “music mixed with things that matter.”

Engineering publications and even Readers Digest took note of the station’s “split-channel” innovations.

Bill remains very hands on at KSHN and many people in Liberty still talk about how his coverage of The John Hebert Distributing Fire was heard around the world and how KSHN has been in lifeline in floods and Hurricanes Rita and Ike.

Bill Buchanan and KSHN are a huge part of the community of Liberty. The Texas Radio Hall of Fame is lucky to have Bill Buchanan because he keeps local radio local by refusing to let his station be simply a jukebox.

STATEMENT BY CONGRESSMAN  
JOHN B. LARSON AND EULOGY  
DELIVERED BY SENATOR SHEL-  
DON WHITEHOUSE HONORING  
THE LIFE OF GOVERNOR BRUCE  
SUNDLUN

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2011

Mr. LARSON of Connecticut. Mr. Speaker, Bruce Sundlun was a remarkable man and an outstanding public servant. His daughter Kara and son-in-law Dennis and their children are constituents of mine. I was fortunate to be chatting with Senator SHELTON WHITEHOUSE, who was recalling his life. Senator WHITEHOUSE delivered the eulogy for Governor Sundlun, and on behalf of Congressman JIM LANGEVIN and DAVID CICILLINE, it is my honor as Democratic Caucus Chair to submit these thoughtful and poignant remarks for the CONGRESSIONAL RECORD.

EULOGY FOR GOVERNOR BRUCE SUNDLUN AS  
DELIVERED BY U.S. SENATOR SHELTON WHITEHOUSE

What a man. What a life.

Bruce Sundlun’s accomplishments—as a record-breaking athlete, as a resourceful war hero, as a superb lawyer, as a successful business entrepreneur, and as political leader of our state—would each on their own be significant. You could probably write a book about each. Together, packed all into one energetic life, it makes Bruce Sundlun one of the most accomplished and remarkable men in our state’s history.

And that’s not even counting five marriages, four children, three unsuccessful runs for governor, two dead raccoons, and one long escape on the loose, behind enemy lines.

There’s really just no way to fit it all in.

Let me step into my role as a Sundlun staffer, and ask you to think just of his brief four years as governor. Hit (on Day One of his administration) by an unprecedented bank failure affecting 300,000 Rhode Islanders, AND by the worst budget deficit in state history, AND by an implosion of the state’s entire worker’s compensation system, AND with the urgent need to restore ethics in government, Bruce was the man for that moment, and swung into his customary decisive action.

The budget was promptly and fairly balanced and the whole budget process improved.

Inventive solutions to repay the depositors and clean up the RISDIC mess were found and implemented, and those at fault were made to pay—over a hundred million dollars.

His worker’s compensation reform moved the state from an embarrassment to a model, moving what was then the business community’s worst problem completely off the problem list for now going on 20 years.

As a problem solver, he had no peer.

And that alone would be pretty extraordinary. But there was that ethics gap. So Bruce wrote Executive Order 91-One, the ethics executive order that succeeding governors renewed virtually unchanged. He reformed our Ethics Commission. He changed the way we appoint judges, to reduce the politics. He changed the way we fund elections, with a public finance plan and donor limits. Through an intense storm of legal and political opposition, he opened up the pension records; putting an end forever to backroom special pension bills. He got our State Police nationally accredited.

He even cleaned up the Capitol literally!

All that was extraordinary—but still not enough.

In the worst economic times the state had seen since the Depression, with a shrinking budget, he decided to extend universal health care to children—and started the program that became Rite Care. Against immense opposition, he built our new airport terminal. He embarked on the Westin Hotel, the Convention Center, and the Providence Place Mall. He finished the Jamestown Bridge and built the Expressway. And even that’s not the end of it.

It was an amazing burst of activity. I will bet that almost every Rhode Islander, almost every day, is somehow touched by something Governor Sundlun did.

And through it all, he drove his staff crazy. He was irrepresible, impatient, imperial, unscriptable, combative, frustrating, willful, constantly threw caution to the winds, impossible to keep up with—he drove us nuts.

And we loved him.

We loved him because he was bold and brave, and was warm-hearted and trusting and generous, and because he was willing to throw caution to the winds to do what was right. We loved him because he never once had us make excuses or try to shift the blame.

That was not his style. “Never complain; never explain.”

We all remember his Bruce-isms:

“Always touch base with those concerned before taking action.”

“How fast would you get it done if the Russians were in South Attleboro?”

“When you’ve won, stop talking, close your briefcase and leave.”

“Message to Garcia.”

“Who, what, where, when; don’t bother me with why.”

The phone calls, at all hours, that began with no “hello” and ended with dial tone.

The road shows known to his staff as “Dome on the Roam”, or more precisely, “Bruce on the Loose.”

And sometimes just that big foxy grin.

We saw that his qualities of friendship and loyalty had an almost physical force; that he had your back even if you made mistakes (no one ever was thrown under the bus); and that he was a better friend the more the chips were down.

Politics is full of fair weather friends; Bruce Sundlun was your stormy weather friend. Politics is full of people who take tiny cautious steps with their finger up constantly testing the winds; Bruce stepped



boldly down the path he thought was right, even if that meant stepping right in it.

People wonder what lives on after they die. Well, Bruce, we do. And every one of us has been changed: made better, and stronger, harder-working and more resourceful, by your vibrant elemental force in our lives.

We've gone on to be judges and lawyers, to run state and federal agencies, to become Senators and councilmen and Lieutenant Governors, banking leaders and senior partners in national accounting firms, but none of us ever will be more proud of anything than the simple title: "I was a Sundlun staffer."

Soozie and Marjorie, Tracey and Stuart and Peter and Kara: Thank you. Thank you for sharing your husband and father with our state. For those who loved and were changed by him, I thank you. For those who knew and were touched by him, I thank you. And for those who never knew him directly, but whose lives are better today because of what he did, I thank you.

As I close, I want to take you back to a scene from that wonderful movie I saw as a kid, "To Kill A Mockingbird." As you'll recall, Atticus Finch takes on the courageous but unpopular defense of a black man wrongfully accused of rape. At the end of the trial, Atticus's daughter Scout—proper name Jean Louise—is up in the gallery of the courtroom, with the black townspeople, who aren't allowed down on the regular courtroom floor. The courtroom floor empties, but they remain, and slowly stand. As Atticus packs his papers together, closes his bag, and walks out, an elderly man leans down to the little girl and says, "Stand up, Miss Jean Louise. Your father's passing."

At the end of this service, as Bruce is taken to his gravesite after 91 years of a life well and fully lived, we will all stand up. And rightly so. A governor will be passing.

#### FELLOWSHIPS FOR UNDERGRADUATE TRAINING AND USEFUL RESEARCH IN ENERGY-RELATED SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS FIELDS ACT OF 2011

**HON. JAY INSLEE**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. INSLEE. Mr. Speaker, today I introduced the FUTURE STEM Act. This legislation will give undergraduate students opportunities to expand both the breadth and depth of their education in multidisciplinary science, technology, engineering, and math (STEM) fields in real world research settings from National Labs to businesses. An American workforce that is highly skilled in STEM fields is necessary for the United States' economic competitiveness and job creation in innovative industries.

Industries that drive Washington state and our nation's economy, such as health care, biotechnology, information technology, manufacturing, aerospace, transportation, construction, and energy efficiency and clean technology, all need career-ready STEM-trained graduates to remain competitive and cutting-edge. In fact, workforce projections for 2014 by the U.S. Department of Labor show that 15 of the 20 fastest growing occupations require

significant science or mathematics training to successfully compete for a job. Yet, despite our high unemployment rate, the U.S. is falling behind in STEM graduates and many of these job openings are not being filled by American workers. The U.S. Department of Education reports that America now ranks 20th internationally in our share of graduate degrees awarded in engineering, computer science, and mathematics.

We need focused programs to ensure that the next generation of high-tech workers is prepared to enter the strongest STEM-related industries in Washington state and across the nation. The FUTURE STEM Act seeks to address these problems by exposing students to STEM fields as undergraduates, getting young people early experience in professional settings.

The FUTURE STEM Act establishes a pilot undergraduate student fellowship program to award competitive grants to partner institutions to provide student work experience that will overall improve education and training in support of STEM fields. Under the grants, students will engage in a 10-week fellowship and be placed in real research settings at community colleges, universities, businesses, National Laboratories, and other research settings. The fellowships will pay \$4,500 to the student for a ten-week project, plus up to \$2,000 reimbursement for housing and travel expenses. An additional \$3,500 per project is reserved for equipment, instrumentation, and other educational and training materials needed for the project; supporting outreach efforts to recruit students; encouraging collaboration between government, industry, and academic partners; and assessing the activities funded under the Act. These allowances are on par with existing fellowship programs.

Industries such as aerospace, solar power, and advanced biofuels would be eligible to compete to host STEM students in the pilot program. In Washington state, students could be employed at Boeing, Washington State University, Everett Community College, Pacific Northwest National Laboratory (PNNL), or at countless other locations. PNNL's Energy and Environment Division currently employs some undergraduate and community college students as interns and I am told that they would be eager to employ more under the program created by this Act.

All of America's students deserve the opportunity to pursue a STEM career. According to the U.S. Bureau of Labor Statistics, STEM fields are expected to add 2.7 million new jobs by 2018, yet women and minorities are vastly underrepresented in those fields. In a survey of female and minority chemists and chemical engineers, 77 percent said significant numbers of women and minorities are missing from the U.S. STEM workforce because "they were not identified, encouraged or nurtured to pursue STEM studies early on." For that reason, this legislation will give preference to students from groups that have been historically underrepresented in STEM fields.

It is crucial that we support, promote, and encourage students to pursue pathways toward careers in STEM fields. The FUTURE STEM Act will facilitate an overall improvement in STEM education and help prepare our nation's students for a high-tech future, while

helping to maintain and improve our global excellence in science and technology. I urge my colleagues to support this legislation, which will help to ensure America has the high-skilled STEM workforce that is necessary to increase our global competitiveness.

#### REMEMBERING AND HONORING OFFICER PETER FIGOSKI

**HON. PETER T. KING**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. KING of New York. Mr. Speaker, today I rise to recognize and honor New York Police Officer Peter Figoski, who made the ultimate sacrifice on December 12th. Peter Figoski will be remembered as a man of service to his country. A 12-time decorated NYPD veteran from West Babylon, Officer Figoski was a loving father to four daughters and a respected member of his community. There is no question that he will be greatly missed by the New York police community and by the many others he touched. The 200 officers that lined up outside the Jamaica Hospital Medical Center to salute their fallen colleague is a true testament to that. I am proud that Officer Figoski was my constituent.

As the son of a New York police officer, I understand the selfless and vital role played by our first responders. They put their lives on the line day in and day out to keep us safe. My thoughts and prayers are with the family and loved ones of Officer Figoski. In closing, I would also like to commend his partner, Officer Glenn Estrada, for risking his life to bring the killer to justice.

#### PERSONAL EXPLANATION

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on Monday, December 12, 2010, I requested and received a leave of absence for the rest of the week.

For the information of our colleagues and my constituents, below is how I would have voted on the following vote I missed during this time period.

On rollcall 927, To strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes, I would have voted "present."

On rollcall 928, To provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes, I would have voted "aye."

On rollcall 929, To award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001, I would have voted "aye."

On rollcall 930, To designate the property between the United States Federal Courthouse and the Ed Jones Building located at

109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy, I would have voted "aye."

On rollcall 931, To authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, I would have voted "aye."

On rollcall 932, To authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, I would have voted "no."

On rollcall 933, On Approving the Journal, I would have voted "no."

On rollcall 934, To require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service, I would have voted "aye."

On rollcall 935, To ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes, I would have voted "aye."

On rollcall 936, To provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, I would have voted "aye."

On rollcall 937, On Ordering the Previous Question, providing for consideration of the conference report to accompany H.R. 2055, Military Construction, Veterans Affairs, and related agencies Appropriations for FY 2012; I would have voted "no."

On rollcall 938, On Agreeing to the Resolution, providing for consideration of the conference report to accompany H.R. 2055, Military Construction, Veterans Affairs, and related agencies Appropriations for FY 2012; I would have voted "no."

On rollcall 939, On Motion to Suspend the Rules and Concur in the Senate Amendment, Intelligence Authorization Act for Fiscal Year 2012; I would have voted "aye."

On rollcall 940, To provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado; I would have voted "aye."

On rollcall 941, On Agreeing to the Conference Report, Making appropriations for military construction, the Department of Veterans Affairs; I would have voted "aye."

On rollcall 942, Directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672; I would have voted "no."

On rollcall 943, On Passage, Making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012; I would have voted "aye."

I ask unanimous consent that my statement appear in the RECORD.

RECOGNIZING KELLY MEARS, ADRIAN PARSONS, SAM JEWLER, AND JOE GRAY WHO ARE ENGAGED IN A HUNGER STRIKE FOR DISTRICT OF COLUMBIA VOTING RIGHTS

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to recognize the extraordinary dedication of four young people who are engaged in a hunger strike for District of Columbia voting rights, budget autonomy and legislative autonomy, an unprecedented step in the District's 210-year struggle for equal citizenship. D.C. residents Kelly Mears, Adrian Parsons, and Sam Jewler, in the tradition of Mahatma Gandhi, began their hunger strike on December 8, and were joined the next day by Joe Gray, a Maryland resident. Unfortunately, this unusual journey ended for one of the strikers, twenty-four-year-old Kelly Mears, who was unable to continue with the three other strikers due to medical complications. The four visited members of Congress during the final days of negotiation on the fiscal year 2012 appropriations bills, and as the District government faced a possible shutdown over a federal spending bill and payroll tax fight. The hunger strikers have written a declaration of grievances. They are asking members of Congress to find ways to show solidarity with them. Representative KEITH ELLISON of Minnesota came to the floor during my special order on the shutdown threat and the spending bill's prohibition on the District's use of its local funds for abortions for low-income women. We are grateful to Representative ELLISON for reading the declaration of the hunger strikers into the CONGRESSIONAL RECORD, and for his decision to abstain from food and water for 24 hours in solidarity with them. Since the fiscal year 2011 spending deal was announced in April 2011, which prohibited the District from spending its local funds on abortion services for low-income women, 72 people, including D.C. Mayor Vincent Gray and D.C. Council members, have been arrested for acts of civil disobedience in protest of the treatment of D.C. residents as second-class citizens. However, the D.C. hunger strikers will always be remembered as a special inspiration and for a special sacrifice. It is a sacrifice we had no right to ask for. Even now, we ask these young people not to endanger their health. They have been heard. We will never forget them. I ask the House to join me in honoring Kelly Mears, Adrian Parsons, Sam Jewler, and Joe Gray.

STATEMENT BY CONGRESSMAN JOHN B. LARSON AND EULOGY DELIVERED BY HIS SON, THOMAS S. BRENNAN, HONORING THE LIFE OF JUDGE JOHN D. BRENNAN

### HON. JOHN B. LARSON

OF CONNECTICUT  
IN THE HOUSE OF REPRESENTATIVES  
*Friday, December 16, 2011*

Mr. LARSON of Connecticut. Mr. Speaker, John Brennan was a venerated citizen of my hometown, East Hartford. He served his country, his state, and his community in several elected, appointed, and volunteer positions; most recently he presided as a Judge where he served until he was 93, and did so with vigor, and a sense of humor. Growing up in East Hartford when you're poor John Brennan, if you were type casting, you'd say he looked like Henry Fonda, and he along with his beautiful wife Mary, raised four children, Susan, Jack, Peter, and Tom, all of who I was fortunate to know, and know how devoted to their father they are. At his funeral service it was his youngest son Tom, who gave the eulogy on behalf of the family, there is so much I could say about John Brennan, he commanded blind respect and rightfully so. Nothing I could say however captures the feeling, the sentiment, the public servant, and the father as Tom Brennan's remarks on his father that follows.

EULOGY HONORING THE LIFE OF JUDGE JOHN D. BRENNAN

(By Thomas S. Brennan)

First of all I'd like to thank everyone for coming to join our family today. I know how absolutely thrilled my father would be to see all of you here, even though I know also that he was a little disappointed to have only made it to the age of 94, when he was still in his youthful prime with so much left to be done. But in many ways he almost was still in his prime, and I think that said a lot about how he lived his life—he never lost his youthful enthusiasm and he had a genuine appreciation for whatever the moment offered. He was someone who from the beginning was endowed with many gifts and he made use of those gifts in a variety of arenas throughout his life.

My father often described his childhood growing up in East Hartford of the 1920s as an almost idyllic "Huck Finn" sort of existence—kids running free playing baseball down in the meadows, riding a rope swing into the Connecticut River or racing carrier pigeons that neighborhood kids would keep in backyard coops. Like many of the Irish back then, his father worked on the trains and would release the carrier pigeons when he was way down the lone toward New York. In that era, those pigeons making their way home might very well have sailed past Yankee Stadium when Babe Ruth was slugging a home run, or over houses where families were gathering around a radio waiting for FDR to speak, before circling down over the farms and tobacco fields that once surrounded this town. It was a simple working class world and he grew up during the Depression, so there wasn't any choice then but to make the most out of whatever you were lucky enough to have.

The arrival of World War II took him far away from the innocent small town life and

it became one of the defining experiences of his life. The world was suddenly opened wide and he was thrilled to be riding on the tide of history. And of course, to hear him tell it, it was one giant adventure—we never knew war could be so much fun. He especially loved to tell us old stories of how he and his Army buddies played pranks on one another all the way across the Pacific but there was one story in particular I always liked: It was right after the war had ended and he was on an island off of South Korea where he had been assigned to accept the transfer of all Japanese back to Japan. It just so happened that there had been a tailor who had worked on the island for the previous 40 years who was originally Japanese and so his family was extremely upset that he was being forced to completely uproot everything. My father had ordered him to bring all his things in a suitcase and be on the dock ready to leave the next morning. When the appointed hour arrived, he saw that practically the whole town had come out to bid goodbye to the old tailor, nearly all of them in tears. So he looked around for a minute, gathered in the scene and then called the tailor forward before the crowd and announced to everyone (in his best gruff military voice): “You are free to stay” at which point the entire town erupted in chaotic celebration, they lifted my father up and carried him through the streets on their shoulders. To me, that moment expressed something essential about him—that he felt pretty instinctively that a certain humanity and practicality should determine a decisions, rather than blind adherence to some order from headquarters. And also that though he could have a tough exterior, it wasn't very hard to penetrate beyond it and ultimately he always was guided by a very innate sense of fairness.

After the war, he returned home to East Hartford and remained there for the rest of his life. He practiced law, built a family, became involved in local politics, was elected Mayor and later appointed as a judge in the Connecticut Superior Court. Many of you here today knew him through the variety of activities that evolved out of his many years of public life in town. In East Hartford, he was in his element, he flourished and he never wanted to live anywhere else.

Long before we had Google to research any topic or answer any question, there was John Brennan. And when you spoke to him, you were instantly transported back over a remarkable span of history by someone who could remember all the details and bring them back to life—in fact, you were actually talking to someone who remembered speaking to veterans of the Civil War. He was renowned for his ability to recall little known historical facts and had immediate access to a treasure trove of information that he would eagerly dispense on subjects as diverse as the dates of the major battles of the Boer Wars or the work of some obscure German poet. But despite his ability in this arena, it was always balanced with a pronounced disregard for anything that smacked of “unnecessary pretense” or “excess”, which perhaps explained his lifetime loyalty to Maxwell House coffee, Prell shampoo, and \$5 sunglasses. In fact, my sister reminded me yesterday that he was perfectly happy to drive his Buick into the ground, much to the dismay of the salesman down at Dworin Chevrolet, of course. And always, no matter how distinguished his career in the law may have been or how adept he was with the life of the mind, he took a certain pleasure in making fun of himself too, as if he were really just a

regular guy. So if I were to say now that he had an “indefatigable” spirit, he would feign an innocent look, lean forward helpfully and add “tireless too”. As if he didn't know what the word meant. It was one of his favorite jokes and in fact I have since stolen it for myself.

He reached mandatory retirement as a Superior Court judge in 1986 and then continued to work for another 24 years—almost a full career for some people. He loved being over at the courthouse in the middle of the action, surrounded by the friends and comforts of his profession and he showed little sign of stopping, right up to the age of 93. So we knew it was trouble when the day finally came that he said he didn't want to go to work anymore.

Yet even near the end of his life, when he was going through radiation treatments, his face could light up at the sight of a simple cup of chowder that my sister might bring over to the hospital for him. Or he would shuffle outside to the hospital parking lot, take a sip out of a flask of bourbon that my brother had smuggled in, look around and say “Isn't this the life!” And he really meant it. That was his rare gift—to be able to genuinely appreciate and make the most of whatever the moment held and still find an upside to it. If you asked him how he was feeling, he'd say “Raring to go!” and it really wasn't much of an exaggeration. And his amazing work ethic refused to quit. Just a few weeks ago, he woke up from a nap and asked my sister Suzie where he was and what day it was. So she told him, it's Wednesday and you're at home”. He sounded absolutely aghast in his response: “Home? What am I doing home in the middle of the week—I'm supposed to be at work!” In a way, he was kind of like one of those characters from an old John Wayne movie that you just couldn't keep down, where even after being hit with 100 rounds from the enemy, he would still somehow stagger back to throw that one decisive final grenade.

So today we lay to final rest an old soldier who embraced battle and celebration with equal relish, who demonstrated that he could not just endure, but do it with “pizzazz” and certainly for far longer than we had any right to ask for. It was once said, by the Civil War veteran and Supreme Court Justice Oliver Wendall Holmes, that “to act with enthusiasm and faith is the condition for acting greatly”. To our father and your friend, we can now rightfully say without hesitation: you met that test—mission accomplished. Of course we will miss you greatly, but you had one heck of a run and we're really very grateful and proud of that. And so we promise to pass along your sense of humor, to keep telling our favorite stories about you and to still be toasting you at some cocktail hour far into the future with warm memories to always keep you very much alive in our hearts.

#### STATEMENT ON THE SCHRADER AMENDMENT TO H.R. 10, THE REINS ACT

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the Schrader amendment to H.R. 10, the REINS Act. The REINS Act makes certain regulations that protect American priorities like

public health, our economy, and workers' rights, extraordinarily difficult to enact by requiring Congressional approval even though Congress already has the power to disapprove any regulation. The Schrader Act further hobbles regulatory efforts by requiring an additional cost-benefit analysis, which is heavily biased against regulations which protect things that are not usually monetized like clean air, clean water, and public health protections. I could not support it.

#### HONORING DAVID LONG

**HON. STEVE STIVERS**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. STIVERS. Mr. Speaker, I rise today to honor the lengthy public service career of David Long, Chief of the Norwich Township Fire Department. David Long has served the Hilliard, Ohio community as a member of its fire department for 36 years, serving more than 7 years as Chief of the department.

Born and raised in the Hilliard area, David joined the Norwich Township Fire Department in 1975 as a part-time firefighter. On September 9, 1976 he earned a full-time position from which he moved up the ranks, becoming a lieutenant on July 1, 1984, Assistant Chief on April 1, 1996, and finally Chief of the department on April 2, 2004. He is a certified paramedic, fire instructor, and fire inspector.

David Long has played a critical role in keeping the Hilliard community safe for more than three and a half decades. He has literally run into burning buildings to protect his neighbors. David's willingness to put his own life at risk in service to others is truly inspiring and exemplifies the courage that makes America great.

As Chief, David has led the department during an important time for the community and has presided over some major departmental milestones, including relocating the department to the Hilliard Joint Safety Services Building. David has been a sound and stable leader, admired both by his firefighters and the community at large.

Chief David Long has touched many lives and inspired others to service at this critical time in our history when we need dedicated public servants the most. I thank David for all that he has done for the Hilliard community and congratulate him on concluding an impressive and inspiring career.

#### COMMEMORATING THE LIFE OF CAPTAIN ERWIN J. KORCZYNSKI

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize the life of Captain Erwin J. Korczynski, a Chicago native whose contributions to our country should not be forgotten. Mr. Korczynski passed away in January of 2011, but his impact on the nation and those who knew him will last forever.

Erwin Korczynski was a quintessential American. Born and raised with his twin brother in Chicago, Illinois, Mr. Korczynski's youth was busy: he was an avid boy scout, marched with the Chicago Cavaliers Drum and Bugle Corps and was a competitive member of his high school's Track and Field team.

After high school he pursued the priesthood, but in 1963, Erwin felt a need to serve his country directly, and enlisted in the United States Marine Corps. He served with the Marine Attack Squadron, VMA 131. While in the Marine Corps, he had moved up the ranks and attained the rank of Sergeant before he was honorably discharged in 1969.

After spending several years of his life in the Marines, Mr. Korczynski became a civilian airline pilot. He flew for a number of different airlines over the years, logging hundreds of hours aloft as he piloted aircraft between six different continents.

In 1990, Captain Korczynski was drawn to again serve his country. He volunteered to serve with the Civil Reserve Air Fleet and was sent to the Persian Gulf. Mr. Korczynski subsequently commanded twenty-five Civil Reserve Air Fleet missions during Operation Desert Storm.

Mr. Korczynski's selfless actions on behalf of this nation make him a true citizen soldier, following in the footsteps of our nation's minutemen. His bravery and self sacrifice have

earned him not only my admiration, but the admiration of the American people.

In his later years, Captain Korczynski's passion for flight did not wane. While he was unable to continue flying commercial aircraft after age sixty, Captain Korczynski remained able and active, training future pilots and instilling the knowledge and wisdom earned through his decades of pilot experience.

Captain Erwin Korczynski lived an honorable life, and he contributed much to the common good. On behalf of a grateful nation, I want to express our thanks for his life of service.

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HONORING LARRY GALLA OF K-  
STAR IN CONROE

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**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2011*

Mr. BRADY of Texas. Mr. Speaker, I rise to share with America something very good about America—a true blue American success story in a cowboy hat and boots—my friend, Larry Galla, one of the newest members of the Texas Radio Hall of Fame.

When Larry opens up the microphone, you know magic is about to happen. Not the flashy magic of a Vegas stage show, but the magic

of listening to an old friend spin yarns and records without skipping a beat. Larry's magic is in making all of us feel right at home.

But, to many stars in the country music scene, praise from Larry is a different kind of magic. It's the kind of magic that turns ordinary records into gold records and musicians into stars.

Larry Galla has been a staple on the Houston area airwaves for nearly four decades making the leap to Houston—a top 10 radio market.

After spending nearly half his career at KIKR, Larry returned to Conroe and his roots at K-Star where he gets to share the microphone with another Hall of Famer, Mary McCoy.

Conroe has celebrated with a Larry Galla Day, but it's time the rest of the country knew Larry's name as well as some of the great legends of country music do.

From Johnny Cash to Ernest Tubb to George Strait and Billy Currington, when Larry plays their songs, people listen. When Larry interviews an artist, we all learn a lot more about the music Texans love to sing along to, because to Larry, it's the sound music makes over the radiowaves that matters the most and his dedication to the music is second to none.

That's why so many musicians have asked him to take the stage with them over the years. Today, the spotlight is all on Larry.

## SENATE—Saturday, December 17, 2011

The Senate met at 9 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Today, O God, we magnify Your Name for Your purity, holiness, and justice as the Judge of the universe. Let Your purity, holiness, and justice be seen on Capitol Hill today. Bind our lawmakers together in the oneness of a shared commitment to You, a passionate patriotism, and a loyal dedication to find Your solutions for the concerns that confront and often divide us. May the words of our Senators and the meditations of their hearts be acceptable to You. Use their labors so that justice will roll down like waters and righteousness like a mighty stream.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 17, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### VOTE COMPROMISES

Mr. REID. Mr. President, as happens once in a while here, we do not have a final score on part of the payroll tax issue that we have, the legislation. Joint Tax, CBO said they will have the score by 10 o'clock today. Therefore, we are going to reverse the order of what we are doing. We are going to vote on the matters relating to the omnibus first. However, I ask unanimous consent that if the Reid-McConnell substitute amendment is not agreed to—that is the payroll tax issue—the Senate's action with respect to the conference report to accompany H.R. 2055 and H.R. 3672 be vitiated and the majority leader be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Tennessee.

Mr. CORKER. Mr. President, what was the parliamentary procedure the leader just referred to?

Mr. REID. We do not have a final score on the payroll tax matter. There is something dealing with SGR that is not quite right, so we want to make sure everything is totally paid for. We are going to get a score in just a few minutes, probably by 10 o'clock for sure, and we want to reverse the order. We are going to do all the omnibus stuff because people have things to do and want to leave. But if by some happenchance the payroll tax does not pass, then all this stuff, the votes on the omnibus, would be vitiated.

Mr. CORKER. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, in the Senate we work on an adversarial basis lots of times because that is the way the Founding Fathers set up our country. I am not going to give a long lecture on this because I know people have a lot to do.

This little Constitution was very hard to come by. It was very hard to come by. We tried the Articles of Confederation. They did not work at all. We had the State of Rhode Island, a little, tiny place, with not many people in it; we had the big State of New York, with lots of territory and lots of people.

How were they going to work that out? They could not—until a man from Connecticut, Elbridge Gerry, came as one of the delegates, in June of 1787, to Philadelphia, who said: I have a great idea. It was an idea that had never been tried before. It was a stunningly interesting idea that he had. He suggested to the Founding Fathers a bicameral legislature, having a legislature made up of two bodies, two legislative bodies, the House and the Senate. That is the reason we are able to have a constitution.

But in the process, built into our Constitution is constant vying for power. You have the executive branch, the judicial branch, but within the legislative branch, there is constant vying for power between the House and the Senate. That is the case, even though both bodies may be of one party. When PELOSI was the Speaker, the Speaker and I were very good friends, but we had problems trying to work out things between the two bodies. When you have one body with one party and the other body with another party, it becomes even more difficult.

The times we are going through are not unusual for the Senate in the 200-plus years we have been a country. In fact, they are very peaceful and calm compared to sometimes. As we know, a Member of the House of Representatives did not like what a Senator from Massachusetts was saying. He came over here and, with his cane, nearly beat to death the Senator from Massachusetts. The Senator from Massachusetts was out of work for 2 years, and he was irreparably damaged. His health never returned.

So I know how difficult and hard it is for people to accept our way of doing business. But if you look back over the time we have been a country, it has worked out pretty well. For example, what we are going to vote on shortly—both the omnibus, the spending bill; and the payroll tax—were truly legislative accomplishments. They were compromises.

The omnibus is much better than it was previously. We were able to actually pass individual appropriations bills this year. The goal of the Republican leader and me is to pass them all next year. We are going to try. It is going to be one of our important issues we have to deal with, to try to get our appropriations bills back together.

I, when I first came to the Senate, became an appropriator. I think that committee is so integral to how this body works, and it has not been working well; that is, the appropriations process.

So people may be disturbed about some of the stuff that is on the floor, but it was true legislation because it was compromise. The omnibus—there are lots of things in that I do not like, and I will bet you every Senator has something in it that they do not like.

With the package we have dealing with unemployment, the package with the payroll tax and SGR, there are things in there I would rather not have in either one of those, but we are here because that is the way we were able to bring this and lead to what I think is an accomplishment that is important for the American people.

I appreciate the ability of the Republican leader and myself to sit down and talk, as we do, often, away from all of you, away from everybody. We started this conversation alone, and we ended it alone, working on these measures we have here. I know members of my caucus say: Why couldn't I have been in on doing all this stuff? We involved as many people as we could.

But, ultimately, as hard as it is for the two of us, we, on occasion, have to do what we think is right for the good of the country. So I appreciate very much the Republican leader and his ability to remain friends with me, as I do with him. I hope everybody understands today is a very important day for our country because we are doing today exactly what the Founding Fathers thought we would do.

Mr. MCCONNELL. Mr. President, I want to make just a few comments about the pipeline-payroll package that the majority leader and I have offered on which we will be voting shortly. It is not the bill I would have written. It falls short in several respects, in not having both certainty—the certainty issue is awfully important to the private sector if we are going to come out of this economic slowdown. But as the majority leader has indicated, our side approached this debate conscious of something Democrats in Washington tend to forget these days; that is, in order to achieve something around here, we have to compromise.

As the majority leader indicated, that is, in fact, what we have done. We have crafted a bill not designed to fail but designed to pass. The main thing Republicans were fighting for and got was the Keystone XL Pipeline provi-

sion authored by Senator LUGAR and also Senator HOEVEN, and Senator JOHANNIS was particularly instrumental in working out the Nebraska aspects of this to the satisfaction of his Governor and his State legislature.

So why were Republicans fighting for the pipeline? We knew the whole reason we were even talking about temporary tax relief and extending unemployment benefits is because 3 years into this administration the private sector is still gasping, literally gasping for air. So we said let's also do something that would help create private sector jobs. Let's start to change the equation and do something that will actually get at the heart of the problem.

Keystone was an obvious choice. Everybody in Washington says they want more American jobs right now. Well, here is the single largest shovel-ready project in America. It is literally ready to go awaiting the permission of the President of the United States.

Some of the news outlets are calling this pipeline controversial. I have no idea why it could be called controversial. The labor unions like it, many Democrats want it, it strengthens our national security by decreasing the amount of oil we get from unfriendly countries, and it would not cost the taxpayers a dime—not a dime. It is a private sector project ready to go.

All we are doing is saying the President has 60 days to decide whether the project is in the national interest—60 days for the President to make a decision one way or the other. Since most of us have not heard a good reason from the White House as to why they would block it, I am very hopeful the President, in the course of this 60 days, will do the right thing for the country and get this crucial project underway.

The only thing standing between thousands of American workers and the good jobs this project will provide is a Presidential decision. As I said, I am hopeful and optimistic the President will make the right decision.

I thank my friend, the majority leader, for the opportunity to work together with him on something that could actually pass the Senate and be signed by the President.

I yield the floor.

Mr. LEAHY. Mr. President, we are close to voting on a payroll tax extension bill that includes a House provision designed to force the President to approve the Keystone XL tar sands oil pipeline. Proponents of this tar sands project argue that it belongs on this bill for one reason: building the pipeline would create jobs.

Any construction project creates jobs, and it is no surprise that this debate has come down to this. Unable to sell the pipeline as necessary to meet the country's energy needs, which it is not, or to refute charges that tar sands strip mining and the refining and burn-

ing of high carbon oil cause egregious harm to the environment and health, which it does, the Canadian energy company TransCanada has flooded the media with dire warnings about the American jobs that will be lost if the pipeline is rejected.

Not surprisingly, our Republican friends, always ready to fight for the oil companies, have echoed these scare tactics.

What they don't tell you is that the 5,000 or 6,000 temporary construction jobs will disappear once the pipeline is built. Only a few hundred permanent jobs are needed to operate and maintain the pipeline.

And they also don't mention that the choice is not between jobs or no jobs. They ignore the tens of thousands of permanent, safe American jobs that could be created by investing in clean, renewable sources of energy, which, unlike tar sands oil, don't pollute and will not be used up in a few short decades.

People can disagree about building the Keystone Pipeline, but there is more to this than the short-term jobs it would create. Jamming it through Congress on this bill in the waning hours of the session has a lot more to do with politics than jobs.

The Keystone provision in this payroll tax extension would force the President to approve or disapprove the pipeline within 60 days. Any decision to grant a permit would be "deemed," by Congress, to satisfy all the environmental requirements, even if it does not, and any modification to the construction mitigation and reclamation plan "shall not" require supplementation of the final environmental impact statement. In other words, don't study the consequences or give the public a chance to comment on the revised plan.

This is from Members of Congress who in the last election ran on a platform of "open" government. Yet when it comes to helping Big Oil, it is a different story. They cut the time for making a decision from a year to 60 days and short circuit the environmental review process. Forget the science. Forget the public. Preempt the law. Ignore the risk. The only thing that matters is pumping more oil.

Tar sands are a particularly dirty source of petroleum, from extraction to refinement. Anyone who is interested, regardless of which side of this debate they are on, should look at the photographs of the tar sands mines in the boreal forests of Alberta. What was once an extraordinarily beautiful landscape has been ravaged by heavy machinery, vast ponds filled with polluted water and sludge, and a ruined wasteland where the forests used to be.

We all know that the extraction of oil, minerals, and other natural resources harms the environment, but there are degrees of harm. Extracting

heavy oil from tar sands is among the most energy-intensive and destructive.

Under the law, the State Department has the responsibility to approve or disapprove the pipeline because it crosses an international boundary. More than a year ago, I and 10 other Senators—Republicans and Democrats—sent the first of a series of letters to the State Department raising concerns about the proposed pipeline and the impact of tar sands oil on global warming.

Since then, concern about the pipeline has evolved into a heated controversy over the impact the pipeline will have on our Nation's energy policy, our continuing dependence on fossil fuels, and the environment.

From the beginning, I had misgivings about the State Department's ability to conduct a thorough, credible assessment of a project of this complexity that they were approaching with an attitude of inevitability. The State Department did not anticipate the strong reaction of Members of Congress of both parties, including several from Midwestern States that have been coping with multiple oilspills from the original Keystone Pipeline—oilspills that have caused damage costing hundreds of millions of dollars that company officials have treated as inconsequential.

Concerns about the risks of this project have united not only those living along the proposed route but people across the Nation, including in Vermont, as well as in Canada, who care about the environment and who understand the need to wean our Nation from oil and other fossil fuels.

Every President since the 1970s has spoken of the need to reduce our dependence on oil and coal, but despite all the speeches, year after year we are more dependent on these finite, polluting sources of energy than ever before.

Today, energy companies are spending staggering amounts of money in search of new sources of oil in some of the most inhospitable places on Earth, where its extraction involves great risks to the workers involved, to the environment, and to precious sources of water for drinking and irrigation.

No matter what we do today, later this week, or later this month, this country will be dependent on fossil fuels for many years to come. But while TransCanada and its supporters extol the virtues of the Keystone XL Pipeline, as the minority leader and others have done, simply by reducing waste we could eliminate entirely the need for the energy from the oil that would flow through the pipeline. It is one of those inconvenient facts they would prefer to ignore.

I come from a State that shares a border with Canada. My wife's family is Canadian. I have a great fondness for that "giant to the north." But this

issue is not about U.S. relations with Canada. We are inseparable neighbors, friends, and allies. There are strong views about this pipeline, pro and con, in both countries. As Americans, we have to do what is right for our country's energy future, for the environment, for our citizens.

Some have argued that if this pipeline is not built, TransCanada will simply build another pipeline to the coast of British Columbia and export the oil to China. But there are significant obstacles and no indication that such an alternative route is a viable option.

Others maintain that the carbon emissions from extracting and refining this oil would not appreciably exceed those from oil shipped by tanker from the Middle East, but they do not address the environmental harm and pollution caused by the strip mining and separation process.

Then there is the jobs issue, which has been shamelessly exaggerated in a last-ditch attempt to win votes in a time of economic hardship.

Last month, in response to concerns about the crucial aquifer that the pipeline would traverse in the Midwest, the White House announced that the State Department would consider alternative routes through Nebraska and that the President would make a decision in 2013. Now, Republican defenders of the oil industry want to short circuit this process, whatever the risks.

Fossil fuels are finite, inefficient, and dirty. The cost we pay at the gas pump bears no resemblance to the long-term environmental and health costs borne by society as a whole.

We cannot lessen our reliance on fossil fuels by continually ignoring it, nor can we do it by spending huge amounts of money, energy, and American ingenuity to search the farthest reaches of the globe for every last drop of oil, regardless of how dangerous or harmful to the environment.

This pipeline would perpetuate a costly dependence that has gotten worse year after year, for which we are all to blame. Keystone XL would once again do nothing to address the problems associated with fossil fuels. It would virtually assure more oilspills, it would do nothing to promote conservation and reduce waste, and it would do nothing to spur investment in clean energy alternatives.

Most important, it would provide yet another excuse to once again postpone for another day the urgent, national security imperative of developing a sustainable energy policy for this country. That is what the decision about the Keystone XL tar sands oil pipeline has come to represent regardless of what route it takes.

Mr. President, sometimes a bad situation can be the beginning of something better. Once this bill is passed, President Obama will have 60 days to decide if building the pipeline is in the

national interest. He should reject these strong-arm tactics by the other party. He should use this blatantly political maneuver as an opportunity to inaugurate a new energy policy that will finally end our dependency on foreign oil. It is time to finally put the environment, and the health and energy security of the American people, above the interests of the fossil fuel industry.

Mr. LEVIN. Mr. President, once again, the Senate finds itself in an untenable situation. We can approve the legislation before us, which is inadequate to the needs of our Nation, or we can reject this legislation and make matters even worse. I will vote to approve this legislation, but I will do so knowing that we have missed yet another opportunity to do the right thing for the people we represent. Instead, we are doing some damage to important goals, in order to avoid doing even greater damage.

We are in this position because our colleagues across the aisle, and their Republican allies in the House of Representatives, refuse to make even the most basic of concessions to reality. The truth is, more than 3 years after the beginning of a recession, too many Americans are still desperately in need of assistance. Those who are working need us to help support economic growth so their jobs are more secure and their incomes can grow. Millions are still without work not because they don't want it, but because the number of people seeking work is vastly greater than the number of available jobs and they need us to help support economic growth so they can find work to support themselves and their families.

Yet what our colleagues have insisted upon is to present us with two choices. The legislation before us would continue middle-class tax relief, the only economic boosts Republicans have allowed us to even consider, but pay for it in a deeply misguided manner because Republicans refused to consider more equitable ways to offset its costs. It would extend unemployment benefits, but in a way that leaves thousands of Michigan families facing a sudden loss of their benefits, because it effectively eliminates 20 weeks of the current 99-week maximum benefit for Michigan and other States where, though unemployment remains high, it is beginning to fall. And these extensions would last for just 2 months.

As bad as that is, the alternative rejecting this legislation is even worse. Without passage, economists tell us that the loss of middle-class tax relief could put our already slow economic recovery into even greater doubt. Without passage, even more families, in Michigan and elsewhere, will lose the economic lifeline of unemployment benefits. More than 26,000 Michigan families will lose their benefits under the inadequate provisions of this bill,



but that number would grow to more than 100,000 by Spring without passage of this legislation. Michigan residents would lose eligibility for 73 weeks of emergency unemployment compensation if we do not act today, instead of the 20 weeks we would lose if we pass this bill.

Mr. President, my State would suffer in other ways if this bill does not pass. It extends the so-called doc fix that is important to health care providers in Michigan and elsewhere. And this bill continues an adjustment to the Medicare Program that provides crucial aid to nearly half of all Michigan hospitals. This so-called section 508 fix is technical and complicated, but extending it is vitally important to Michigan hospitals. Without it, their ability to continue providing care to Michigan's people would be hampered.

The method Republicans have demanded to pay for this legislation is also badly misguided. It uses fees paid to Fannie Mae and Freddie Mac to offset its costs. Those fees should be going to repair what we all, on both sides of the aisle, acknowledge is a massive financial problem at those enterprises. If we increase these fees, the money should be used to help stabilize the value of Americans' homes by reforming these enterprises.

The very fact that we have had to find ways to pay for middle-class tax relief is a remarkable acknowledgement by Republicans, given that it has been an article of faith among many of our Republican colleagues that tax cuts pay for themselves. Repeatedly, for decades, they have pushed for massive tax cuts for the wealthy and sold them with the promise that they will pay for themselves. Now, when we face the expiration of tax relief that overwhelmingly benefits middle-class families, they tell us that this tax cut must be paid for. Hopefully this inconsistency will not escape the notice of the American people.

It didn't have to be this way. Republicans had the chance to accept a fair alternative one that extended the payroll tax cut, unemployment insurance and other important tax and Medicare provisions, and that did so in a way that provides what our constituents demand from us: a balanced approach that asks all Americans to share in the sacrifices necessary to address our challenges.

That approach would ask Americans making more than \$1 million a year to pay slightly more in taxes. A solid majority of Americans see this as common sense: The wealthiest among us have done extraordinarily well in recent decades even as middle-class incomes have stagnated, and asking those fortunate few to contribute along with middle-class families is only fair. Yet Republicans again rejected that equitable option out of hand. We will continue to press for it in the challenging year that awaits us.

Over the last few months, Republicans have been willing to risk the full faith and credit of the United States, the continued functioning of the government, tax relief for middle-income Americans, adequate funding for our military, health care for our seniors, and an economic lifeline for the unemployed, all in an effort to protect the interests of the wealthiest, most fortunate Americans. None of these threats would loom so large if Republicans would simply acknowledge what roughly two-thirds of our constituents now acknowledge: that the solutions to our fiscal problems must include a balanced approach that asks the wealthiest Americans to sacrifice along with working families. Today, they have demonstrated that they have not yet received that message, and they have once again forced us to choose between the unacceptable and the catastrophic.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, just a brief comment on Keystone. I was the first elected official to write a letter opposing that. I know how I feel about this. I know how my friend, the Republican leader, feels about it. I was responsible for putting it in this bill. That is how legislation works.

I would also say we are thankful that we have worked together to make sure that 160 million people have not a tax increase but a continued tax break. I am also thankful that the lifeline for unemployed people is going to continue for at least 60 days.

I ask the Chair to report the legislation.

#### MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 3630, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes.

AMENDMENT NO. 1465

Mr. REID. Mr. President, I have an amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. McCONNELL, proposes an amendment numbered 1465.

The amendment is printed in today's RECORD under "Text of Amendments."

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to the amendment, which is subject to a 60-vote threshold.

Mr. REID. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—89

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Murkowski
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Portman
Bingaman	Hatch	Pryor
Blumenthal	Heller	Reed
Blunt	Hoeven	Reid
Boozman	Hutchison	Risch
Boxer	Inhofe	Roberts
Brown (MA)	Inouye	Rockefeller
Brown (OH)	Isakson	Rubio
Burr	Johanns	Schumer
Cantwell	Johnson (SD)	Shaheen
Cardin	Kerry	Snowe
Carper	Klobuchar	Stabenow
Casey	Kohl	Tester
Chambliss	Kyl	Thune
Coats	Landrieu	Toomey
Coburn	Lautenberg	Udall (CO)
Cochran	Lee	Udall (NM)
Collins	Levin	Vitter
Conrad	Lieberman	Warner
Coons	Lugar	Webb
Cornyn	McCain	Whitehouse
Crapo	McCaskey	Wicker
Durbin	McConnell	Wyden
Enzi	Menendez	

NAYS—10

Corker	Leahy	Sessions
DeMint	Manchin	Shelby
Johnson (WI)	Moran	
Kirk	Sanders	

NOT VOTING—1

Paul

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 89, the nays are 10. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The ACTING PRESIDING pro tempore. Under the previous order, H.R. 3630, as amended, is passed, as follows:

H.R. 3630

*Resolved*, That the bill from the House of Representatives (H.R. 3630) entitled "An Act to provide incentives for the creation of jobs, and for other purposes.", do pass with the following amendments:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) *SHORT TITLE.*—This Act may be cited as the "Temporary Payroll Tax Cut Continuation Act of 2011".

(b) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

*Sec. 1. Short title; table of contents.*

**TITLE I—TEMPORARY PAYROLL TAX RELIEF**

*Sec. 101. Extension of payroll tax holiday.*



## TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

Sec. 201. Temporary extension of unemployment compensation provisions.

Sec. 202. Extended unemployment benefits under the Railroad Unemployment Insurance Act.

## TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

Sec. 301. Medicare physician payment update.

Sec. 302. 2-month extension of MMA section 508 reclassifications.

Sec. 303. Extension of Medicare work geographic adjustment floor.

Sec. 304. Extension of exceptions process for Medicare therapy caps.

Sec. 305. Extension of payment for technical component of certain physician pathology services.

Sec. 306. Extension of ambulance add-ons.

Sec. 307. Extension of physician fee schedule mental health add-on payment.

Sec. 308. Extension of outpatient hold harmless provision.

Sec. 309. Extending minimum payment for bone mass measurement.

Sec. 310. Extension of the qualifying individual (QI) program.

Sec. 311. Extension of Transitional Medical Assistance (TMA).

Sec. 312. Extension of the temporary assistance for needy families program.

## TITLE IV—MORTGAGE FEES AND PREMIUMS

Sec. 401. Guarantee Fees.

Sec. 402. FHA guarantee fees.

## TITLE V—OTHER PROVISIONS

### Subtitle A—Keystone XL Pipeline

Sec. 501. Permit for Keystone XL pipeline.

### Subtitle B—Budgetary Provisions

Sec. 511. Senate point of order against an emergency designation.

Sec. 512. PAYGO scorecard estimates.

## TITLE I—TEMPORARY PAYROLL TAX RELIEF

### SEC. 101. EXTENSION OF PAYROLL TAX HOLIDAY.

(a) IN GENERAL.—Subsection (c) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended to read as follows:

“(c) PAYROLL TAX HOLIDAY PERIOD.—The term ‘payroll tax holiday period’ means—

“(1) in the case of the tax described in subsection (a)(1), calendar years 2011 and 2012, and

“(2) in the case of the taxes described in subsection (a)(2), the period beginning January 1, 2011, and ending February 29, 2012.”.

(b) SPECIAL RULES FOR 2012.—Section 601 of such Act (26 U.S.C. 1401 note) is amended by adding at the end the following new subsection:

“(f) SPECIAL RULES FOR 2012.—

“(i) LIMITATION ON WAGES AND SELF-EMPLOYMENT INCOME.—In the case of—

“(A) any taxable year beginning in 2012, subsection (a)(1) shall only apply with respect to so much of the taxpayer’s self-employment income (as defined in section 1402(b) of the Internal Revenue Code of 1986) as does not exceed the excess (if any) of—

“(i) \$18,350, over

“(ii) the amount of wages and compensation taken into account under subparagraph (B), and

“(B) any remuneration received during the portion of the payroll tax holiday period occurring during 2012, subsection (a)(2) shall only apply to so much of the sum of the taxpayer’s wages (as defined in section 3121(a) of such Code) and compensation (as defined section 3231(e) of such Code) as does not exceed \$18,350.

“(2) COORDINATION WITH DEDUCTION FOR EMPLOYMENT TAXES.—In the case of a taxable year beginning in 2012, subparagraph (A) of subsection (b)(2) shall be applied as if it read as follows:

“(A) the sum of—

“(i) 59.6 percent of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined after the application of this section) on so much of self-employment income (as defined in section 1402(b) of such Code) as does not exceed the amount of self-employment income described in paragraph (1)(A), plus

“(ii) one-half of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined without regard to this section) on self-employment income (as so defined) in excess of such amount, plus’.”

(c) TECHNICAL AMENDMENTS.—Paragraph (2) of section 601(b) of such Act (26 U.S.C. 1401 note) is amended—

(1) by inserting “of such Code” after “164(f)”,

(2) by inserting “of such Code” after “1401(a)” in subparagraph (A), and

(3) by inserting “of such Code” after “1401(b)” in subparagraph (B).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to remuneration received, and taxable years beginning, after December 31, 2011.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (c) shall take effect as if included in the enactment of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

## TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

### SEC. 201. TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking “January 3, 2012” each place it appears and inserting “March 6, 2012”;

(B) in the heading for subsection (b)(2), by striking “JANUARY 3, 2012” and inserting “MARCH 6, 2012”; and

(C) in subsection (b)(3), by striking “June 9, 2012” and inserting “August 15, 2012”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “January 4, 2012” each place it appears and inserting “March 7, 2012”; and

(B) in subsection (c), by striking “June 11, 2012” and inserting “August 15, 2012”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “June 10, 2012” and inserting “August 15, 2012”.

(4) Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(A) in subsection (d), in the second sentence of the flush matter following paragraph (2), by striking “December 31, 2011” and inserting “February 29, 2012”; and

(B) in subsection (f)(2), by striking “December 31, 2011” and inserting “February 29, 2012”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking “and” at the end; and

(2) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 201(a)(1) of the Temporary Payroll Tax Cut Continuation Act of 2011; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312).

### SEC. 202. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(1) by striking “June 30, 2011” and inserting “August 31, 2011”; and

(2) by striking “December 31, 2011” and inserting “February 29, 2012”.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

## TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

### SEC. 301. MEDICARE PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

“(13) UPDATE FOR FIRST TWO MONTHS OF 2012.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), and (12)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for the period beginning on January 1, 2012, and ending on February 29, 2012, the update to the single conversion factor shall be zero percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on March 1, 2012, and ending on December 31, 2012, and for 2013 and subsequent years as if subparagraph (A) had never applied.”.

### SEC. 302. 2-MONTH EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111–148), and section 102(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking “September 30, 2011” and inserting “November 30, 2011”.

(b) SPECIAL RULE FOR OCTOBER AND NOVEMBER 2011.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), for the period beginning on October 1, 2011, and ending on November 30, 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the

Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) **EXCEPTION.**—In determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall, for the period beginning on October 1, 2011, and ending on November 30, 2011, include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) **TIMEFRAME FOR PAYMENTS.**—The Secretary shall make payments required under subsections (a) and (b) by not later than December 31, 2012.

**SEC. 303. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.**

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2012” and inserting “before March 1, 2012”.

**SEC. 304. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.**

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395i(g)(5)) is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

**SEC. 305. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.**

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “and 2011” and inserting “2011, and the first two months of 2012”.

**SEC. 306. EXTENSION OF AMBULANCE ADD-ONS.**

(a) **GROUND AMBULANCE.**—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “January 1, 2012” and inserting “March 1, 2012”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2012” and inserting “March 1, 2012” each place it appears.

(b) **AIR AMBULANCE.**—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of Public Law 111-148 and section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

(c) **SUPER RURAL AMBULANCE.**—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking “January 1, 2012” and inserting “March 1, 2012”.

**SEC. 307. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.**

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable

Care Act (Public Law 111-148) and section 107 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

**SEC. 308. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.**

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 108 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “January 1, 2012” and inserting “March 1, 2012”; and

(B) in the second sentence, by striking “or 2011” and inserting “2011, or the first two months of 2012”; and

(2) in subclause (III)—

(A) in the first sentence, by striking “2009, and” and all that follows through “for which” and inserting “2009, and before March 1, 2012, for which”; and

(B) in the second sentence, by striking “2010, and” and all that follows through “the preceding” and inserting “2010, and before March 1, 2012, the preceding”.

**SEC. 309. EXTENDING MINIMUM PAYMENT FOR BONE MASS MEASUREMENT.**

Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b)—

(A) in paragraph (4)(B), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(ii) in subparagraph (C), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(2) in subsection (c)(2)(B)(iv)(IV), by striking “or 2011” and inserting “, 2011, or the first 2 months of 2012”.

**SEC. 310. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.**

(a) **EXTENSION.**—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2011” and inserting “February 2012”.

(b) **EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.**—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (O);

(B) in subparagraph (P), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraphs:

“(Q) for the period that begins on January 1, 2012, and ends on February 29, 2012, the total allocation amount is \$150,000,000.”.

**SEC. 311. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).**

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking “December 31, 2011” and inserting “February 29, 2012”.

**SEC. 312. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.**

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than under subsections (a)(3) and (b) of section 403 of such Act) shall continue through February 29, 2012, in the manner authorized for fiscal year 2011, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

Grants and payments may be made pursuant to this authority through the applicable portion of the second quarter of fiscal year 2012 at the pro rata portion of the level provided for such activities through the second quarter of fiscal year 2011.

**TITLE IV—MORTGAGE FEES AND PREMIUMS**

**SEC. 401. GUARANTEE FEES.**

Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by adding after section 1326 (12 U.S.C. 4546) the following new section: “**SEC. 1327. ENTERPRISE GUARANTEE FEES.**

“(a) **DEFINITIONS.**—For purposes of this section, the following definitions shall apply:

“(1) **GUARANTEE FEE.**—The term ‘guarantee fee’—

“(A) means a fee described in subsection (b); and

“(B) includes—

“(i) the guaranty fee charged by the Federal National Mortgage Association with respect to mortgage-backed securities; and

“(ii) the management and guarantee fee charged by the Federal Home Loan Mortgage Corporation with respect to participation certificates.

“(2) **AVERAGE FEES.**—The term ‘average fees’ means the average contractual fee rate of single-family guaranty arrangements by an enterprise entered into during 2011, plus the recognition of any up-front cash payments over an estimated average life, expressed in terms of basis points. Such definition shall be interpreted in a manner consistent with the annual report on guarantee fees by the Federal Housing Finance Agency.

“(b) **INCREASE.**—

“(1) **IN GENERAL.**—

“(A) **PHASED INCREASE REQUIRED.**—Subject to subsection (c), the Director shall require each enterprise to charge a guarantee fee in connection with any guarantee of the timely payment of principal and interest on securities, notes, and other obligations based on or backed by mortgages on residential real properties designed principally for occupancy of from 1 to 4 families, consummated after the date of enactment of this section.

“(B) **AMOUNT.**—The amount of the increase required under this section shall be determined by the Director to appropriately reflect the risk of loss, as well the cost of capital allocated to similar assets held by other fully private regulated financial institutions, but such amount shall be not less than an average increase of 10 basis points for each origination year or book year above the average fees imposed in 2011 for such guarantees. The Director shall prohibit an enterprise from offsetting the cost of the fee to mortgage originators, borrowers, and investors by decreasing other charges, fees, or premiums, or in any other manner.

“(2) **AUTHORITY TO LIMIT OFFER OF GUARANTEE.**—The Director shall prohibit an enterprise from consummating any offer for a guarantee to a lender for mortgage-backed securities, if—

“(A) the guarantee is inconsistent with the requirements of this section; or

“(B) the risk of loss is allowed to increase, through lowering of the underwriting standards or other means, for the primary purpose of meeting the requirements of this section.

“(3) **DEPOSIT IN TREASURY.**—Amounts received from fee increases imposed under this section shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. The fees charged pursuant to this section shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise.

“(c) **PHASE-IN.**—

“(1) *IN GENERAL.*—The Director may provide for compliance with subsection (b) by allowing each enterprise to increase the guarantee fee charged by the enterprise gradually over the 2-year period beginning on the date of enactment of this section, in a manner sufficient to comply with this section. In determining a schedule for such increases, the Director shall—

“(A) provide for uniform pricing among lenders;

“(B) provide for adjustments in pricing based on risk levels; and

“(C) take into consideration conditions in financial markets.

“(2) *RULE OF CONSTRUCTION.*—Nothing in this subsection shall be interpreted to undermine the minimum increase required by subsection (b).

“(d) *INFORMATION COLLECTION AND ANNUAL ANALYSIS.*—The Director shall require each enterprise to provide to the Director, as part of its annual report submitted to Congress—

“(1) a description of—

“(A) changes made to up-front fees and annual fees as part of the guarantee fees negotiated with lenders;

“(B) changes to the riskiness of the new borrowers compared to previous origination years or book years; and

“(C) any adjustments required to improve for future origination years or book years, in order to be in complete compliance with subsection (b); and

“(2) an assessment of how the changes in the guarantee fees described in paragraph (1) meet the requirements of subsection (b).

“(e) *ENFORCEMENT.*—

“(1) *REQUIRED ADJUSTMENTS.*—Based on the information from subsection (d) and any other information the Director deems necessary, the Director shall require an enterprise to make adjustments in its guarantee fee in order to be in compliance with subsection (b).

“(2) *NONCOMPLIANCE PENALTY.*—An enterprise that has been found to be out of compliance with subsection (b) for any 2 consecutive years shall be precluded from providing any guarantee for a period, determined by rule of the Director, but in no case less than 1 year.

“(3) *RULE OF CONSTRUCTION.*—Nothing in this subsection shall be interpreted as preventing the Director from initiating and implementing an enforcement action against an enterprise, at a time the Director deems necessary, under other existing enforcement authority.

“(f) *EXPIRATION.*—The provisions of this section shall expire on October 1, 2021.”.

#### SEC. 402. *FHA GUARANTEE FEES.*

(a) *AMENDMENT.*—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by adding at the end the following:

“(C)(i) In addition to the premiums under subparagraphs (A) and (B), the Secretary shall establish and collect annual premium payments for any mortgage for which the Secretary collects an annual premium payment under subparagraph (B), in an amount described in clause (ii).

“(ii)(I) Subject to subclause (II), with respect to a mortgage, the amount described in this clause is 10 basis points of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

“(II) During the 2-year period beginning on the date of enactment of this subparagraph, the Secretary shall increase the number of basis points of the annual premium payment collected under this subparagraph incrementally, as determined appropriate by the Secretary, until the number of basis points of the annual premium payment collected under this subparagraph is equal to the number described in subclause (I).”.

(b) *PROSPECTIVE REPEAL.*—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by striking subparagraph (C), as added by subsection (a), effective on October 1, 2021.

(c) *REPORT REQUIRED.*—Not later than 30 days before the date on which the Secretary of Housing and Urban Development makes a determination under subsection (b)(2), the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(1) explains the basis for the determination; and

(2) identifies the date on which the Secretary plans to make the determination.

### TITLE V—OTHER PROVISIONS

#### Subtitle A—Keystone XL Pipeline

##### SEC. 501. *PERMIT FOR KEYSTONE XL PIPELINE.*

(a) *IN GENERAL.*—Except as provided in subsection (b), not later than 60 days after the date of enactment of this Act, the President, acting through the Secretary of State, shall grant a permit under Executive Order 13337 (3 U.S.C. 301 note; relating to issuance of permits with respect to certain energy-related facilities and land transportation crossings on the international boundaries of the United States) for the Keystone XL pipeline project application filed on September 19, 2008 (including amendments).

(b) *EXCEPTION.*—

(1) *IN GENERAL.*—The President shall not be required to grant the permit under subsection (a) if the President determines that the Keystone XL pipeline would not serve the national interest.

(2) *REPORT.*—If the President determines that the Keystone XL pipeline is not in the national interest under paragraph (1), the President shall, not later than 15 days after the date of the determination, submit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives a report that provides a justification for determination, including consideration of economic, employment, energy security, foreign policy, trade, and environmental factors.

(3) *EFFECT OF NO FINDING OR ACTION.*—If a determination is not made under paragraph (1) and no action is taken by the President under subsection (a) not later than 60 days after the date of enactment of this Act, the permit for the Keystone XL pipeline described in subsection (a) that meets the requirements of subsections (c) and (d) shall be in effect by operation of law.

(c) *REQUIREMENTS.*—The permit granted under subsection (a) shall require the following:

(1) The permittee shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the United States facilities.

(2) The permittee shall obtain all requisite permits from Canadian authorities and relevant Federal, State, and local governmental agencies.

(3) The permittee shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, operation, and maintenance of the United States facilities.

(4) For the purpose of the permit issued under subsection (a) (regardless of any modifications under subsection (d))—

(A) the final environmental impact statement issued by the Secretary of State on August 26, 2011, satisfies all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

(B) any modification required by the Secretary of State to the Plan described in paragraph (5)(A) shall not require supplementation of the final environmental impact statement described in that paragraph; and

(C) no further Federal environmental review shall be required.

(5) The construction, operation, and maintenance of the facilities shall be in all material respects similar to that described in the application described in subsection (a) and in accordance with—

(A) the construction, mitigation, and reclamation measures agreed to by the permittee in the Construction Mitigation and Reclamation Plan found in appendix B of the final environmental impact statement issued by the Secretary of State on August 26, 2011, subject to the modification described in subsection (d);

(B) the special conditions agreed to between the permittee and the Administrator of the Pipeline Hazardous Materials Safety Administration of the Department of Transportation found in appendix U of the final environmental impact statement described in subparagraph (A);

(C) if the modified route submitted by the Governor of Nebraska under subsection (d)(3)(B) crosses the Sand Hills region, the measures agreed to by the permittee for the Sand Hills region found in appendix H of the final environmental impact statement described in subparagraph (A); and

(D) the stipulations identified in appendix S of the final environmental impact statement described in subparagraph (A).

(6) Other requirements that are standard industry practice or commonly included in Federal permits that are similar to a permit issued under subsection (a).

(d) *MODIFICATION.*—The permit issued under subsection (a) shall require—

(1) the reconsideration of routing of the Keystone XL pipeline within the State of Nebraska;

(2) a review period during which routing within the State of Nebraska may be reconsidered and the route of the Keystone XL pipeline through the State altered with any accompanying modification to the Plan described in subsection (c)(5)(A); and

(3) the President—

(A) to coordinate review with the State of Nebraska and provide any necessary data and reasonable technical assistance material to the review process required under this subsection; and

(B) to approve the route within the State of Nebraska that has been submitted to the Secretary of State by the Governor of Nebraska.

(e) *EFFECT OF NO APPROVAL.*—If the President does not approve the route within the State of Nebraska submitted by the Governor of Nebraska under subsection (d)(3)(B) not later than 10 days after the date of submission, the route submitted by the Governor of Nebraska under subsection (d)(3)(B) shall be considered approved, pursuant to the terms of the permit described in subsection (a) that meets the requirements of subsection (c) and this subsection, by operation of law.

(f) *PRIVATE PROPERTY SAVINGS CLAUSE.*—Nothing in this section alters the Federal, State, or local processes or conditions in effect on the date of enactment of this Act that are necessary to secure access from private property owners to construct the Keystone XL pipeline.

#### Subtitle B—Budgetary Provisions

##### SEC. 511. *SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.*

Section 314 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following:

“(e) *SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.*—

“(1) *IN GENERAL.*—When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(2) *SUPERMAJORITY WAIVER AND APPEALS.*—

“(A) *WAIVER.*—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(B) *APPEALS.*—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

“(3) *DEFINITION OF AN EMERGENCY DESIGNATION.*—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(4) *FORM OF THE POINT OF ORDER.*—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(5) *CONFERENCE REPORTS.*—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.”

#### SEC. 512. PAYGO SCORECARD ESTIMATES.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

Amend the title so as to read: “An Act A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes”.

The ACTING PRESIDENT pro tempore. The majority leader.

AMENDMENT NO. 1466

Mr. REID. Mr. President, I have an amendment to the title that is at the desk, and I ask unanimous consent that it be agreed to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 1466) was agreed to, as follows:

To amend the title so as to read:

A bill to extend the payroll tax holiday, unemployment compensation, Medicare phy-

sician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

Mr. REED. Mr. President, today I voted to prevent a tax increase on the middle class and to continue jobless benefits for millions of Americans and thousands of Rhode Islanders. Unfortunately, despite my and many of my colleagues' best efforts, this bill is deeply flawed. It doesn't provide needed certainty to Americans or to our economy because it does not provide a year-long extension of the payroll tax cut and jobless benefits, nor does it include needed reforms, like work sharing, which will help prevent layoffs in our still fragile economy. By insisting that jobless benefits be paid for, we are undermining the countercyclical nature of the program and blunting its purpose to stabilize our economy. But worst of all, it fails to address a provision of the unemployment insurance law that is absolutely necessary given our current employment crisis.

As a result, this bill effectively cuts 20 weeks of unemployment benefits. This means Rhode Islanders who have exhausted their normal UI benefits and extended—EUC08—benefits in February will not be eligible to receive the same help that was given to an unemployed person in the same situation back in the middle of 2011.

There is no reason to cut back on jobless benefits now. Over 13 million Americans are out of work, and our Nation is still grappling with the worst case of chronic long-term unemployment since the Great Depression. Unemployment benefits are a lifeline to millions of families and are our most effective tool in battling economic decline. Without these benefits unemployed Americans who are looking for a job wouldn't be able to pay for absolute necessities—their rent, mortgage, groceries, or for transportation as they hit the streets looking for work.

This reduction in coverage that my Republican colleagues have insisted upon is deeply damaging to American households and the broad economy. We should not be engaged in these short-term extensions of the payroll tax cut and jobless benefits—and then cut those jobless benefits as we go along.

In addition to cutting jobless benefits that help a broad swath of Americans, Republicans refuse to ask the wealthiest Americans to contribute to offsetting these policies. The payroll tax and jobless benefits could have been paid for by asking the wealthiest one-tenth of 1 percent to share in the sacrifice that middle-class America has made, but Republicans have voted time and again in favor of millionaire and billionaire and against tax cuts for the middle class.

I will continue to fight for maintaining jobless benefits and extending the payroll tax cut through 2012. I will continue to oppose efforts that would cut

benefits and that would pay for continuing benefits by hurting the middle class.

As today's bill shows, though, my Republican colleagues are not interested in helping middle-class Americans and instead insist on tacking on controversial environmental riders and including offsets that hit the middle class.

Indeed, this bill includes a provision that would require the President to make a decision on the Keystone XL Pipeline within 60 days. This timeframe would dramatically shorten the important environmental review of the project, which includes assessing its potential impacts on critical water resources in the Ogallala aquifer, as well as increased carbon pollution.

I have been working to support and urge serious steps to reduce our dependence on oil, such as increasing the fuel efficiency of our vehicles and developing advanced biofuels. Even if Canadian oil displaces the importation of oil from other countries, the price of oil is determined by the global market, and the best way to decrease our exposure to the rising price of oil is to decrease our demand.

In addition, since America has recently become a net exporter of petroleum products, I am concerned that the proposed pipeline would merely allow big oil companies to import the oil from Canada, transport it by a pipeline—and with it, the risks of leaking into a critical aquifer—down to Texas refineries, where it would be refined into petroleum products that, in part, would be exported to foreign markets.

It is for those reasons that I have opposed the proposed Keystone XL Pipeline and urge the President to reject it.

As I have stated previously, I would have preferred to pay for this legislation by asking the wealthiest one-tenth of 1 percent of Americans to share in the sacrifices that all other Americans have made in working to right our economic ship. However, in the search for pay-fors, the House of Representatives added language that would increase the guarantee-fees—g-fees—the government-sponsored enterprises charge over the next 10 years, diverting funds away from shoring up the GSEs to fund a benefit that is unrelated to our housing markets. If there is any capacity to increase the g-fees, those resources should be directed to our housing markets, which still remain too fragile.

I find it incredibly ironic that my Republican colleagues, many of whom say they believe the mortgage securitization market should be completely privatized, have suggested an offset that uses a 10-year revenue stream from the enterprises' business operations as a piggy bank for governmental purposes. This seems like inconsistent policy at best.

This bill is deeply flawed, but I could not in good conscience vote against

providing a tax cut to the middle class and providing desperately needed relief to nearly 10,000 Rhode Islanders who would have lost jobless benefits through the month of January.

I will not stop fighting for the middle class, to continue jobless benefits and working to improve our economy and create jobs. I will work tirelessly to continue the payroll tax cut and jobless benefits through the rest of the year and to fix this egregious reduction in benefits.

#### MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of the conference report to accompany H.R. 2055, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2055), making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same. Signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of Thursday, December 15, 2011.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 15 minutes of debate with 5 minutes each for the Senator from Hawaii, Mr. INOUE; the Senator from Mississippi, Mr. COCHRAN; and the Senator from Arizona, Mr. MCCAIN.

The Senator from Hawaii.

Mr. INOUE. Mr. President, the omnibus bill the Senate considers this morning represents a victory for compromise, a victory for American taxpayers, and a victory for the appropriations process.

The measure before us funds everything from our men and women in uniform to students who strive to improve their future through higher education, from environmental protection to protecting our children from harmful products, and from homeland security to the Securities and Exchange Commission.

With the exception of the Department of Defense, all these agencies have been running on a continuing resolution for well over a year. Mr. President, this must stop because it is no way to run a government, particularly one that must learn to do more with less. How can an agency be more efficient when it is operating under budget plans that were developed 2 or even 3 years ago?

Last year, the Congress enacted only one appropriations measure—the Defense bill. This year, we have passed a minibus containing three bills, and we are now considering the final package incorporating the nine remaining bills. While it is true we again fall short of regular order, it is also true, if the Senate passes this measure and the President signs it into law, we will have succeeded in enacting each of our bills prior to the end of the calendar year for the first time since 2009.

I would note for my colleagues that in the Senate, the Appropriations Committee reported 11 bills, 9 of them with overwhelming bipartisan support, and by that I mean 30 to 0 or 29 to 1. We moved four of our bills across the Senate floor with an opportunity for every Senator to provide amendments. We accomplish all of this at a time when partisanship is high and the desire by some to delay even the most innocuous of bills has made it difficult to get any measure to the President.

As chairman of the Defense Subcommittee, I would like to take a few minutes to discuss this portion of the bill.

The Omnibus appropriations bill includes \$633.3 billion for the Department of Defense. This amount includes a \$20.8 billion reduction from the President's request for the base defense budget and a reduction of \$2.5 billion from the overseas contingency operations request.

Although these substantial reductions in the defense budget mean many tough decisions had to be made, I wish to assure my colleagues that all recommendations in the Defense bill were made in a fully bipartisan, bicameral manner.

Most importantly, let me assure my colleagues this agreement takes care of our men and women in uniform and their families, fully supports military readiness, protects the forces, and maintains our technological edge. It complies with the earmark moratorium and contains no congressionally directed spending items.

At the same time, it reins in defense spending and takes important steps to improve the Department's fiscal accountability. The conference agreement recommends 775 reductions to individual programs primarily due to program terminations or delays or changes to policies of programs since the submission of the budget 10 months ago.

As the chairman of the full committee, I am proud of the work done on these nine bills by the Appropriations Committee, its members, and its staff, each of whom have worked diligently late into the night for many months to arrive to this point. All of the subcommittee chairmen and ranking members should be recognized for their leadership and achievement in completing these nine remaining bills.

I also wish to recognize the dedicated staff on both sides of the aisle for their months of effort and their commitment to completing their individual bills.

Mr. President, this is a strong, bipartisan bill, and I urge my colleagues on both sides of the aisle to vote yes and send it to the President for his signature.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. COCHRAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me say I am pleased to join the chairman of the committee, the distinguished Senator from Hawaii, in urging approval of the Omnibus appropriations bill as well as the bill to provide funds for disaster relief. These bills fully comply with the requirements of the Budget Control Act. The process for reviewing requests for provisions in this bill were held in open public hearings. Senators testified before our committee. Others from around the country came to Washington to express their views.

Together with appropriations bills that have already been enacted, the omnibus brings appropriations for the basic operations of our government to \$1.043 trillion. The disaster bill provides an additional \$8 billion for disaster relief in response to damages incurred from floods, tornadoes, and hurricanes that have plagued much of the country during the spring and summer months. These funds are within the limits established in the Budget Control Act, specifically for disaster relief. Total discretionary spending carried in all of the fiscal year 2012 appropriations bills will be \$31 billion below last year's level.

I would have to say our committee opened its hearing rooms to those who wanted to express views on the funding levels of all of the programs that were important throughout our Federal budget process. There are some dramatic reductions in spending, such as the Independent Payment Advisory Board and the co-op program created in the health care bill. We zeroed out funding for some of the energy credit subsidy provisions of this bill. That was hard to do, but savings were needed and the committee responded to those needs.

The bill eliminates 22 programs in the Labor-HHS chapter for a savings of over \$¼ billion. But we don't hear about that. People don't brag about reducing funding. But this committee did that because it was responsible, in our judgment, to do it.

I am very pleased to have had the honor of working closely with the chairman of the committee, one of the finest Members of this Senate, and we urge the approval of this legislation.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, before my friend from Arizona speaks, I ask unanimous consent that the next three votes in order be 10 minutes in duration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to yield 2 minutes of my 5 minutes to the Senator from Oklahoma.

Here we are again, a bill that is 1,221 pages long that not one Member of this body has read. These 1,221 pages represent \$915 billion in taxpayer money. Yet here we are with not one amendment. We do, however, have 15 minutes of debate in which to consider a document that is 1,221 pages long, representing \$915 billion of taxpayer money, which is filled with unauthorized, unrequested money.

Now, I haven't had a chance, like the rest of my colleagues, to look at all of this 1,200-page bill, but we have looked at the defense section. There is \$3.5 billion of unrequested, unauthorized funding by the authorizing committee—projects such as this one for Guam.

Here are a couple of my favorites. You thought the bridge to nowhere was bad? Well, there are 53 civilian schoolbuses and 53 repair kits for \$10.7 million and \$12.7 million for a cultural artifacts repository. That is in the name of defense. That is in the name of defense—schoolbuses and a cultural artifact repository.

Here is \$100 million for the Next Generation Bomber, which the Air Force says they do not want and they do not need. How about this cockamamie outfit—the Combat Dragon, which will be crop dusters equipped with weapons. Or the C-17s—\$225 million additional for C-17s that long ago the military said they did not need.

There is \$3.5 billion just in the DOD provisions alone. It is outrageous. It is outrageous.

I have amendments associated with this bill that will save the taxpayers billions of dollars. But, never mind, because we are going to go home for Christmas.

Well, let me tell you, I am going home to a State where they do not have enough in the food banks to take care of the homeless this year. I am going home to a State where half of the homes are underwater. Yet what have we done? We have just wasted billions and billions and billions of taxpayer money on projects that are unneeded, unwanted, and unrequested.

This system is broken. This system is broken. We should have taken up these bills one by one, with amendments, with debate and discussion. I want to tell the majority leader and the Republican leader that next year, we will have a plan, a group of us, to say we must do that.

We owe it to the taxpayers of America.

I yield to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. I have a question for my colleagues. Are we proud of this process? Have we fulfilled the responsibility to the citizens of this country with this process? Nobody can answer yes to that. And yet nothing seems to change.

You know, \$3.5 billion worth of phony earmarks totally puts an earmark ban on its head. The idea that parochialism trumps our Nation's vital interests puts our responsibility and our oath on its head.

I know the hearts of everybody here. They are great. The intentions are great. With this bill, we have failed America. We failed America in the process, we failed America in our oath. This next year is going to be much more difficult than anybody can anticipate. At a time when we are facing our national survival, business as usual occurs. That is a reflection of lousy leadership by all of us, including me. It means I didn't make my case big enough about what the priorities should be in our country.

It is a great time for reflection. We are going to go home. We are going to pass this bill that is going to be far less than what this country needs in terms of its integrity and its actions. Hopefully, we will think and return with a renewed spirit to fix the ship of state and do what is in the best interest of the Nation, not what is in the best interest of our parochial political careers.

I yield the floor.

#### BOILER MACT

Ms. COLLINS. Mr. President, I would like to thank the senior Senator from Alaska and the senior Senator from Tennessee for joining me to discuss an issue of great concern to manufacturers across the country, the Environmental Protection Agency's Boiler MACT regulations. I am pleased to serve with both Senators on the Interior Appropriations Subcommittee on which the Senator from Alaska serves as the Ranking Member.

It has been our shared goal to ensure that rules crafted by the EPA with regard to industrial boilers be achievable, affordable, and protective of public health and the environment while not costing thousands of jobs that we can ill-afford to lose. Unfortunately, EPA did not begin its rulemaking with these goals in mind.

To provide EPA with the time the agency itself said it needed to rewrite the rules to better serve the public interest, I introduced the EPA Regulatory Relief Act earlier this year, which now has the support of 41 of my colleagues on both sides of the aisle. A nearly identical bill passed the House of Representatives with bipartisan support this fall.

With the reconsideration process, EPA has taken steps to respond to some of the concerns raised by U.S. manufacturers. EPA's re-proposed rules, however, still do not address the serious and real concerns of the mills that will be most directly affected by these regulations. Legislative action is still needed to ensure achievable rules, to allow adequate compliance time, and to reduce the risk to business posed by pending litigation.

For these reasons, I was very troubled when the statement of the managers for Division E of the Consolidated Appropriations Act of 2012 included the following:

Boiler MACT.—The conferees are encouraged by the outcome of EPA's reconsideration of the Boiler MACT rule and offer no directives regarding Boiler MACT standards. The proposed rule addresses substantive concerns by including additional flexibility with respect to compliance costs, and a biomass exemption.

Could the Senator from Alaska clarify that this language in no way is an endorsement by the conferees of any particular rulemaking concerning the Boiler MACT issue?

Ms. MURKOWSKI. As a cosponsor of S. 1392, the EPA Regulatory Reform Act, I know how important this issue is to my colleagues on both sides of the aisle. The Senator is correct that this language is not intended by the conferees to convey an endorsement of any EPA Boiler MACT rulemaking proposal.

Ms. COLLINS. I thank the senior Senator from Alaska for clarifying the intent of this language. I remain committed to working with my Senate colleagues and the EPA to help ensure that the Boiler MACT rules are crafted to protect public health without harming the forest products industry, which is the lifeblood of many small, rural communities. Would my friend the senior Senator from Tennessee, who is also an original co-sponsor of the Boiler MACT legislation, like to address this disappointing conference language?

Mr. ALEXANDER. This issue is of particular importance to me as well. I strongly object to the language included in the Interior Appropriations bill regarding Boiler MACT. The Boiler MACT is an unworkable regulation that will reduce pollutants like mercury, which is good policy, but forces those reductions in a way that is not realistic for companies to comply. This regulation could result in the loss of 340,000 jobs nationwide and cost Tennessee companies \$530 million. My support for the Omnibus bill does not change my position on this issue, and I will continue to push for the passage of strong bipartisan legislation that will overturn the terrible Boiler MACT regulation and find a better way to accomplish the pollution reductions that are needed. I thank Senator COLLINS for her leadership on this issue and I also



appreciate the Senator from Alaska clarifying the intent of this language.

Mr. LEAHY. Mr. chairman, as Chairman of the Department of State and Foreign Operations Subcommittee, I want to speak briefly about the agreement that I and the ranking member, Senator LINDSEY GRAHAM, have reached with the House and that is reflected in division I of this Omnibus bill.

I want to thank Senator GRAHAM, along with House Subcommittee chair KAY GRANGER and ranking member NITA LOWEY and their staffs, for working in such a bipartisan way to resolve our many differences. It is a good example of how a divided Congress can deal with controversial issues and produce an outcome that protects a broad range of interests.

The Department of State and Foreign Operations conference agreement is a compromise. It is neither a Democratic nor Republican bill. It will not make anyone completely happy. But while it does not include everything that I or Senator GRAHAM wanted, it does a good job of addressing the key national security needs of the country.

This is a must-pass bill. The alternative is another year of a continuing resolution, which would force drastic cuts in funding for programs about which Republicans and Democrats feel strongly.

This conference agreement does many things. It supports the Nation's counterterrorism efforts in South Asia, the Horn of Africa, and East Asia; responds to turbulent events in the Middle East and north Africa and threats on the Mexican border; combats transnational crime, piracy of intellectual property, and the denial of fundamental freedoms; promotes access for U.S. companies to foreign markets; operates and secures our embassies and consulates that serve millions of Americans traveling, working, and studying overseas; preserves U.S. influence in key international organizations and alliances; supports economic development, governance, and the rule of law in Africa, Latin America, and Asia; and responds to a massive famine in Somalia, floods in El Salvador, and other humanitarian disasters.

We do this and much more with a base budget allocation that is \$8.7 billion below the President's request and a combined base and overseas contingency operations total that is \$6.1 billion below the President's request.

These are not Democratic or Republican issues. The funds in this conference agreement will determine whether the United States remains the global leader it has been since the Second World War.

Just as past generations rallied to meet the formidable challenges of the Great Depression, the Nazis, and the Cold War, we will bear responsibility if we fail to meet the challenges of today.

It is no wonder that other countries—our allies and our competitors—are spending more each year to project their influence around the world and to compete in the global marketplace.

Our leadership is being challenged unlike at any time since the Cold War. In Latin America, which is a larger market for U.S. exports than any other region except the European Union, our share is shrinking while China's is growing. It is the same story everywhere.

There is simply no substitute for U.S. global leadership. The world is changing profoundly, and we cannot afford to retrench or succumb to isolationism.

The funding in this conference agreement enables us to engage with our allies and deter our adversaries and competitors. It is similar to what was reported by the Appropriations Committee on a bipartisan vote of 28 to 2. For those who are focused on reducing Federal spending, it cuts base spending by \$6 billion below the fiscal year 2011 continuing resolution. It freezes spending or scales back many Department of State and U.S. Agency for International Development operations and programs and will force reductions in planned expenditures.

To the extent that there are funding increases in this bill, they are primarily due to the transition from military to civilian operations in Iraq which will mean billions of dollars in savings to American taxpayers, and to meet pledges to the international financial institutions.

I doubt there is a single Member of Congress who does not care if the United States becomes a second- or third-rate power. As a Vermonter, I know the people of my State want the United States to live up to its ideals, to set an example for the rest of the world. We expect the United States to lead, to build alliances, to help American companies compete successfully, and to protect the interests and security of its citizens.

Yet there are unmistakable signs that our global influence is already waning. It is not preordained that the United States will remain the world's dominant power. As former Secretary of State Condoleezza Rice said, "If we don't lead, somebody else will."

We need to stop acting like these investments do not matter; that the State Department is not important; that we do not need the United Nations; that what happens in Brazil, Russia, the Philippines, Somalia, or other countries does not matter; and that global threats to the environment, public health, and safety will somehow be solved by others.

This conference agreement balances our priorities. Again, funding for these programs was requested by Republicans and Democrats.

This country is at a crossroads. We can retreat from the world, as some in

the other body seem to want while China and our other competitors continue to expand their influence, or we can remain a leader. The conference agreement adopts the latter course, and Members on both sides of the aisle deserve credit for that.

Mr. President, the funding in this bill is strongly supported by the Department of Defense. Along with the U.S. military, it is the best form of insurance the American people have.

Finally, I want to thank Chairman INOUE and Vice Chairman COCHRAN, as well as the majority and minority leaders for their support in completing this omnibus bill.

Mr. ALEXANDER. Mr. President, this omnibus appropriations bill funds the Federal Government through September 30, 2012, at the level of spending agreed to this past August in the Budget Control Act, which reduces overall spending by \$2.1 trillion over the next 10 years.

If Congress continues to follow the terms of the Budget Control Act, discretionary spending—which is 39 percent of the Federal budget—will increase at about the rate of inflation over the next nine years.

Unfortunately, mandatory entitlement spending—which is 55 percent of the Federal budget—is out of control and is growing at the rate of 3 to 4 times inflation over the next 9 years according to the Bipartisan Policy Center.

There are some good reasons to support this spending bill.

One good reason to support the bill is to support House Republicans. Now that they are in the majority, they are changing the priorities of the spending bills in important places, and that is a good start at reducing spending and changing the priorities of the government.

Another good reason is that the bill is consistent with the Budget Control Act. The Omnibus brings total discretionary spending to \$1.043 trillion, and it brings total disaster spending to \$10.4 billion. Both of those figures are consistent with the Budget Control Act and are a good first step toward getting discretionary spending under control over the next decade.

The bill also supports several important national priorities: It provides an additional \$5.1 billion for defense and a \$338 million increase for nuclear weapons modernization; increases border security; fully funds veterans' healthcare; and shows Congress can lead by example by cutting our own budget by 5.2 percent.

The bill denies the administration carte blanche on running the government and allows Congress to set priorities as it should in our constitutional system. The omnibus cuts the Environmental Protection Agency's budget by \$233 million, cuts the National Labor Relations Board's budget by \$4 million,

and supports the development of Small Modular Reactors.

This year there have been 12 disasters that caused more than \$1 billion in damage—the highest on record. Families are struggling to recover from historic tornado outbreaks, flooding, wildfires, and other natural disasters in virtually every part of the country.

The omnibus brings total disaster spending for fiscal year 2012 to \$10.4 billion. The Budget Control Act allows Congress to spend up to an additional \$11.3 billion in fiscal year 2012 for disasters. Although this means there is only \$900 million left to address any additional disasters in fiscal year 2012, it shows that Congress is starting to take the issue of spending and debt seriously by living within an agreed upon framework for total spending.

Even though the Budget Control Act does not require disaster spending to be offset—some argue that it should be—the Budget Control Act ensures disaster spending is really for disasters and keeps Congress from spending more than the historical average. The House has proposed to offset this spending with a 1.83 percent across-the-board cut to all discretionary spending, excluding defense programs, military construction projects and veterans funding.

I do not believe that an across-the-board cut is a wise way to reduce spending. Congress should identify wasteful spending, like the credit loan subsidies we eliminated in the Energy and Water Appropriations bill, and find specific ways to cut spending and make government more effective.

Any bill of this size will include things we don't support. We do not do enough to reduce duplicative programs, and many programs that should be eliminated are still funded.

But there is one provision in the manager's report that I really want to take exception to.

I strongly object to the language included in the Interior Appropriations bill regarding Boiler MACT. The Boiler MACT is a regulation that will reduce pollutants like mercury, which is a good goal, but forces reductions in a way that is not realistic for companies to comply. This unworkable regulation could result in the loss of 340,000 jobs nationwide and cost Tennessee companies \$530 million.

My support for the omnibus bill does not change my position on this issue, and I will continue to push for the passage of strong bipartisan legislation that will overturn the terrible Boiler MACT regulation and find a better way to accomplish the pollution reductions that are needed.

Mr. LEVIN. Mr. President, I wish to comment on two specific issues regarding the conference report to H.R. 2055, the omnibus spending measure before us.

First, I am pleased that the conference report includes \$22 million for

the Facility for Rare Isotope Beams, or FRIB, at Michigan State University. While this is less than the amount in the administration's budget request, it is a clear endorsement by Congress to move forward with this facility.

FRIB is critical to maintaining America's worldwide preeminence in nuclear physics and a major component of Michigan's economic future. MSU has solid and well-known expertise in the field of rare isotopes and nuclear physics. It has the largest nuclear physics faculty in the Nation and a nuclear physics graduate program ranked No. 1 in the country. Those were some of the reasons it was selected by the Department of Energy for design, construction, and operation of FRIB after an extensive competition over a multiyear period.

I am encouraged that particularly in these difficult budget times the Congress has endorsed the importance of this facility. Second, I would point to another critical component of my State's economic future, the Great Lakes.

I am disappointed that Great Lakes Restoration Initiative funding has been reduced from the originally planned funding levels. I am relieved, however, that \$300 million is included in the conference report, \$50 million more than the amount in the House bill.

The conference report includes two important provisions related to Asian carp and other invasive species that present significant threats to the Great Lakes. The conference report includes a provision I have requested authorizing the Army Corps of Engineers to implement emergency measures to prevent Asian carp and other invasive species from entering the Great Lakes. Also welcome is an increase of about \$5 million in funding to operate electric dispersal barriers designed to prevent these fish from entering the Great Lakes, bringing funding for the barriers to \$23.6 million. The conference report also includes about \$3 million to continue study of possible separation of the Great Lakes from the Mississippi River watershed, which would significantly reduce risk to the Great Lakes from Asian carp. I will continue to work with colleagues to urge the Army Corps to accelerate this study.

I am disappointed that projects enabling Great Lakes harbor dredging continue to receive reduced funding. The conference report acknowledges that funding levels are inadequate to meet existing needs. I welcome the conferees' decision to include an additional \$173 million in funding for navigation projects nationwide, and I will work to ensure that the Great Lakes, which face a substantial backlog of dredging and other operations and maintenance needs, receive a share of this funding consistent with the high level of need.

Mr. COCHRAN. Mr. President, I rise in support of both the omnibus appro-

priations bill and the bill to provide funds for disaster relief. They have been approved by the other body by overwhelming, bipartisan votes. I urge the Senate to approve these bills.

They fully comply with the requirements of the Budget Control Act. Together with appropriations bills already enacted, the omnibus brings appropriations for the basic operations of government to the \$1.043 trillion level established in the Act. The disaster bill provides an additional \$8 billion for disaster relief in response to the floods, tornados and hurricanes that plagued much of the country during the spring and summer months. These funds are within the limits established in the BCA specifically for disaster relief. Total discretionary spending carried in all of the fiscal year 2012 appropriations bills will be \$31 billion below last year's level.

Within the omnibus there are many adjustments in funding levels for individual programs. The bill increases the base budget for the Department of Defense by \$5 billion. It provides increases for border security, nuclear weapons modernization, the National Institutes of Health, and veterans medical care. The bill maintains the maximum Pell grant award at its current level, but pays for that with a series of needed reforms.

The bill reduces funding for the National Labor Relations Board, the Environmental Protection Agency, FEMA grants, and the Election Assistance Commission. It cuts the Independent Payment Advisory Board and the co-op program created in the health care bill. It zeroes out funding for energy credit subsidies. It eliminates 22 programs in the Labor-HHS chapter for a savings of a quarter of a billion dollars.

This conference report also carries a number of policy provisions that are important to members on my side of the aisle. These include limitations on funding for needle exchange programs and certain Department of Labor regulations. There is language to maintain a balanced permitting process for grazing on Federal lands, construction of logging roads, and domestic oil and gas production.

I sincerely wish that it were not necessary to act on an omnibus bill. I prefer that all Members have the opportunity to consider, amend, and vote on appropriations bills individually.

The Appropriations Committee has consistently produced bills in a timely manner for consideration in the Senate and in the House, but we are sometimes unable to advance bills to the floor due to circumstances beyond our control. This year, our efforts were complicated greatly by the absence of a budget resolution and a protracted, summer-long battle over the debt ceiling bill.

Many members on my side of the aisle have decried the fact that it has



been nearly 1,000 days since the Senate last approved a budget resolution. That criticism is absolutely valid. It is deplorable that at a time of fiscal crisis we have not adopted a comprehensive budget in so long.

What we do have, however, is a budget for discretionary spending that was laid out in the Budget Control Act. That Act included caps that lock in recent cuts in discretionary spending and hold future discretionary growth below the rate of inflation.

The Appropriations Committee did not write the Budget Control Act. Some members of our committee voted for it, some against. But 74 members of the Senate did vote for it, including a majority of members on both sides of the aisle. That is more votes than I can recall any budget resolution ever receiving.

So now it is time to implement the Budget Control Act through the enactment of the remaining fiscal year 2012 appropriations bills. A bipartisan, bicameral agreement has been reached. There is no money to be saved by resorting to a year-long Continuing Resolution. It would be an omnibus bill itself, and would result in overspending in some areas and underinvestment in others.

I am pleased to have worked with Chairman INOUE, our committee members, and the conferees in the other body to negotiate this legislation.

The Senate did not win every argument with the other body. But this conference report is a fair compromise with many positive features, and it is consistent with the guidance in the Budget Control Act. I hope that it will be a stepping stone toward the more timely and measured consideration of appropriations bills in the future.

I urge my colleagues to support the conference report and the disaster relief bill.

MR. REED. Mr. President, as chairman of the Interior, Environment, and Related Agencies Subcommittee, I would like to take a few moments to highlight some of the provisions of the Interior division of the Consolidated Appropriations Act for fiscal year 2012.

The subcommittee's conference allocation totaled \$29.175 billion. Although the Interior Subcommittee received a fair allocation, that number nevertheless represents a real cut of approximately 4 percent below the commensurate 2011 funding level. Despite the size of the cut, overall we were still able to fund critically needed infrastructure that will provide jobs for thousands of Americans in every State in our Nation.

Let me start with the Environmental Protection Agency, EPA. The conference report contains \$8.5 billion in new budget authority. That is a reduction of approximately 3.5 percent below the equivalent 2011 level, but still a sig-

nificant investment in our scientific research capabilities, our environmental programs, and critically needed water and sewer infrastructure.

Included in the funding for EPA is \$1.4 billion for the Clean Water State Revolving Fund and \$919 million for the Drinking Water State Revolving Fund. Combined, this is nearly \$800 million more than was initially provided by the House. The investments we are making in the clean water fund will lead to the start of approximately 473 new wastewater projects nationwide and will put more than 81,000 Americans to work when combined with State matching funds. In addition, the funding provided for the drinking water fund translates into 353 new drinking water projects nationwide and more than 50,000 jobs all across the country when combined with State matching funds.

This is a tremendous economic boost for every State in the Nation and one that I am pleased that we could deliver. In addition to the funding, we have ensured that Davis-Bacon wage protections will be permanently applied to the use of these funds.

No less important than the EPA are the land management agencies that account for the majority of the Interior bill. The conference report provides \$5.9 billion for basic operational expenses for the National Park Service, the Fish and Wildlife Service, the Forest Service, and the Bureau of Land Management. That amount is virtually identical to the 2011 enacted level and ensures that each of those agencies will be able to continue to operate and maintain their facilities as the American people expect.

The conference agreement includes \$197.5 million for the new Bureau of Safety and Environmental Enforcement. Included in this amount is an additional \$62 million for offshore oil and gas inspections that will be available from inspection fees assessed to the industry, which is appropriate given the tremendous profits generated by the industry.

The conference report also provides \$322 million for the protection of land and other environmentally sensitive areas through the Land and Water Conservation Fund. This represents an increase of 7 percent over the current enacted level.

For Native Americans, the bill provides \$6.8 billion to help improve the quality and accessibility of education, health care, and law enforcement programs for some of this Nation's most vulnerable populations. Included in that amount is \$3.8 billion for Indian health services, an increase of more than 5 percent over last year. These funds will allow those in Indian Country to receive the necessary care they deserve and will go a long way toward stemming the crisis in health care.

The conference report provides more than \$1.3 billion for our cultural and

arts agencies, including \$146 million for each of the National Endowment for the Arts and Humanities; \$811 million for the Smithsonian Institution, including funding to begin construction of the African-American History and Culture Museum; and \$36 million for the Kennedy Center.

All in all, this bill represents sound investments in the scientific, natural, and cultural resources that come under the jurisdiction of this subcommittee. Given resources at hand, not everyone will be satisfied, but I am confident that we have made wise funding decisions that will maximize our limited dollars.

It is also important to note what is not included in the conference report.

It is no secret that the Interior and Environment appropriations bill attracted more than its fair share of legislative riders that were designed to prohibit the EPA, and in some cases the Department of the Interior, from undertaking their responsibilities to protect public health and our natural resources. The bill that was considered by the House this summer was replete with riders that do not belong in an appropriations measure. This bill has eliminated or modified these legislative proposals so that agencies can continue to function effectively.

Finally, I wish to thank the subcommittee's ranking member, Senator MURKOWSKI, for all the assistance she provided throughout our conference negotiations with the House. She has provided invaluable assistance to me this year because of her unique insights into the issues that are central to this bill. I sincerely appreciate having had the benefit of her thoughts. I also want to commend and thank the staff of the Interior Subcommittee—Peter Kiefhaber, Virginia James, Rachael Taylor, and Ryan Hunt of the majority staff and Leif Fonnesebeck of the minority staff—for their work, service, and sacrifice.

I also want to comment on a few items in the other divisions of this conference report. My colleagues who led the negotiations on these parts of the bill also faced enormous challenges in reaching agreement with the House, and I commend them for their efforts under difficult circumstances.

With respect to Labor, Health and Human Services, HHS, and Education, I am pleased that the conference report maintains the maximum Pell grant at \$5,550 and continues funding the campus-based aid programs at last year's levels. Absent this Federal student aid, millions of Americans would not be able to afford college. Unfortunately, in order to maintain the maximum grant, tough sacrifices were made. The conference report rolls back provisions that I fought for to make the financial aid process easier and more substantial for families with modest incomes.

Among other things, the conference report lowers the annual income threshold to automatically qualify for the maximum grant from \$30,000 to \$23,000. While I believe it is important to maintain support for the maximum Pell grant, I am troubled by the hurdles being erected to qualify for this assistance.

I am pleased that the conference agreement includes \$28.7 million for literacy and school library programs. I want to thank Chairman HARKIN, Vice Chairman COCHRAN, as well as Senators GRASSLEY, STABENOW, WICKER, and SNOWE, who have worked with me to maintain Federal investments in these programs because they recognize that literacy remains at the core of academic achievement for all children and is a strong indicator for long-term success and opportunity. The conference report also provides \$3.48 billion for the Low-Income Home Energy Assistance Program, LIHEAP. While that level is \$900 million more than the President's request, it nonetheless represents a \$1.2 billion or 25-percent cut for the main Federal program that assists low-income households with their energy bills.

Given the high price of energy, dropping winter temperatures, and the tough economy, I hope that we can revisit this issue. To that end, I have been joined by Senators SNOWE and SANDERS and other colleagues in introducing the LIHEAP Protection Act, which would maintain level funding for the LIHEAP at last year's level of \$4.7 billion. We are urging leadership to bring up this bill soon so Congress can take prompt action to fully restore this funding.

Finally, the Labor, HHS, and Education division of the conference report includes nearly \$560 million, a \$34 million increase, for States to purchase immunizations for the uninsured and underinsured. I strongly support this wise investment since every dollar invested in the seven recommended pediatric vaccines saves \$16.50 in direct and indirect health care costs.

Under the Energy and Water division, I am pleased that the bill increases the funding for the Army Corp's Continuing Authorities Program from the levels provided by the Senate and the House. I want to thank and commend Chairman FEINSTEIN for working to boost the Section 205 flood control program from \$5 million to more than \$18.7 million.

As with LIHEAP, the Weatherization Assistance Program, WAP, which helps low-income families improve the energy efficiency of their homes and saves each participant an estimated \$437 annually in energy costs, experienced a significant reduction from the fiscal year 2011 level, dropping 61 percent from \$174 million to \$68 million. This is the lowest funding level since 1978, the year after the program's in-

ception in 1977, and I hope that next year we can begin to restore this funding.

The Financial Services and General Government division carries funding for the Securities and Exchange Commission, SEC, and other financial regulators. I know that Chairman DURBIN shares my concern and frustration over the efforts of House Republicans to deprive these regulators of the authority and funding to oversee financial markets.

Regrettably, the conference report cuts SEC funding by \$86 million from the administration's request and the Senate-passed appropriations bill. In addition, the conference report rescinds \$25 million from an SEC reserve fund that Senator SHELBY and I created outside of the appropriations process in order to ensure that the SEC would always have access to the funds it needs for technology and long-term funding needs. These cuts were made despite the fact that the SEC's budget is completely paid for by fees it collects on the securities industry and is off-budget. In other words, decreasing the SEC's funding has no effect on our budget deficit; it only serves to hamstring the SEC and to slow implementation of the Wall Street Reform Act.

I do want to acknowledge the fact that while the conference report does not add resources to what was provided under the Commodity Futures Trading Commission, CFTC, under the Agriculture Appropriations Act, it does grant CFTC limit transfer authority so that it will not have to lay off personnel. This is not enough to make the CFTC the cop on the beat we need it to be, but it is a critical change.

As the months pass and the financial crisis of 2008 seems further away, we should not and cannot forget that the failure to effectively regulate the financial sector came at tremendous cost to the average American. We must remind ourselves of why we passed the Wall Street Reform Act, and why it needs to be robustly funded, so that we never have to endure such staggering costs again.

In conclusion, Mr. President, the conference report we are voting on is far from perfect, but recognizing the limited resources available and the challenge of negotiating with the House, it is a reasonable agreement.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring of H.R. 2055, the Consolidated Appropriations Act, 2012, and H.R. 3672, the Disaster Relief Appropriations Act, 2012.

H.R. 2055 includes the conference report to accompany Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012, as well as legislation for the eight remaining appropriations bills. H.R. 3672 provides disaster relief funding and additional program integrity funding.

H.R. 2055 is divided into nine divisions, one for each of the appropriations bills it contains. Each division will be considered separately for budget enforcement purposes.

Each of the divisions of H.R. 2055 is within its respective subcommittee's allocation for budget authority and outlays. The bill is within security and nonsecurity budget authority limits established by the Budget Control Act.

In addition to regular funding, H.R. 2055 includes \$126.5 billion that has been designated as being for Overseas Contingency Operations. H.R. 3672 includes \$8.1 billion in funding designated as being for disaster relief and \$483 million in additional program integrity funding. Pursuant to section 106(d) of the Budget Control Act, an adjustment to the Appropriations Committee's 302(a) allocation and to budgetary aggregates has been made for these amounts in budget authority and for the outlays flowing therefrom.

Section 1401 of Division G of H.R. 2055, Legislative Branch Appropriations Act, 2012, makes a change to a mandatory program that results in an increase in direct spending in years following the budget year, 2013-2021. This provision is subject to a point of order established by Section 314 of the 2009 Budget Resolution. H.R. 2055 is not subject to any other budget points of order.

H.R. 3672 is not subject to any budget points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2055, CONSOLIDATED APPROPRIATIONS ACT, 2012,  
AND H.R. 3672, DISASTER RELIEF APPROPRIATIONS  
ACT, 2012

(Spending comparisons—Conference-Report (in millions of dollars))

	Security	Non-Security	Total
Division A: Department of Defense Appropriations Act, 2012			
Conference-Report:			
Budget Authority .....	633,229	0	633,229
Outlays .....	647,602	10	647,612
Senate 302(b) Allocation:			
Budget Authority .....	633,230	0	—
Outlays .....	—	—	654,737
Division A Compared To:			
Senate 302(b) allocation:			
Budget Authority .....	-1	0	—
Outlays .....	—	—	-7,125
Division B: Energy and Water Development and Related Agencies Appropriations Act, 2012			
Conference-Report: <sup>1</sup>			
Budget Authority .....	11,000	22,734	33,734
Outlays .....	11,146	35,276	46,422
Senate 302(b) Allocation:			
Budget Authority .....	11,000	22,734	—
Outlays .....	—	—	46,522
Division B Compared To:			
Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	-100
Division C: Financial Services and General Government Appropriations Act, 2012			
Conference-Report:			
Budget Authority .....	0	19,526	19,526
Outlays .....	0	23,735	23,735
Senate 302(b) Allocation:			
Budget Authority .....	0	21,526	—

H.R. 2055, CONSOLIDATED APPROPRIATIONS ACT, 2012,  
AND H.R. 3672, DISASTER RELIEF APPROPRIATIONS  
ACT, 2012—Continued

(Spending comparisons—Conference-Report (in millions of dollars))

	Security	Non-Security	Total
Outlays .....	—	—	25,735
Division C Compared To:			
Senate 302(b) allocation: <sup>2</sup>			
Budget Authority .....	0	—2,000	—
Outlays .....	—	—	—2,000
Division D: Departments of Homeland Security Approp- riations Act, 2012			
Conference-Report: <sup>1</sup>			
Budget Authority .....	46,258	0	46,258
Outlays .....	45,360	0	45,360
Senate 302(b) Allocation:			
Budget Authority .....	46,258	0	—
Outlays .....	—	—	45,360
Division D Compared To:			
Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	0
Division E: Department of Inte- rior and Related Agencies Appropriations Act, 2012			
Conference-Report:			
Budget Authority .....	0	29,175	29,175
Outlays .....	0	30,866	30,866
Senate 302(b) Allocation:			
Budget Authority .....	0	29,175	—
Outlays .....	—	—	30,866
Division E Compared To:			
Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	0
Division F: Departments of Labor, Health and Human Services, Education and Re- lated Agencies Appropria- tions Act, 2012			
Conference-Report: <sup>3</sup>			
Budget Authority .....	0	156,767	156,767
Outlays .....	0	179,569	179,569
Senate 302(b) Allocation:			
Budget Authority .....	0	156,767	—
Outlays .....	—	—	179,569
Division F Compared To:			
Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	0
Division G: Legislative Branch Appropriations Act, 2012			
Conference-Report:			
Budget Authority .....	10	4,297	4,307
Outlays .....	10	4,326	4,336
Senate 302(b) Allocation:			
Budget Authority .....	10	4,297	—
Outlays .....	—	—	4,336
Division G Compared To:			
Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	0
Division H: Military Construc- tion and Veterans Affairs and Related Agencies Ap- propriations Act, 2012			
Conference-Report:			
Budget Authority .....	71,511	236	71,747
Outlays .....	78,125	289	78,414
Senate 302(b) Allocation:			
Budget Authority .....	71,511	236	—
Outlays .....	—	—	78,414
Division H Compared To:			
Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	0
Division I: Department of State, Foreign Operations and Related Programs Ap- propriations Act, 2012			
Conference-Report:			
Budget Authority .....	53,207	136	53,343
Outlays .....	52,681	199	52,880
Senate 302(b) Allocation:			
Budget Authority .....	53,207	136	—
Outlays .....	—	—	52,880
Division I Compared To:			
Senate 302(b) allocation:			
Budget Authority .....	0	0	—
Outlays .....	—	—	0

<sup>1</sup> Total includes disaster relief funding provided in H.R. 3672.<sup>2</sup> P.L. 112–33. Continuing Appropriations Act, 2012, delayed a statutory requirement for the Postal Service to make a payment to the Postal Service Retiree Health Benefit Fund. Because the payment was originally required in 2011, the provision scores as \$2 billion in on-budget savings for 2012.<sup>3</sup> Total includes program integrity funding provided in H.R. 3672.DISASTER RELIEF  
APPROPRIATIONS ACT, 2012CORRECTING THE ENROLLMENT  
OF H.R. 3672

The ACTING PRESIDENT pro tem-  
pore. Under the previous order, the  
conference report is temporarily set  
aside, and the Senate will proceed to  
the consideration of H.R. 3672 and H.  
Con. Res. 94, en bloc, which the clerk  
will report.

The assistant legislative clerk read  
as follows:

H. Con. Res. 94, a concurrent resolution di-  
recting the Clerk of the House of Representa-  
tives to make corrections in the enrollment  
of H.R. 3672.

Mr. REID. Mr. President, is there any  
time remaining?

The ACTING PRESIDENT pro tem-  
pore. There is 2 minutes equally di-  
vided.

Mr. REID. I yield back on this side.

The ACTING PRESIDENT pro tem-  
pore. Who yields time?

Mr. McCONNELL. I yield back.

Mr. REID. I ask for the yeas and  
nays.

The ACTING PRESIDENT pro tem-  
pore. Is there a sufficient second?

There appears to be a sufficient sec-  
ond.

The question is on passage of the bill.  
The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is  
necessarily absent: the Senator from  
Kentucky (Mr. PAUL).

The PRESIDING OFFICER (Mr.  
COONS). Are there any other Senators  
in the Chamber desiring to vote?

The result was announced—yeas 72,  
nays 27, as follows:

(Rollcall Vote No. 233 Leg.)

## YEAS—72

Akaka	Hagan	Nelson (NE)
Alexander	Harkin	Nelson (FL)
Baucus	Heller	Pryor
Begich	Hoeven	Reed
Bennet	Hutchison	Reid
Bingaman	Inouye	Roberts
Blumenthal	Johanns	Rockefeller
Blunt	Johnson (SD)	Rubio
Boozman	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (MA)	Kohl	Sessions
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Shelby
Cardin	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Cochran	Manchin	Udall (CO)
Collins	McCaskill	Udall (NM)
Conrad	Menendez	Vitter
Coons	Merkley	Warner
Durbin	Mikulski	Webb
Feinstein	Moran	Whitehouse
Franken	Murkowski	Wicker
Gillibrand	Murray	Wyden

## NAYS—27

Ayotte	Crapo	Johnson (WI)
Barrasso	DeMint	Kirk
Burr	Enzi	Kyl
Chambliss	Graham	Lee
Coats	Grassley	Lugar
Coburn	Hatch	
Corker	Inhofe	
Cornyn	Isakson	

McCain  
McConnellPortman  
RischThune  
Toomey

## NOT VOTING—1

Paul

The bill (H.R. 3672) was passed.

The PRESIDING OFFICER. There is  
now 2 minutes of debate prior to a vote  
on H. Con. Res. 94.

Mr. REID. Mr. President, I ask unan-  
imous consent that the Senator from  
Louisiana be given 2 minutes, and the  
same on the other side.

The PRESIDING OFFICER. Without  
objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I will  
be as brief as I can, but I ask the Mem-  
bers to reject the House resolution that  
is before us. I ask Republicans and  
Democrats to reject the amendment  
that is before us. It is unnecessary and  
it violates the Budget Control Act.

We just had a very strong vote—72  
Members voted to fund relief for vic-  
tims of disaster as we struggle to re-  
build communities from Vermont to  
Missouri to the west coast that have  
been devastated by unprecedented dis-  
asters. The weather service just indi-  
cated that we had over 12 disasters this  
year of over \$1 billion each.

Defeat the resolution. It violates the  
Budget Act, and it sets a disruptive  
and dangerous precedent for forcing us  
to fund disasters in the years they  
occur. It will cut education, transpor-  
tation, and discretionary programs un-  
necessarily and in violation of the  
Budget Control Act.

I thank the Members. Please vote no.

The PRESIDING OFFICER. The Sen-  
ate will be in order.

Who yields time?

Is there no time in opposition?

Ms. LANDRIEU. Waive and vote.  
Vote?

The PRESIDING OFFICER. All time  
is yielded back.

The question is on agreeing to the  
concurrent resolution.

Mr. BARRASSO. Mr. President, I ask  
for the yeas and nays.

The PRESIDING OFFICER. Is there a  
sufficient second? There is a sufficient  
second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is  
necessarily absent: the Senator from  
Kentucky (Mr. PAUL).

The PRESIDING OFFICER. Are there  
any other Senators in the Chamber de-  
siring to vote?

The result was announced—yeas 43,  
nays 56, as follows:

(Rollcall Vote No. 234 Leg.)

## YEAS—43

Ayotte	Cochran	Heller
Barrasso	Corker	Hoeven
Blunt	Cornyn	Hutchison
Boozman	Crapo	Inhofe
Burr	DeMint	Isakson
Chambliss	Enzi	Johanns
Coats	Graham	Johnson (WI)
Coburn	Grassley	Kirk

Kyl  
Lee  
Lugar  
McCain  
McConnell  
Moran  
Murkowski

Nelson (NE)  
Portman  
Risch  
Roberts  
Rubio  
Sessions  
Shelby

Snowe  
Thune  
Toomey  
Vitter  
Wicker

## NAYS—56

Akaka  
Alexander  
Baucus  
Begich  
Bennet  
Bingaman  
Blumenthal  
Boxer  
Brown (MA)  
Brown (OH)  
Cantwell  
Cardin  
Carper  
Casey  
Collins  
Conrad  
Coons  
Durbins  
Feinstein

Franken  
Gillibrand  
Hagan  
Harkin  
Hatch  
Inouye  
Johnson (SD)  
Kerry  
Klobuchar  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Manchin  
McCasikill  
Menendez  
Merkley

Mikulski  
Murray  
Nelson (FL)  
Pryor  
Reed  
Reid  
Rockefeller  
Sanders  
Schumer  
Shaheen  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Warner  
Webb  
Whitehouse  
Wyden

## NOT VOTING—1

Paul

The PRESIDING OFFICER. On this vote the yeas are 43, the nays are 56. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is rejected.

# COMMEMORATING AND HONORING THE SERVICE AND SACRIFICE OF MEMBERS OF THE UNITED STATES ARMED FORCES AND THEIR FAMILIES AS THE OFFI- CIAL COMBAT MISSION IN IRAQ DRAWS TO A CLOSE

Mr. WHITEHOUSE. Mr. President, in the Senate we come at the war in Iraq from many different points of view, but in one respect I believe we are united and unanimous, and that is an appreciation for our troops who fought and bled and died in Iraq. So before we return to our home States, I ask unanimous consent that we proceed to the immediate consideration of S. Res. 349, a resolution commemorating and honoring the service and sacrifice of members of the United States Armed Forces who served in Iraq, and their families, and we do so as a unified Senate.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 349) commemorating and honoring the service and sacrifice of the United States Armed Forces and their families as the official combat mission in Iraq draws to a close.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. I wish to add my name as a cosponsor to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, I want to thank my colleague from Rhode Island for bringing forward this resolution. As the proud wife of an Iraq war veteran, this is an appropriate time.

We thank our troops for what they have done in Iraq, for their courage, their sacrifice, and for allowing Iraq an opportunity to forge a democracy moving forward. We also remember and honor the thousands who have lost their lives for us and for our freedom and we thank all of them at this time of year. I rise in support of this resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 349) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 349

Whereas nearly 1,500,000 members of the United States Armed Forces served in Iraq, many serving on multiple deployments;

Whereas the members of the United States Armed Forces who served in support of operations in Iraq performed brilliantly in a highly complex and challenging environment, and did everything that was asked of them and more to meet the requirements of the mission;

Whereas thousands of members of the National Guard and Reserves left their civilian jobs and livelihoods to support operations in Iraq, making enormous contributions, and serving with distinction;

Whereas nearly 4,500 members of the United States Armed Forces made the ultimate sacrifice in giving their lives in support of operations in Iraq;

Whereas more than 30,000 members of the United States Armed Forces were wounded serving in support of operations in Iraq;

Whereas families of the members of the United States Armed Forces serving in Iraq endured repeated deployments and spent many holidays, birthdays, and anniversaries apart;

Whereas, after nearly nine years of combat, we welcome home our veterans and continue to support members of the United States Armed Forces deployed in Afghanistan and elsewhere in the world;

Whereas Iraq's destiny and future development now lie with its people; and

Whereas the people of the United States recognize the service and sacrifices made by those members of the United States Armed Forces and veterans, as well as their families: Now, therefore, be it

*Resolved*, That the Senate—

(1) pays tribute to the members of the United States Armed Forces who served in support of operations in Iraq;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, veterans, and their families, and honor their sacrifices; and

(3) commemorates and honors the contributions made by members of the United States Armed Forces and their families, as the official combat mission in Iraq draws to a close.

# MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RE- LATED AGENCIES APPROPRIA- TIONS ACT, 2012—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. There is now two minutes of debate prior to a

vote on the conference report to accompany H.R. 2055.

Mr. INOUE. Mr. President, this Omnibus appropriations bill represents a victory for compromise, a victory for American taxpayers, and a victory for bipartisanship. It is fiscally responsible and it provides the necessary guidance to our agencies so they will be able to fulfill their vital missions on behalf of the American people. It meets every requirement of the Budget Control Act and contains not a single earmark; 149 Democrats and 147 Republicans voted in favor of this bill yesterday. Clearly it is a strong bipartisan bill and I urge a "yes" vote.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, this will be the last rollcall vote of this year.

Have a happy holiday, everyone.

The PRESIDING OFFICER. The question is on the adoption of the conference report to accompany H.R. 2055.

Mr. BARRASSO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: The Senator from Kentucky (Mr. PAUL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 32, as follows:

[Rollcall Vote No. 235 Leg.]

## YEAS—67

Akaka  
Alexander  
Baucus  
Begich  
Bennet  
Bingaman  
Blumenthal  
Blunt  
Boozman  
Boxer  
Brown (MA)  
Brown (OH)  
Cantwell  
Cardin  
Carper  
Casey  
Chambliss  
Cochran  
Collins  
Conrad  
Coons  
Durbins  
Feinstein

Franken  
Gillibrand  
Graham  
Hagan  
Harkin  
Heller  
Hoeven  
Hutchison  
Inouye  
Isakson  
Johanns  
Johnson (SD)  
Kerry  
Klobuchar  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Manchin  
Menendez  
Merkley

Mikulski  
Murkowski  
Murray  
Nelson (NE)  
Nelson (FL)  
Pryor  
Reed  
Reid  
Roberts  
Rockefeller  
Schumer  
Shaheen  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Warner  
Webb  
Whitehouse  
Wicker  
Wyden

## NAYS—32

Ayotte  
Barrasso  
Burr  
Coats  
Coburn  
Corker  
Cornyn  
Crapo  
DeMint  
Enzi  
Grassley

Hatch  
Inhofe  
Johnson (WI)  
Kirk  
Kyl  
Lee  
Lugar  
McCain  
McCasikill  
McConnell  
Moran

Portman  
Risch  
Rubio  
Sanders  
Sessions  
Shelby  
Snowe  
Thune  
Toomey  
Vitter

NOT VOTING—

Paul

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 32. Under the previous order requiring 60 votes for the adoption of the conference report to accompany H.R. 2055, the conference report is agreed to.

Mr. MCCONNELL. Mr. President, today I cast my vote against H.R. 2055, the nine-bill appropriations measure. I opposed this package because the process put forward by the majority was woefully inadequate given the seriousness of the issues involved. Valuable legislative time was wasted this year on political messaging votes; time that could have been more properly devoted to the nuts and bolts of legislating. The full Senate, for example, was denied the opportunity to consider the Defense Appropriations bill at a time when our men and women in uniform are facing looming uncertainty over out-year funding.

Despite my overall opposition to this measure, I would note that there are several provisions that I am in favor of in this package. As always, I support funding for the brave members of our military and for our veterans. Indeed, I voted for the Senate version of the Military Construction/VA appropriations bill earlier this year and just a few days ago voted for the final version of the Defense Authorization bill. Among the other provisions I support are policy riders such as those that encourage a culture of life and that rein in government overreach.

In closing, it is unfortunate that the majority continues to operate as it has. I am hopeful that the majority's efforts in this regard do not presage further legislative shortcuts on matters of national importance in the second session of this Congress.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 2 p.m. today, with Senators during that period of time being permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

#### UNANIMOUS CONSENT REQUEST— S. 1874

Mr. MERKLEY. Mr. President, I rise to ask unanimous consent of all of my colleagues. Before I explain the unanimous consent request, I will give a little bit of background to S. 1874, which Senator SNOWE and I have worked on for some time because of our mutual interest in making the HUBZone process for rural economic development work better.

When this process occurs with each census, there is a 2-year nightmare of redtape before communities that should benefit from this economic development opportunity have the ability to do so. Across the country right now, we have rural communities that absolutely need to benefit from this most recent census. They have high unemployment rates. They are hit hard by the drop in exports. They are hit hard by the collapse of the housing communities. Sawmills have shut down. Paper mills have shut down.

So many folks come to this floor to talk about cutting redtape and talk about helping the economy in the heart of rural America. They come to this floor and they talk about how important economic development and jobs are. And this is a little fix that takes 1 year out of the bureaucracy. That is why Senator SNOWE and I have worked together on this process.

Now, twice we have brought this forward, and twice it has been cleared by every Member of this body. Neither time did it make it into a bill that got to the President's desk. So we are coming back once more to say: Let common sense prevail to fix the entanglement in the bureaucracy that is taking away opportunities for rural America. Let's put an end to that today.

I will defer to my colleague to speak, and then we will ask for unanimous consent.

I yield to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I wish to thank the Senator from Oregon regarding this critical issue we have been working on for a considerable period of time and that thought we had really cleared on both sides. This language is mightily important to improving the rural economies of this country, particularly because it would expedite the HUBZone designation to allow businesses in those HUBZones to provide jobs by virtue of the fact that they would get preferential treatment in the contracting process.

As we know, the Federal Government buys more than \$400 billion worth of contracts each year. We want to make sure small businesses and particularly those located in hard-hit areas of our country have access to those contracting dollars and are able to participate on an equal footing.

This would create jobs. So I regret the fact that we are not able to get support to move this legislation forward because I know the Senator from Oregon has tested it on both sides. We have run it through the hotline. There are no objections to the language. I cannot understand why we cannot move this very important legislation that absolutely would be central to creating jobs in the areas that need them the most throughout the country, especially when we have such a high unemployment rate.

This is not a difficult issue to understand. It is very straightforward. The legislation expedites the timeframe in which these designations occur for HUBzones, particularly because HUBzones are areas that are suffering most with respect to the downturn of this economy.

When we have a paltry economic growth of 1.3 percent, of .4 percent, or 2 percent, when we have an unemployment rate that is 8.6 percent but we have had 9 percent or higher for a good 28 months, and over 8 percent for the last 34 months, we need to do something about it. This could help small businesses, and it could help people in these areas who are currently unemployed. So I would hope there would be no objections with respect to this initiative.

I thank the Senator from Oregon for his leadership on this matter.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my colleague.

The third sponsor on this bill is Senator LANDRIEU, the chair of the Small Business Committee. I yield to her.

Mr. KYL. Mr. President, I ask the indulgence of my colleague. If my colleague could make the unanimous consent request to which I can respond, then I can leave.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1874, the HUBZone Qualified Census Tract Act of 2011; that the Senate proceed to its consideration; that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, there is objection on our side. I will object. But I do want to make a point that as a result of Senator SNOWE and Senator MERKLEY's intercession here, our staff has talked to Senator SHELBY, who says he will try to work to get it cleared and to hotline it again on our side today. So at this time, I cannot clear it, but there will be an effort to accomplish that result.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my colleague from Arizona. We appreciate his help. We appreciate the ranking member of the Banking Committee assisting in this matter.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to add my voice to the strong work that has been done by Senator MERKLEY and Senator SNOWE. As

the chair of the committee that has some jurisdiction over the HUBZone Program, I want to urge the Banking Committee and the staff and offer the staff of the Small Business Committee from the majority side to work very hard today to see if we can get this cleared. It is very important to the ranking member of our committee, who has worked so hard, and to the Senator from Oregon, who has made very strong arguments about expediting and streamlining some of these approvals, so I wish them the best.

We are going to work today to see if we can get it cleared. It would be the second really substantial victory in the Small Business space, having gotten our SBIR bill through just recently after 6 years of very acrimonious debate. If we can get this fix to the HUBZone Program, it would be terrific.

I thank the Senators for their hard work.

I yield the floor.

Mr. MERKLEY. Mr. President, I thank all of my colleagues.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO TIM MASSANELLI

Mr. PRYOR. Mr. President, as we close out the year, I want to take today to honor the work and career of Tim Massanelli.

Last month, Tim stepped down from his position as parliamentarian of the Arkansas House of Representatives, a place where he has worked since 1973—39 good years of valuable public service.

When Tim first came to work for the Arkansas House of Representatives, things were much different than they are today. My longtime friend Dale Bumpers was our Governor and Richard Nixon was President. I was in the fourth grade.

Upholding the mantra of citizen legislators, the Arkansas House had no permanent employees and only a small support system in the Bureau of Legislative Research. With our Nation and state modernizing, full-time employees were needed in the house, and Tim was in the right place at the right time. He was also exactly the right man for the job.

Growing up in Pine Bluff, AR, Tim's family raised him to be civically engaged and active in his community—traits he has since passed on to his three sons. With a background in small business and politics and an expertise in parliamentary procedure, Tim was a

natural fit for the parliamentary position. However, he did not start there. His first session, he worked for the house soundboard. Tim, through his hard work and smarts and charismatic personality, transformed the office and role of parliamentarian. He took on the responsibility for making the house operations run as smoothly as possible, whether the legislature was in or out of session.

Naturally, the parliamentarian advises the speaker and all 100 members of the State's house about procedural matters. Tim did a great job of that over the years, but he became much more important to the body than that. During his time of service, 19 speakers of the house, 7 Governors, and over 1,000 members of the Arkansas House came to rely on Tim for his knowledge and skills in navigating the legislative process.

In years past, the Arkansas General Assembly was dominated by senior legislators with sometimes decades of experience each. When Arkansas adopted term limits in 1992, members could only serve three terms, so the constant turnover meant dramatically increased reliance on Tim's skills and knowledge. He established a more rigorous orientation for each new class of new legislators that taught them how to be good and effective representatives. Without his experience and insight, the Arkansas House and the current members would not be nearly as strong as they are today.

On a personal note, let me say this about Tim Massanelli: I consider him a friend. When I was a 27-year-old freshman representative, I was determined to learn the rules, and Tim was my teacher. You know the old saying that there is no such thing as a dumb question. Well, I put that to the test a few times. But he was a mentor, a counselor, a father figure, and he just took care of me. Truthfully, he made himself available to anybody who needed anything. I suspect that same commitment he has to others and to the institution he loves makes him the best deacon Our Lady of the Holy Souls Catholic Church has ever had.

He has helped me in many, many ways over the years, but I think the biggest favor he ever did for me was when he told me that his son Randy would be a good hire in the attorney general's office. We hired a lot of good people in that office, but everybody agrees that Randy Massanelli was the best hire I ever made. He is still the best hire I ever made. The qualities that make Randy so valuable to others were engrained in him by Tim Massanelli, and I bet Dottie had a little bit to do with that as well.

Whether it is his sense of humor, wise counsel, or his skills in parliamentary procedure, I know Tim's daily presence will be missed around the Arkansas State House of Representatives.

I wish him the best in his transition and thank him for his many years of service to the State of Arkansas.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO MARY MIDDLETON

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a woman who was a dear friend of mine, now sadly departed, who was deeply committed to serving her community in northern Kentucky, and who left everything she touched a little better off than it was before she found it. I'm speaking of Mrs. Mary Middleton of Fort Mitchell, KY, who tragically died in an accident on November 22, 2011. She was 83 years old.

I know northern Kentucky would not be the same if not for the timeless dedication of Mary and her family over more than five decades. A community leader, philanthropist, lifelong adventurer and supporter of public service, Mary Middleton's loss is a great loss for the people of Kenton County and the entire Commonwealth of Kentucky.

Mary grew up in Wisconsin, although there's no doubt that after more than 50 years Kentucky was her home. As a young woman she was keen on traveling the world. Also a frugal woman, she attempted to do so on ten dollars a day. Somewhere in France she ran out of money and had to telegraph her father to send her some more.

Mary also went to work for the YWCA as a way to travel and have someone other than her father foot the bill. On a YWCA assignment in Hawaii, she met a young Naval officer named Clyde Middleton. The couple married, and when Clyde was transferred to Cincinnati by his employer Procter & Gamble, eventually settled in northern Kentucky.

"They got off the airplane and saw all the beautiful trees and said this is where we want to live," says their son, John Middleton, who is the Kenton County circuit court clerk. "And northern Kentucky is a much better place because she was here."

Mary was determined to make her mark early. In the 1950s, she ran for a Kentucky State House seat as a Republican, at a time in Kentucky when it was impossible to be elected unless you were a man and a Democrat. Thankfully, times have changed on both counts.

Mary did not succeed in that race, but she didn't let that stop her from having an influence. In 1960, she founded the Kenton County Republican

Women's Club, an organization that is still one of the strongest and most active of its type in the State. And Mary continued to be involved with the club until her passing.

Mary also played a critical role in supporting her husband Clyde's political career during his two decades of public service in the Kentucky legislature and as Kenton County judge-executive. And as I already mentioned, her son John is currently the Kenton County circuit court clerk. Public service runs in the Middleton family.

So has compassion for those who are less fortunate. Mary showed that compassion in so many ways—through her volunteer work with the Salvation Army, the Red Cross, Church Women United, and her home church of Gloria Dei Lutheran. Somehow she also found time to dedicate to the Covington Optimist Club and the Florence Woman's Club, as well as the Kenton County Republican Women's Club she founded.

The day before she died, Mary drove a cancer patient to treatment at St. Elizabeth Hospital, something she and Clyde had done for years. Mary was a teacher at the McMillan Center Alternative School. The Cincinnati Enquirer honored her in 1981 as a Woman of the Year.

This Christmas season, as Kentuckians flock to the shopping malls and stores, they will walk by the familiar Salvation Army red kettle and hear the bell. Sadly, one bell ringer who will be missing is Mary Middleton.

It's a testament to the effect she had on others that, within days of her death, dozens of volunteers in Kenton County stepped forward to fill the hole she left behind and ring that bell.

Elaine and I are profoundly saddened by the loss of Mary Middleton, and our deepest condolences go to her family: her husband, Clyde; her sons, John, David, and Richard; her daughter, Ann Schmidt; her eight grandchildren, and many other beloved family members and friends.

Mr. President, I know my colleagues here in the U.S. Senate join me in honoring Mrs. Mary Middleton, mourning her loss, and wishing for comfort for her family. The Cincinnati Enquirer recently published an article celebrating Mary's life. I ask be unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cincinnati Enquirer, Nov. 23, 2011]

NORTHERN KENTUCKY MATRIARCH MARY MIDDLETON KILLED BY GARBAGE TRUCK  
MARY WAS AN ORGANIZER, A LEADER, AND AN INSPIRATION TO ANYONE WHO MET HER

(By Brenna R. Kelly)

FORT MITCHELL.—No one was a stranger to Mary Middleton. Whether it was the people donating money as she rang the bell for the Salvation Army, the cancer patients she drove to treatment or the new family who moved onto her street—she cared.

Middleton, who was the first northern Kentucky Republican woman to run for office and later became a well-known philanthropist, was hit and killed by a garbage truck Tuesday morning in front of the Fort Mitchell Avenue home where she lived for 52 years. She was 83. "She loved making people feel good," said her son John Middleton, Kenton Circuit Court Clerk. "I think that's what's going to be the loss, not just for us, but for the whole northern Kentucky community."

It was raining Tuesday morning about 10:20 a.m. when Mary Middleton apparently took a bag of garbage out to a Bavarian garbage truck on her street. Police were still investigating how the accident occurred, but the truck hit Middleton in the street.

Emergency responders called for a medical helicopter but it was unable to respond because of the weather. Middleton died at the scene. The driver of the truck was taken to St. Elizabeth Hospital to be tested for drugs or alcohol, which is routine after a fatal accident involving a commercial truck, said Fort Mitchell Police Chief Jeff Eldridge.

The driver, John Boaz, has worked for the company for 15 years, said Bavarian spokesman Rick Bruggemann. "Our deepest condolences and prayers go out to the family," Bruggemann said. Boaz, who has an excellent safety record, was devastated, he said.

Accident reconstruction experts from Erlanger Police and the Boone County Sheriff's Office are helping Fort Mitchell investigate the accident.

Middleton's husband, former Kenton County Judge-Executive Clyde Middleton, was at home when his wife was hit. He called John Middleton at work and word quickly spread across northern Kentucky Republican circles. As Mary Middleton's body lay in the street covered by a sheet and shielded by yellow tarps, family and friends began gathering at the red brick home near the Fort Mitchell Country Club.

One of those friends, Shawn Baker, rushed to the home to be with the family.

"I admired Mary more than any person I know," said Baker, of Crestview Hills, who was in the Kenton County Republican Women's Club and several other groups with Middleton. "She had so much class. Mary was an organizer, a leader, and an inspiration to anyone who met her."

Though she was better known as a political wife, it was Mary who made the family's first foray into politics. In the late 1950s she ran for state representative at a time when the area elected men and Democrats, said family friend and Kenton County Republican activist Rick Robinson.

She then supported her husband through his two decades in the Kentucky Senate and more than seven years in Kenton County's top job before he resigned in 1998 after a controversy involving the awarding of a courthouse construction bid.

"She was the perfect political wife too, she pushed Dad to do the things and to be nice to people when maybe he didn't want to be nice," John Middleton said.

Mary Middleton grew up in Wisconsin but was adventurous and left to travel the world. After trying to see the world on \$10 a day, she ran out of money in France and had to telegraph her father for money, her son said. She went to work for the YWCA, which sent her to work in Hawaii where she met Clyde, a Naval officer. She followed him to Japan and the couple married.

Eventually, Clyde Middleton ended up working for Procter & Gamble in Chicago. When he was transferred to Cincinnati, the Middletons settled in northern Kentucky.

"They got off the airplane and saw all the beautiful trees and said this is where we want to live," John Middleton said. "And northern Kentucky is a much better place because she was here."

In addition to the Salvation Army, she volunteered for the Red Cross, Church Women United, Kentucky Symphony and at her church, Gloria Dei Lutheran. She was also active in the Covington Optimist Club, the Florence Woman's Club and Kenton County Republican Women's Club, which she founded 51 one years ago.

In 1981, she was honored by the Enquirer as a Woman of the Year. She was also a teacher at the McMillan Center Alternative School.

"She was everybody's mother," said Kenton County Sheriff Chuck Korzenborn, a Republican who counted Middleton as one of his first supporters when he ran for sheriff. "She was a person who had only one thing on her mind, what was good for the community and the people in it."

"Mary's fine, she's with her maker and with the Lord. She's fine, but the people down here are going to miss her very, very much."

On Monday, Mary Middleton drove a cancer patient for treatment at St. Elizabeth Hospital, something that she and her husband had done for years. On Tuesday, she was planning her regular visit to a nursing home, where she sat with friends and strangers alike.

"She was truly a humble servant," said Becky Sittason, whose grandmother Middleton was planning to visit. "She doesn't have to flaunt it or say 'here is who I helped.'"

Sittason, who has known Middleton since she was 6, only found out she volunteered as a bell ringer when she read it last year in the newspaper.

Of all the organizations she was involved in, the Salvation Army was special to Middleton, said both Baker and her son. She helped organize the charity's annual fashion show and would line up volunteers to ring the bell along with her.

"She would never ask anyone to do something that she wouldn't do herself," Baker said.

Middleton rang the bell for more than 20 years and recruited her entire family for shifts at local stores.

"It just makes you Christmas to know you've done a little something for other people," she told the Enquirer last year.

In addition to her husband and son John, of Edgewood, she is survived by her sons David, of Lexington; Richard, of Independence; daughter Ann Schmidt, of Orlando; and eight grandchildren.

"Each one of the children could say that they felt special," John Middleton said, "and they were her favorite; that's because she made you feel that way."

"She always went out of her way to do what's right and to make everybody feel the best about themselves," he said.

When she died Tuesday, there was a note on her desk she had just written welcoming a family that had recently moved onto the street.

"She didn't know who they were," her son said, "but she wanted to make them feel welcomed. People don't do that as much now days, but she did."

Funeral arrangements are pending with Linnemann Funeral Homes.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.



The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMENDING THE MINORITY LEADER

Ms. LANDRIEU. Mr. President, I wish to commend the minority leader for that beautiful tribute. I have been privileged to be on the floor several times when he has offered tributes to his constituents, and I always find them to be so beautifully written and delivered. I understand he writes them himself.

I was very touched by his memories of a special constituent. I wish him and all the people of Kentucky a great holiday season.

#### HOMELAND SECURITY BUDGET

Ms. LANDRIEU. Mr. President, I wish to say a few words about the Homeland Security appropriations bill—one of the nine we approved this morning. I was proud to work with my ranking member, the Senator from Indiana, Mr. DAN COATS. I am very proud to work with the Senator from New Jersey, FRANK LAUTENBERG, who serves as honorary vice chair of the committee because of his seniority and expertise in this area. I wanted to put into the RECORD some facts about the bill.

This bill has been openly and publicly debated for almost 1 year. There are some very important components of the bill that I think are of great interest to the people we serve. First, the bill totals, for 2012, \$39.858 billion, slightly below \$40 billion. It is not one of the largest in our government, but it is neither the smallest. It is sort of in the midrange of departments, but it is a very important department—one just created, as you know, in the aftermath and the heartbreak of 9/11. It is a department that has had tremendous success in the 10 years but with a lot of growing pains. They had a lot of difficulty getting their feet underneath them and bringing in agencies from around the government to provide the frontline of defense against attacks to our homeland.

I commend Secretary Napolitano for the great work she has done in the last 2 years to strengthen this department, to make very tough decisions, which all our Administrators are having to make, about how to allocate resources and set priorities because we are reducing budgets. We are in the process of eliminating, trimming, and rescinding. That is very difficult because, frankly, almost everything we do on the Federal level is important to somebody, to some entity, to some State, to some

business cluster or to some activity of the government. Despite the common refrain that there is a lot of waste, fraud, and abuse, the fact is, we have been shaving that, eliminating that substantially, over the last several years. Now we are down to the bone and muscle.

When you are defending a country, you need to have a lot of muscle. When you are defending a country, you have to have a lot of brain power. Then you have to have a lot of backbone. That is what this bill represents, a lot of muscle and a lot of strength to defend our country. There is no guarantee we will not have another attack, but this is the bill that makes that less likely.

That is why I will fight, as chair of this committee, to strengthen it and to have reliable partners at the State and local levels because we cannot do this alone. We need our local police and our State governments' eyes on the ground, in neighborhoods—both in urban areas, as the Chair basically represents in Delaware—but we also need them out in rural areas, where we have very sophisticated and serious potential targets for terrorists in terms of power structure, power generation, electrical structure, energy structure, our ports, which are mostly in urban areas, but sometimes we will find a certain niche port somewhere out there sort of off the beaten path. We need to protect it all. So we have to be very careful, and the members of the committee worked very hard to allocate the \$40 billion that was given to us—\$39 billion—which was less than we got last year, in an appropriate way. It was less than we got last year, but the needs are greater.

Drug trafficking is increasing in Mexico, not decreasing. The pressures on our southern border are increasing, not decreasing. The need to expedite our travelers faster through the screening, both for commercial and vacation travel, is increasing, not decreasing. People think there is some kind of way we can come to Washington and wave a magic wand and make all these needs go down. Actually, as the needs are going up, we are flattening and cutting budgets, which makes it very difficult. My job—and I wish to get this point in—as an appropriator is made even harder, because despite the good work my ranking member has done on helping us to build this bill, as you know, the Republican caucus has been absolutely unmovable on putting any new money on the table—from any source.

We have tried, and the President has tried, to raise revenues from people making over \$1 million a year. Actually, you have to make over \$1 million to pay this surcharge. We have been unable to convince anyone on the other side—or very few—we have had one or two Republicans who have stood, and I am very proud of them—to say we have to put some more money on the table

as we continue to cut programs to close the deficit gap and make sure we have the basics covered.

I think Senators MCCAIN and KYL think the basics are the border. They may be right, and I have supported them. We have added 1,000 new Border Patrol agents in the last year, but it costs money. We have had to find that money in this bill. So other things had to be reduced. I understand that. Businesses do that all the time. But businesses also need to sell more products and bring in more money. Businesses also can increase the prices of products sometimes to bring in more revenue. We are having a hard time getting the other side of this body to understand that sometimes you have to bring in more revenue, as well as cutting, to make this work.

I am presenting a bill I am proud of, which is \$39 billion. It is going to be very difficult to go much further down and to continue to do that which I am going to outline that we do in this bill.

First of all, we spent a lot of time this year—because we had to—talking about disasters. This was the worst year on record for disasters in the United States—from fires in the West, to floods in the Mississippi, to hurricanes raking the Northeast, to tornadoes. We have just had our fill. The weather service, just last week, came out and said that this year, for the first time since they recorded this, we had over 12 disasters of over \$1 billion each. So this year, 2011, was a very tough year. Our members and I spent a lot of time talking about disasters, so I will not do that at this moment. We have done enough talk. We funded FEMA. It was a great victory for people who were looking for our help.

I wish to talk about what else the Homeland Security bill does because it is not just responding to disasters, which I am proud we took care of this morning. We also do a lot of other important work and fund a lot of other important entities in this bill, including securing our borders—the whole border—the northern border, the southern border and ports of entry. I think we have over 125. People don't realize this. They don't see it as they do if they live in Missouri or in Kansas or maybe even in Arkansas. They are not familiar with the borders along Texas or how big they are, and Arizona. But it is a lot of land that has to be covered, and it is the Federal Government's responsibility. It takes a tremendous amount of money to secure this border, but our country wants us to do that. So we have invested in more border agents, in better technology, and I am even trying to come up with some very cost effective ways to improve the physical infrastructure of the borders because not only do they serve to protect our Nation from people who should not come in, but we also have to get a lot of things across our border,



such as all the commerce and traffic and vegetables and agricultural products and manufactured products that our businesses depend on to have good trade with Canada and Mexico.

With NAFTA, which is a very important trade foundation for our continent, we just can't close our borders and shut them down. We have to keep them open. America, unlike every other country in the world, is one of the only countries that both has to fight hard for our security but also remain open as a nation. This is a very hard thing to do. We have to have more research and technology, not less. We have to have smarter border crossings, not the old-fashioned, out-of-date type. That is what our bill supports—or, I should say, we try to. We are having a very difficult time because no one will put a dime on the table. So we have to keep finding ways to do this.

We have to enforce our immigration laws. Everybody at home tells us they want the laws enforced. But it costs money to enforce those laws, and that is in this bill. As I said, we have to facilitate trade and protect our currency.

We also secure cyberspace, which is a whole growing enterprise in space that we are learning a great deal about. We will not be fighting wars the way we have in the past. Our enemies will be attacking us in very different and innovative ways—not army to army, navy to navy, or men and women on the battlefield, as we have become accustomed. They may be attacking our utility sector, trying to shut down our financial systems. We are so reliant and interrelated on all the digital networking. It is very frightening to think what could happen, and we have all been in classified briefings to understand what could happen. This bill helps protect all of our Federal agencies and businesses except for Defense. Defense protects themselves. Our bill has to protect the homeland and the private sector, and we have a long way to go—and not just big companies but small companies have to be protected, and we have to work in partnership with them.

Let me mention our TSA in aviation; we fund that. I also want to mention this for Louisiana: Our fishermen have had a terrible time. Maybe in Delaware and other places along the east coast and the west coast my colleagues will understand this. In the gulf, our fishermen are trying to make a living in the middle of hurricanes and oil spills and, in addition, we get crawfish and shrimp dumped from places such as China and Vietnam. So we need money in this bill to enforce those trade laws, and I stepped up and significantly enhanced that effort in this bill. I was proud to do it for the shrimping and fish industries in our country, and particularly along the gulf coast. So that is in this bill as well.

I might mention the Secret Service, which we have to support, in addition

to the Coast Guard, Customs and Border Protection. There is a lot in our \$40 billion bill.

Let me just make one other point. We have eliminated \$204 million of rescissions in, as I said, low-priority programs. These were eliminated to spend money on high-priority programs. We have reduced administrative funding by over \$800 million, and we have reduced the headquarters account by almost \$100 million.

I am one to shave some of this money off of administration, but I can't go much further, and I will tell you why. This department is a hard department to manage, and it can't manage itself. Secretary Napolitano must have the resources at the administrative level to manage a department that is only 10 years old, and that brings disparate agencies together to have them function.

We have seen what happens when we don't invest in management. We have seen what happens when we gut administration. We had a weak shell of FEMA show up after Katrina and just about ruined our efforts for recovery. We are never going to see that again. So I am committed to funding the FEMA administration and to funding the Department. We can cut, and we have made some cuts, but I am telling the other side we just can't keep cutting the administration and then turn around and expect the same agencies to ferret out fraud, waste, and abuse. We need good managers to do that and so we must continue to fund them.

I am proud I was able to include \$358 million for six Coast Guard Fast Response Cutters. Those happened to be built in Louisiana—I am proud of that—but the decision was made well before I got to be chair of this committee for that construction. I am proud to have funded that effort and to give the Coast Guard the upgrade of equipment they need to do the work we are asking them to do. Their work just continues to go up. They are a very popular part of our Federal Government. I think everyone loves the Coast Guard. We are very fond of them in Louisiana because we depend on them for so many things, and I think their fleet needs to be upgraded.

Some of these ships are built in other States—some of their infrastructure is in other States—and I am proud to support the Offshore Patrol Cutter. We included \$110 million for 40 response boats; another \$129 million for maritime patrol aircraft, mission pallets, and spares; and we have \$18 million to replace a helicopter that crashed. I could recite some other things, but we have tried to do our best by the Coast Guard, to upgrade the equipment they need to help us during this time.

We have also put in this bill—and I am very proud of this, and I hope the public will see some immediate improvements—250 machines for addi-

tional advanced imaging technology. We put in funding to pay for this so that people can get through those security lines faster. We are losing a lot of money as a nation with people stuck in lines, and it is just slowing down our productivity, which is important because our businesses need people to travel.

Of course, being from a State that depends on hospitality—our Presiding Officer just recently visited Louisiana, and we are grateful to him and his family for coming to spend some time with us. We would like everyone to come and spend some time in Louisiana—Lafayette, Baton Rouge. I know the Presiding Officer had a great time and spent some time in hotels and restaurants.

New York depends a lot on tourism, as does Nevada and California, and many other States. When people get hassled too much while traveling, they just stop going. Now, we can't drive our cars everywhere we want to go. So making flying a little easier once again for the public, yet still safe, is something I most certainly want to work on.

Just a couple more comments and then I will close.

I want to commend the group in Louisiana at our Cyber Innovation Center. They received—not out of this bill but out of the Department—a very small grant to help with the improvement on training the workforce to be the cyber warriors we need them to be. We need to do that in Delaware, we need to do that in Louisiana, we need to do that in Texas, and we need to do it everywhere.

We are not educating and producing the graduates we need to be the cyber warriors of the future. We don't want to have our warrior force—as much as we are proud to have legal immigrants in our country—outsourced to India or China or Japan, to have their Ph.D.s or masters or degreed individuals come to do this work. We want to raise our own to do this work, and we can do that. I am proud to support some of those efforts in this bill.

Unfortunately, the tight spending limits necessitated deep cuts in first responder grant programs. While we were able to provide \$354 million above the House level for such grant programs, the final agreement cuts funding by 30 percent. I believe the Federal government has a responsibility to work with and assist State and local first responders in developing their capabilities to mitigate, prevent, and respond to all disasters whether they are natural disasters or terrorist attacks.

There are also significant cuts in science and technology activities. While we were successful in mitigating the excessive cuts contained in the House bill by restoring \$129 million, the agreement reduces spending by \$160 million below fiscal year 2011 levels. I

believe that the Department of Homeland Security, like any successful business, must invest in science and technology to address evolving threats and I intend to make this program a priority going forward.

To minimize these reductions, the agreement includes \$204 million of rescissions of low priority programs, reduces funding in administrative accounts by over \$800 million and reduces Departmental headquarters accounts by \$9 million. The agreement also provides for the orderly termination of the Office of Counternarcotics Enforcement and the Office of Risk Management and Analysis, programs that are either redundant or poorly executed.

During our negotiations with the House, we were able to eliminate a number of objectionable language riders, including three immigration provisions that would have limited the Department's authority to enforce our immigration laws, a provision that would have prohibited Transportation Security Administration employees from collective bargaining, and a provision that would have required TSA to reduce thousands of screeners and transition toward a private sector workforce.

I am pleased that we were able to include in the agreement provisions that will: facilitate maintaining or hiring firefighters by local fire departments; allow FEMA to waive recoupment requirements for disaster survivors who, through no fault of their own, received overpayments as much as 6 years ago; extend the National Flood Insurance Program through May 31, 2012; and extend the authorities of the Chemical Facility Anti-Terrorism Standards program for 1 year. The agreement also includes a provision that gives States the flexibility to use FEMA hazard mitigation grant funding to reimburse homeowners for storm mitigation work originally completed with a Small Business Administration loan. This provision provides equity of benefits among disaster survivors.

The agreement includes funding for a number of critical investments that will enhance the department's capacity to respond to an evolving threat:

Coast Guard funding includes: \$358 million for six Fast Response Cutters; \$77 million for long lead time material for the sixth National Security Cutter; \$25 million for development and design of the Offshore Patrol Cutter; \$110 million for 40 Response Boat Mediums; \$129.5 million for two Maritime Patrol Aircraft, mission pallets, and spares; \$18.3 million to replace a helicopter that crashed in 2010; \$15.2 million in response to the gulf coast oil spill, to enhance oil spill response capabilities, including 87 new positions; \$200.7 million for shore facility projects, infrastructure to support new assets, and military housing; and \$63.5 million for a new C-130J aircraft, by transfer from the Department of Defense.

Funding is included for the Transportation Security Administration for: 250 additional Advanced Imaging Tech-

nology machines with the capacity to protect people's privacy; 145 new behavior detection officers; 12 additional multi-modal Visible Intermodal Prevention and Response, VIPR, teams; 20 additional explosives detection canine teams; and 53 new positions to strengthen international air cargo security.

The agreement provides resources to Customs and Border Protection to support: 21,370 Border Patrol agents, sustaining the increased levels approved in the Fiscal Year 2010 Supplemental; 21,186 CBP officers working at the ports of entry, including 312 new officers and additional canine teams; \$5 million for officer and agent integrity programs, including polygraph testing; \$5 million to CBP to work within existing laws to increase collection of antidumping and countervailing duties and implement aggressive options to level the trade playing field for U.S. companies.

The agreement provides \$443 million for cybersecurity efforts, an increase of \$80 million above Fiscal Year 2011, of which \$22.8 million is for cybersecurity education and awareness. The increase will continue efforts to combat the cyber threat by reducing points of access to Federal computer networks, enhancing intrusion detection through Einstein, and building a cybersecurity workforce through education and training.

So it remains the responsibility of each generation to make the necessary investments to secure our homeland. I take this responsibility seriously, and my members take it seriously as part of our Homeland Security Committee. We worked very hard to produce a good bill for the country. We are proud of this bill. It is about \$40 billion of their money. I hope they believe we are allocating it and spending it accordingly.

Mr. President, I look forward to the hearings we are going to have next year on some important topics, and I will close by wishing you and the staff and everyone here a merry Christmas and a happy and blessed holiday.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. RUBIO. I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IMPACTS TO THE WESTERN HEMISPHERE

Mr. RUBIO. It is a pleasure to be here. This will be my last speech of the

year. As I said yesterday in another speech, it has been an extraordinary honor and privilege to serve in the Senate. I look forward to the next 5 years of doing that, God willing. It is a phenomenal institution and I am proud to be a part of it, even though some days make you scratch your head.

I am here on two things before we close out the year. I have a specific interest on items that impact the Western Hemisphere.

I wish to take this opportunity to say that one of the real treats of the last year is being able to work with Senator MENENDEZ on the Western Hemispheric Committee. We share a lot of views in common, and even on the ones we don't we have a very cooperative working relationship. It has been a great experience working with him on that, and I look forward to more of that next year on that committee and with everyone on Foreign Relations.

I know there are a lot of big domestic issues happening, but the things around the world matter. They matter a lot to us. I know when times are tough economically, sometimes we wonder: Why should we care what is happening halfway around the world?

We are not Luxembourg, with all due respect to Luxembourg. We are the United States of America. What that means is that virtually every aspect of our life is directly impacted by things that are happening sometimes halfway around the world.

One of the things that is always in our interest is the promotion of freedom and democracy. It is one of the things that sets us apart from other nations. Our greatest export is the American example, the fact that people look to this country and see it is possible for people to have self-government.

I know self-government and this Republic sometimes look messy from the outside looking in. As I tell people often, if you saw the way some of your food is made, you wouldn't eat it. I think sometimes when you look at the political process and the lights that shine on it, there are some things about it and the process that I don't like and you don't like. But it is still better than virtually any other form of government that has ever existed on the Earth. We are all privileged and blessed to be able to live in this Republic. Any time we have the opportunity to speak out on behalf of democracy and freedom, we should.

I had, this week, the opportunity to engage on that issue, and I wish to publicly acknowledge the work of Under Secretary Sherman, who has spent a lot of time talking to me this week about Nicaragua and about elections in Nicaragua that were, in my opinion, fraudulent and unfortunate because the rest of the hemisphere is moving toward democracy, the rest of the hemisphere is moving toward free and fair

elections. In Latin America, sometimes people whom we don't agree with win elections, people who don't like us, who believe the national interests of their country are contrary to ours. But the people chose them.

Unfortunately, what happened in Nicaragua is grotesque. This person Daniel Ortega, who was a Sandinista, who was once a dictator of that country, basically has ignored the Constitution and ran for office again. There were extraordinary irregularities. The Carter Center, for example, wasn't allowed to come in and observe it. The OAS has already talked about real problems with that election and we hope to see their report soon.

Let me publicly acknowledge the time and effort the Department of State spent talking to me on the phone about ensuring that the United States is a forceful voice on behalf of democracy and freedom in Nicaragua and in the hemisphere. I appreciate their work on that behalf, and I know we are looking forward to the OAS's report fairly soon.

Senator MENENDEZ and I have filed a resolution in this institution that I hope we will pass that recognizes the need for this country to stand firmly on the side of the Nicaraguan people on behalf of freedom and democracy.

There is another topic I touched upon the other day; that is, the people-to-people travel to Cuba. I kind of went through these itineraries a couple days ago that show basically what these trips are all about is nothing more than tourism—just tourism. It is just people going to Cuba.

The reason why this is problematic is because it gives money to the Castro government.

Today in the Miami Herald is a very disturbing article. The article is from Juan Tamayo, who is a reporter who writes for the El Nuevo Herald and Miami Herald:

Cuban dissidents have sent out photos and videos of a large police crackdown in the eastern town of Palma Soriano that left at least five government opponents with head wounds, black eyes and other injuries.

One photo of the Dec. 2 roundup of 46 dissidents shows Henry Perales with two wounds on his shaved head that required nine stitches to close. Another shows Abraham Cabrera with one stitch on his forehead.

"That wound bled a lot because it was on a blood vessel, but it was a kick to the ribs on the right side that made me fall to the ground. . . . It still hurts," Cabrera told El Nuevo Herald by phone from Palma Soriano.

The images were sent to the newspaper by Luis Enrique Ferrer Garcia, U.S. representative of the dissident Cuban Patriotic Union. His brother, former political prisoner Jose Daniel Ferrer Garcia, heads the Union and was one of the men arrested in the Palma Soriano crackdown.

Union members and supporters took two weeks to smuggle out the photos and the videos, via emails, because they had to work slowly and carefully to avoid police agents who were trying to find and seize the images, Luis Enrique said.

The Palma Soriano roundup was one of the largest and harshest police crackdowns on dissidents in recent years. All were freed hours or days later—one of them 12 days later—without charges.

Forty-six men had gathered in a Palma Soriano house starting on Nov. 30 with plans to stage a street protest two days later to demand the release of all political prisoners and respect for human rights.

Those sound like pretty reasonable requests to me, release of political prisoners and respect of human rights. This is what they were going to protest on behalf of.

Cell phone videos shot inside the house showed many of the dissidents saying they wanted to show they were not U.S. paid "mercenaries," as the government brands them, but rather "defenders of human rights."

The unidentified narrator of some of the videos referred to the police already deployed outside "and the repression that awaits us."

So these protesters knew what was about to happen. They have seen this before. This is what happens in Cuba when you speak out in favor of human rights and against political prisoners. You get your head cracked open. These guys knew this was going to happen, but yet they had the bravery to go forward with it.

Police indeed arrested the dissidents as they left the house in groups of four and five, and a video taken from a second-story balcony showed them punching some of the protesters and forcing them onto a U.S.-style yellow school bus parked at the end of the block.

Cabrera said the bus driver, dressed in civilian clothes, hit him as well as Perales and several other dissidents with a wrench once inside the bus.

The bus driver hit them with a wrench once they got inside the bus.

Other photos show dissidents Misael Valdes Diaz and Alexis Yanch OICQ with black eyes and Emilio Dinza with a large bump on his forehead. Other dissidents reported black and blues from police strikes.

Angel Moya, a former political prisoner who was reported beaten in a police station after his arrest in Palma Soriano Dec. 2, said police punched him on the way from the house to the school bus but not afterwards.

How nice of them not to punch him afterwards.

Moya said Friday that he spent 12 days in a police lockup, in a cell that was smelly and had no water or lights and that he shared with common criminals.

This is Cuba. I doubt this experience is something these tourists traveling on U.S. licenses are going to get to see on their next visit to Cuba.

The other day I talked about one of these visits that the United States has licensed called Ethics and the Cuban Revolution. How interesting—Ethics and the Cuban Revolution.

I wonder if part of that ethics course will be a part about schoolbus drivers dressed as civilians hitting protesters with a wrench. I wonder if that is part of their itinerary. I wonder if the part about cracking people's heads open be-

cause they are going to peacefully protest in the street is part of the itinerary in this Ethics and the Cuban Revolution.

Why do I bring this up again? No. 1, it is outrageous. It should be denounced, and this is a great forum to do it because the world needs to know what happens 90 miles from our shores. It is one of the most repressive regimes in the Western Hemisphere's history. It is still in place. It is still ongoing. But here is No. 2. Where do they get the money to pay these people? Don't you think those guys are getting paid, the civilian busdriver is getting paid to hit people with a wrench or do you think he is doing it for free? How are they paying these police officers? How do you get people to do this stuff? You have to pay them. Where do they get their money to pay them?

Their government is a fiasco. They don't know anything about the economy. Do you want to know why the Cuban economy is in the tank? It is because the people who run Cuba are incompetent. They have no idea about what a modern economy looks like or how to create one, apart from the fact that they cling to a broken ideology.

So where do they get the money to pay for all these things? Sadly, where they are getting a lot of the money to pay for these things is from us. It is from people who live in this country who are curious about what happens in Cuba, who are curious—and some who outright sympathize with this idea that somehow Cuba is this socialist paradise—and they travel there and they leave money there. All these trips, Cuba gets a huge take, and they use it to fund this repressive apparatus.

As I said the other day, I understand and I don't have any false illusions that the President is going to change his travel policy toward Cuba or this people-to-people program. But at least make sure these programs are furthering what you say you are trying to further, which is bringing freedom and democracy to Cuba, instead of being a source of hard currency and hard revenue.

A few days ago, I denounced two specific itineraries. I didn't denounce 5 or 10; I pointed out 2 of the most outrageous ones on this floor in a speech I gave. Then I sent that to the State Department and said: Would you look at this for me? They responded that they would. They told me they would send me a letter. In fact, in conversations I had, they gave me great hope that in fact they too were troubled by these itineraries and that they would start to look at these more seriously.

Sadly, as a result of what they told me—because one of the things that has been going on around here is I had placed a hold on two nominations in the Western Hemisphere as a result of their inaction on this issue.

After I spoke to them on the phone, I was hopeful about it and I lifted those holds. We were going to vote on those today. Then I got this letter today that, to summarize, basically says: Thank you for your letter, but we can't talk to you about it.

That is not what I expected to get, and so we are going to hold those nominations again until we take this seriously.

This is a problem. This is a problem. We have these companies in America that are advertising tourism to Cuba—tourism that is not just a source of irritation, it is a source of hard currency. It is the money this regime is using to crack people's heads, to pay so-called busdrivers to beat people with wrenches. It is the money they are using to stick people in jails with common criminals, with no access to food or water for 12 days, without charges. We are funding a repressive regime through these practices, and it has to stop. Someone better take this seriously. When they take this seriously, then we can talk.

I hope where we are headed here in the coming year is that we will stand not just on the side of the Cuban people's desire for freedom and democracy—no political prisoners, respect for human rights—but stand for that in the hemisphere and the world, because our voice still matters, and I hope this country will always stand firm on those issues.

Before I left today, I wanted to stand on the floor and talk about this because it is something very important to me and should be important to our country. I hope in the coming year we will have the opportunity in our Subcommittee on the Western Hemisphere and in this body and in our conversations with the White House and State Department to bring these programs into focus. This people-to-people program is a sham. Maybe they are very well intentioned but some of these trips are nothing more than tourism that plows millions of dollars into the hands of one of the most disgusting and grotesque, repressive apparatuses this hemisphere has ever seen, and it has to stop. Someone has to start cracking down on these people, someone has to start cracking down on these agencies, someone has to start cracking down on these trips, and make sure they do what they are intended to do, and that is real access to the ways of freedom, to the ways of opportunity, to opening the eyes of the Cuban people to the fact that the rest of the world does not live under what they live under—even though most of the Cuban people already know that.

It is time we start holding these people accountable. If they are filing these licenses under false pretenses, they need to be prosecuted, their licenses need to be suspended. They have to be barred from having these trips. We

have to have people actively monitoring these itineraries that are being sold. We need to match their applications for these licenses, and we need to stop approving licenses for these tourist trips.

I hope we will make progress on that in 2012 and I hope that is what we will focus on in the year to come.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BOARMAN NOMINATION

Mr. SCHUMER. Mr. President, let me wish you and your family and all those who work here a merry Christmas and happy new year. I hope God gives you and your families a very good, outstanding, happy, healthy new year.

I wish to speak on William Boarman's appointment as Public Printer, which has been held up for a year and a half, despite being reported out of the Rules Committee twice with unanimous bipartisan support. Earlier this year, because of the delays, he was appointed to the job on an interim basis by the President during a recess. During this year he has done an outstanding job as Acting Public Printer.

It is extremely unfortunate that this agency, which is so important to Congress, to the private sector printing industry, and to the country, will now be without an effective leader when Mr. Boarman's recess appointment expires after we adjourn, unless this Senate confirms his nomination at last.

He has moved quickly this year to make important financial and management improvements at the Government Printing Office. These include cutting costs with a buyout of 15 percent of GPO's workforce, which will save \$33 million annually; greatly reducing costs for overtime, travel, executive hires, and other discretionary costs; reducing GPO's overhead expenses; and negotiating successfully with the unions, resulting in a zero increase in salaries.

I might add, perhaps he is being held up because of his union background, but we have seen in his year as acting administrator that he has been fiscally extremely responsible and successful. Maybe he is better at doing this than other people would be.

He also has staff identifying nearly \$30 million in outstanding payments owed to the GPO by other Federal agencies and collecting almost \$15 million of that in a few months.

Mr. Boarman ordered the first survey ever of congressional offices on their need for printed copies of the CONGRES-

SIONAL RECORD, resulting in an 18-percent reduction in printed copies and more cost savings.

Mr. Boarman has aggressively pushed the GPO to extend electronic online publishing and databases, as Congress has asked. In short, he has already demonstrated he is the kind of competent, committed, experienced leader GPO needs.

The fact that we have not cleared this nomination is outrageous. The two Republican Senators who had holds on this nomination, holds that had nothing to do with concerns about Mr. Boarman but with other nonrelated nominations, finally released their holds yesterday. Now, today, some new obstacle has arisen on the Republican side. We know it is not an objection to Mr. Boarman himself but we have run out of time.

It is appalling when you get a public servant who cares about this government, in a nonpolitical place, the Government Printing Office, who has done an excellent job by all accounts—cutting costs, what we on both sides of the aisle want—and he gets held up. Instead of getting held up he should get an award for the job he has done. Yet he is held up and caught in the politics once again. It is so indicative of the dysfunction of our government. It is bothersome when someone works so hard and does a good job that his nomination can't get through for secret, undisclosed—it is hard to even figure out what reason.

I hope maybe before we leave today my colleagues on the other side of the aisle will look at Mr. Boarman's record—look at the unanimous vote he received in the Rules Committee; every Republican voted for him—and most of all look at what he has done in the Printing Office, and realizing without a leader many of these gains may be lost, costing all of us and the taxpayers millions of dollars, and maybe we will appoint him. Delay in this confirmation has shown the confirmation process at its worst and we are now in danger of losing this public servant whose work has produced the kinds of results we want.

I urge the Senate to confirm Mr. Boarman so that the GPO can continue to make progress.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that morning

business be extended until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

#### TRIBUTE TO PAGES

Mr. REID. Mr. President, as we know, very clearly, today is Saturday. But the Senate had some very important work to do today, so we stayed in session to present some issues to the American public that were extremely important. One was to make sure there would be no tax increase on millions of American families—in fact, 160 million.

We had a duty to be here, the Senators, but also other people had a duty to be here, and they are here. Four very dedicated pages are here today: Grace Mason, from Roanoke, VA; Kristina Biddle, from Hockessin, DE; Mitchell Bustillo, of Fort Worth, TX; and Zach Schroeder, from Clarksville, TN.

They didn't have to be here. They could be home with their families during this holiday season, as the other pages are. Instead, they stayed to help keep the Senate running smoothly. They didn't have to be asked. They volunteered.

We expect a lot of our pages, and I so appreciate their work. I have had two granddaughters who were pages—my two oldest grandchildren—and it actually changed their lives. I say that as seriously as I could say anything. Ryan and Mattie were not interested much about government. They had other things to do as juniors in high school. But they came back here in this environment, where they saw us wandering around and making speeches and voting and they got interested in reading the newspapers and watching the news more intently. My two granddaughters now are both in France studying abroad. One is a junior at New York University, the other is a senior at The New School in New York. I mean it when I say their lives were changed as a result of this program. I not only heard it from these two young women, my granddaughters, but I have heard it from their parents, about what a significant change it made.

As I said, we expect a lot of the pages. They work long, hard hours, as do Senators and their staffs. So I want them to know, speaking for every Senator, the pages here are terrific. We ap-

preciate their work. It is a tradition that has been here for a long time, and I will do everything I can to protect the pages and the work they do.

I thank them for their service and wish them the very best of everything in their next endeavor. But I am confident, as with Mattie and Ryan, their lives will have been changed as a result of their being here.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar Nos. 67, 86, 108, 112, 258, 259, 260, 261, 262, 263, 264, 338, 339, 340, 344, 345, 346, 403, 413, 421, 422, 450, 456, 494, 495, 496, 499, 500, 501, 502, 503, 504, 505, 506, 507, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, and 543.

Of course, Mr. President, I am asking unanimous consent that these numbers I have just read—which all are human beings—and all nominations be placed on the Secretary's desk; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, we are ready and willing to move forward by consent with a package of nominations, with positions both in the executive and judicial branches; and just as soon as I receive confirmation from the administration that it will respect the practice and the precedent on recess appointments, we can get those people confirmed.

I look forward to receiving this confirmation from the administration so we can go forward on this nominations package, but not having received that yet, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I am disappointed that my friend objected, but I want the record to be spread with this:

We have done a good job on nominations the last couple of months. Actually, in the last 3 months, we have accomplished quite a bit. But I am kind of reminded of my days of being a younger man and running a foot race. I wasn't fast enough for the short races, so I ran long races. But unless I started fast, it was really hard to catch up. That is my concern about these nominations. We have started so slowly, I

am not sure we can catch up. I hope we can.

Mr. McCONNELL. Mr. President, I will say that there will be nominations we will be able to work our way through, but as I indicated, the particular package the majority leader just proffered as it is currently constituted will not be able to go forward because of our inability to receive from the administration the assurances that have been routinely given at this point with regard to recess appointments.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. As in executive session, I ask unanimous consent that the nominations received by the Senate during the 112th Congress, 1st session, remain as status quo notwithstanding rule XXXI, paragraph 6 of the Standing Rules of the Senate, with the following exceptions: Calendar Nos. 43, 67, 112, 185, 413, Presidential nominee 2, Presidential nominee 14, Presidential nominee 95, Presidential nominee 96, Presidential nominee 158, Presidential nominee 317, and Presidential nominee 653.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, January 23, 2012, at 4:00 p.m., the Senate proceed to executive session to consider Calendar No. 438; that there be 90 minutes for debate—60 minutes divided in the usual form and 30 minutes under the control of Senator SESSIONS; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar No. 438; that the motion to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. For everyone's knowledge, Mr. President, that is John Gerrard to be a district judge for the District of Nebraska.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 421, 503, 529, 530, 531, 532, 533, 534, 535, with the exception of COL Bradley D. Spacy; then 536, 537, 538, 539, 540, and all nominations placed on the Secretary's desk; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

## DEPARTMENT OF STATE

Joyce A. Barr, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State (Administration).

Michael Anthony McFaul, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

## DEPARTMENT OF DEFENSE

Brad Carson, of Oklahoma, to be General Counsel of the Department of the Army.

Michael A. Sheehan, of New Jersey, to be an Assistant Secretary of Defense.

## IN THE AIR FORCE

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Merle D. Hart

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Frank Gorenc

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Brian E. Dominguez

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203 and 12212:

*To be brigadier general*

Col. John P. Currenti

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel John D. Bansemmer  
Colonel David B. Been  
Colonel Michael T. Brewer  
Colonel Thomas A. Bussiere

Colonel Clinton E. Crosier  
Colonel Albert M. Elton, II  
Colonel Michael A. Fantini  
Colonel Timothy G. Fay  
Colonel Edward A. Fienga  
Colonel Steven D. Garland  
Colonel Thomas W. Geary  
Colonel Cedric D. George  
Colonel Blaine D. Holt  
Colonel Scott A. Howell  
Colonel Ronald L. Huntley  
Colonel Allen J. Jamerson  
Colonel James C. Johnson  
Colonel Mark D. Kelly  
Colonel Scott A. Kindsvater  
Colonel Donald E. Kirkland  
Colonel Bruce H. McClintock  
Colonel Martha A. Meeker  
Colonel John E. Michel  
Colonel Charles L. Moore, Jr.  
Colonel Gregory S. Otey  
Colonel John T. Quintas  
Colonel Michael D. Rothstein  
Colonel Kevin B. Schneider  
Colonel Scott F. Smith  
Colonel Ferdinand B. Stoss  
Colonel Jacqueline D. Van Ovost  
Colonel James C. Vechery  
Colonel Christopher P. Weggeman  
Colonel Kevin B. Wooton  
Colonel Sarah E. Zabel

## IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Michael J. Lally, III

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel John W. Baker  
Colonel Margaret W. Burcham  
Colonel Richard D. Clarke, Jr.  
Colonel Roger L. Cloutier, Jr.  
Colonel Timothy R. Coffin  
Colonel Peggy C. Combs  
Colonel Bruce T. Crawford  
Colonel Jason T. Evans  
Colonel Stephen E. Farmen  
Colonel John G. Ferrari  
Colonel Kimberly Field  
Colonel Duane A. Gamble  
Colonel Ryan F. Gonsalves  
Colonel Wayne W. Grigsby, Jr.  
Colonel Steven R. Grove  
Colonel William B. Hickman  
Colonel Christopher P. Hughes  
Colonel Daniel P. Hughes  
Colonel Daniel L. Karbler  
Colonel Ronald F. Lewis  
Colonel James B. Linder  
Colonel Michael D. Lundy  
Colonel David K. MacEwen  
Colonel Todd B. McCaffrey  
Colonel Paul M. Nakasone  
Colonel Paul A. Ostrowski  
Colonel Laura J. Richardson  
Colonel Steven A. Shapiro  
Colonel James E. Simpson  
Colonel Mark R. Stammer  
Colonel Michael C. Wehr  
Colonel Eric P. Wendt

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Lynn A. Collyar

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Mary A. Legere

The following named officer for appointment to the grade indicated in the Army Nurse Corps under title 10, U.S.C., sections 3064 and 3069(b):

*To be major general*

Col. Jimmie O. Keenan

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## IN THE AIR FORCE

PN1093 AIR FORCE nominations (14) beginning CHRISTINE L. BLICEBAUM, and ending ABNER PERRY V. VALENZUELA, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1097 AIR FORCE nominations (16) beginning JOEL O. ALMOSARA, and ending ANNETTE J. WILLIAMSON, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1145 AIR FORCE nominations (99) beginning KEITH ALLEN ALLBRITTEN, and ending GREGORY S. WOODROW, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1146 AIR FORCE nominations (4) beginning CHRISTON MICHAEL GIBB, and ending THAD M. REDDICK, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

## IN THE ARMY

PN1147 ARMY nominations (4) beginning MICHAEL S. FUNK, and ending JOHN W. RUEGER, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1148 ARMY nominations (2) beginning JARROD W. HUDSON, and ending CHARLES B. WAGENBLAST, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1149 ARMY nomination of Kari L. Crawford, which was received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1150 ARMY nominations (3) beginning HENRY H. BEAULIEU, and ending ERIC K. LITTLE, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1151 ARMY nominations (246) beginning DONALD B. ABSHER, and ending IRENE M. ZOPPI, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1152 ARMY nominations (61) beginning JAMES S. ARANYI, and ending MARK A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1153 ARMY nominations (166) beginning MITCHELL J. ABEL, and ending THOMAS M. ZUBIK, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1154 ARMY nominations (2) beginning NANCY L. DAVIS, and ending SHEILA VILLINES, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1155 ARMY nomination of Genevieve L. Costello, which was received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1156 ARMY nominations (2) beginning ROBERT J. NEWSOM, and ending RICHARD Y. YOON, which nominations were received



by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1157 ARMY nominations (2) beginning RICHARD A. DANIELS, and ending STEPHEN M. LANGLOIS, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1158 ARMY nominations (2) beginning ARTHUR E. RABENHORST, and ending STEVEN J. SVABEK, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1159 ARMY nomination of Harvey D. Hudson, which was received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1160 ARMY nomination of William H. Carothers, which was received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1178 ARMY nominations (95) beginning TODD S. ALBRIGHT, and ending D001765, which nominations were received by the Senate and appeared in the Congressional Record of December 5, 2011.

PN1179 ARMY nominations (21) beginning LARRINGTON R. CONNELL, and ending RICARDO J. VENDRELL, which nominations were received by the Senate and appeared in the Congressional Record of December 5, 2011.

#### FOREIGN SERVICE

PN969 FOREIGN SERVICE nominations (151) beginning John Ross Beyrle, and ending Daniel J. Weber, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 2011.

PN1005 FOREIGN SERVICE nominations (201) beginning Timothy M. Bashor, and ending Rafaela Zuidema, which nominations were received by the Senate and appeared in the Congressional Record of October 3, 2011.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1176 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (16) beginning Benjamin M. Lacour, and ending Brian D. Prestcott, which nominations were received by the Senate and appeared in the Congressional Record of December 5, 2011.

#### IN THE NAVY

PN916 NAVY nomination of Andrew K. Ledford, which was received by the Senate and appeared in the Congressional Record of September 6, 2011.

PN1161 NAVY nomination of Matthew R. Loe, which was received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1162 NAVY nomination of Thomas P. English, which was received by the Senate and appeared in the Congressional Record of November 30, 2011.

PN1163 NAVY nominations (46) beginning RICHARD A. ACKERMAN, and ending ADAM I. ZAKER, which nominations were received by the Senate and appeared in the Congressional Record of November 30, 2011.

#### PUBLIC HEALTH SERVICE

PN1112 PUBLIC HEALTH SERVICE nominations (178) beginning Jose G. Bal, and ending Kendra J. Vieira, which nominations were received by the Senate and appeared in the Congressional Record of November 8, 2011.

Mr. LEAHY. Mr. President, with the conclusion of the first session of the 112th Congress, the Senate Republican leadership has cost us the opportunity

to take long overdue steps to address the serious vacancies crisis on Federal courts throughout the country. With one out of every ten Federal judgeships vacant we can and should be doing all that we can to consider and confirm judicial nominations without unnecessary delays. Regrettably, Senate Republicans have chosen instead to continue their tactics of unexplained delay and obstruction and to repeat their damaging decision at the end of last year to refuse to consent to votes on even consensus judicial nominations. Such delaying tactics are a disservice to the American people. The Senate should fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

There are 21 judicial nominees awaiting final Senate action, all but two of them reported with significant bipartisan support, 16 of them unanimously. That means nearly every judicial nomination can and should be confirmed before the Senate adjourns. Yet, the Senate's Republican leadership is repeating the terrible practice at the end of last year in which 19 judicial nominees were blocked by Republicans and stalled at the end of the year. It then took until June to take action on 17 of those nominees.

The recent filibuster of the D.C. Circuit nomination of Caitlin Halligan, a highly-regarded appellate advocate with the kind of impeccable credentials in both public service and private practice that make her unquestionably qualified to serve on the D.C. Circuit, set a new and damaging standard. By refusing to consent to votes on consensus nominees before the end of the session, Senate Republicans are setting another damaging standard that will make it difficult for future Presidents of either party to fill judicial vacancies.

I am speaking about the kinds of qualified, consensus nominees who in past years would have been considered and confirmed by the Senate within days of being reported with the support of every Democrat and every Republican on the Judiciary Committee. Yet, due to Republican refusal to give consent, it will take many months for the Senate to confirm them to start serving on the Federal bench. Meanwhile, millions of Americans who are served by the Federal courts in those districts and circuits are left with overburdened courts and unnecessary delays in having their cases determined.

All of these consensus nominees have been through an extensive evaluation process before being reported to the Senate for final approval. Senator GRASSLEY and I have ensured all of these nominees were fully considered by the Judiciary Committee after a thorough, fair process, including completing our extensive questionnaire and questioning at a hearing. Before each

of these nominees was selected by the President, the White House worked with the nominees' home state Senators who support them, the FBI completed an extensive background review, and each nominee was reviewed by the American Bar Association's Standing Committee on the Federal Judiciary. When the nominations have been approved by the Judiciary Committee after this thorough process, there is no reason for the Senate failing to vote on them before the end of the session.

It is wrong to dismiss the delays resulting from the Senate Republicans' obstruction as merely political tit for tat. This is a new and damaging tactic Senate Republicans have devised. They are stalling action on noncontroversial nominees. Meanwhile, millions of Americans across the country who are harmed by delays in overburdened courts bear the cost of this obstruction. Nearly half of all Americans live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations now pending on the Senate Executive Calendar. It is wrong to delay votes on these qualified, consensus judicial nominees. The Senate should be helping to fill these multiple, extended judicial vacancies before adjourning.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hardworking Americans who are seeking their day in court to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait for three years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

With almost one in nine Federal judgeships currently vacant, the Senate should have come together to address the serious judicial vacancies crisis on Federal courts around the country. Bill Robinson, the president of the American Bar Association, warned recently in a letter to Senate leaders that excessive vacancies and high case-loads "deprive . . . our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes." Justice Scalia, Justice Kennedy and Chief Justice Roberts have also warned of the serious problems created by persistent judicial vacancies. This is an issue affecting hardworking Americans who are denied justice when their cases are delayed by overburdened courts.

If caseloads were really a concern of Republican Senators, as they contended when they filibustered the nomination last week of Caitlin Halligan to the D.C. Circuit, they would not have blocked us from voting to confirm consensus nominees to fill judicial emergency vacancies. They would have consented to consider the nomination of Judge Adalberto Jordan of Florida which was reported unanimously in October to fill a judicial emergency vacancy on the Eleventh Circuit. He is a well-respected Federal judge and his nomination is strongly supported by Florida's Republican Senator, Mr. RUBIO. Yet, despite the judicial emergency Republicans continue to delay consideration of that nomination. If they were really concerned with caseloads, they would have consented to move forward to confirm Judge Jacqueline Nguyen of California, a well-qualified nominee to fill a judicial emergency vacancy on the Ninth Circuit, the busiest Federal appeals court in the country, with judges called upon to handle double the caseload of the other Federal circuit courts. Her nomination was reported unanimously by the Judiciary Committee and needs only a final vote by the Senate. Judge Nguyen is nominated to fill the judicial emergency vacancy that remains after the Republican filibuster of Goodwin Liu.

If they cared about caseloads, they should also have consented to votes on the nominations of David Nuffer to the District of Utah, Michael Fitzgerald to the Central District of California, Gregg Costa to the Southern District of Texas, and David Guaderrama to the Western District of Texas, all nominations to fill judicial emergency vacancies. Instead, those vacancies will not be filled for several more months.

If Republican Senators were concerned about ensuring that our courts have the judges they need to administer justice for the American people, they would not have refused consent for the Senate to consider these consensus judicial nominees. The secret holds and obstructive blocks remind me of the Republican pocket filibusters that blocked more than 60 of President Clinton's judicial nominations from Senate consideration. When I became Chairman in 2001 and made the Committee blue slip process public for the first time and worked to confirm 100 judicial nominees of a conservative Republican President in 17 months, I hoped we had gotten past these partisan tactics. I am disappointed after working for more than a decade to restore transparency and fairness to the process of considering judicial nominations that we see the Senate Republicans again using anonymous holds to block progress at filling judicial vacancies.

The actions of the Senate Republican leadership today to block action on 18

qualified, consensus judicial nominations mirrors their action last year when they stalled consideration of 19 judicial nominations that had been reported by the Judiciary Committee and were ready for final Senate action at the end of last year. That was an abusive exercise in unnecessary delay that I believe was without precedent with respect to such consensus nominees. In contrast, Democratic Senators proceeded to up or down votes on all 100 of President Bush's judicial nominations reported by the Judiciary Committee during his first two years in office, and all 100 were confirmed before the end of the 107th Congress.

I had hoped and urged that such damaging obstruction not be repeated. I had urged that before we adjourned the Senate at least consider the 18 judicial nominees voted on by the Judiciary Committee who are by any measure consensus nominees. With vacancies continuing at harmfully high levels, the American people and our Federal courts cannot afford these unnecessary and damaging delays. It took until June of this year, halfway into 2011, to consider and confirm 17 of the nominations that could and should have been considered before the end of 2010. Yet Senate Republicans are employing the same destructive tactics.

For the second year in a row, Republicans have rejected the Senate's traditional longstanding practice of considering all of the consensus nominations before the end of the Senate session, setting a standard that before they did it last year was without precedent. We consented to consider all of the consensus nominations at the end of President Reagan's third year in office and President George H.W. Bush's third year in office, when no judicial nominations were left pending on the Senate Calendar. That is what we did at the end of the 1995 session, President Clinton's third year in office, when only a single nomination was left pending on the Senate calendar.

That is also what we did at the end of President George W. Bush's third year. Although some judicial nominations were left pending, they were among the most controversial, extreme and ideological of President Bush's nominees. They had previously been debated extensively by the Senate. The standard then was that noncontroversial judicial nominees reported by the Judiciary Committee were confirmed by the Senate before the end of the year. That is the standard we should have followed this year. Had we done so, another 18 judges would have been confirmed.

The Senate remains far behind where we should be in considering President Obama's judicial nominations. Nearly 3 years into his first term, the Senate has confirmed a lower percentage of President Obama's judicial nominees than those of any President in the last 35 years. The Senate has confirmed just

over 70 percent of President Obama's circuit and district nominees, with more than one in four not confirmed. In stark contrast, the Senate confirmed nearly 87 percent of President George W. Bush's nominees, nearly 9 out of every 10 nominees he sent to the Senate over two terms. That was a higher percentage of judicial nominees confirmed than President Clinton achieved and is far higher than President Obama's nominees.

Despite Senate Democrats joining Senate Republicans in confirming a high percentage of President Bush's judicial nominees, Republican Senators continue to point to the handful of President Bush's nominees who were not confirmed to justify their across the board delays and obstruction of President Obama's nominees. During their filibuster last week of Caitlin Halligan, President Obama's first nominee to fill the 9th seat on the D.C. Circuit, we heard several Republicans seek to justify the misguided filibuster by pointing to the fact that Peter Keisler was not confirmed to fill the 11th seat on that same court. Their selective recollection omits that the Senate did confirm four of President Bush's D.C. Circuit nominees, twice filling the 10th seat and once the 11th.

In her recent column on the New York Times website, Linda Greenhouse wrote about how low the judicial confirmation process has sunk with the Caitlin Halligan filibuster and the disparate treatment of President Obama's nominees. She wrote:

But it seems to me that this tit-for-tat goes only so far. President Bush succeeded in putting four decidedly conservative nominees on the D.C. Circuit. Three remain there today: Janice Rogers Brown, Thomas B. Griffith, and Brett M. Kavanaugh. The fourth was John G. Roberts Jr. It was his seat, which Chief Justice Roberts vacated on Sept. 29, 2005, to which Ms. Halligan was nominated. True, the Republicans didn't get everything they wanted. But they seem determined to make sure that President Obama gets nothing.

I ask unanimous consent that a copy of Ms. Greenhouse's column be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, we remain well behind the pace set by the Senate during President Bush's first term. By the end of his first term, the Senate had confirmed 205 district and circuit nominees, had already confirmed 168 by this point in his third year, and had lowered judicial vacancies to 46. In contrast, the Senate has confirmed only 124 of President Obama's district and circuit nominees, leaving judicial vacancies at more than 80. The vacancy rate remains nearly double what it had been reduced to by this point in the Bush administration. Senate action on the 18 consensus judicial nominations pending before the



Senate as it ends its session would have gone a long way to helping resolve the longstanding judicial vacancies that are delaying justice for so many Americans in our Federal courts across the country.

When the Senate returns in January, I hope that Senate Republicans will abandon these destructive practices and join with us to confirm the qualified, consensus judicial nominations they have stalled. This cycle of unnecessary delays must end.

#### EXHIBIT 1

[From the New York Times, Dec. 14, 2011]

ROCK BOTTOM

(By Linda Greenhouse)

Now that another highly qualified judicial nominee has been left as road kill, the question is how much lower can the confirmation process sink.

I'm referring to the defeat, by filibuster, last week of Caitlin J. Halligan, President Obama's nominee to the United States Court of Appeals for the District of Columbia Circuit. I last wrote about Ms. Halligan back in April, at which point her nomination had been pending for more than six months. Now it's dead, on a nearly party-line vote, the Democratic leadership having fallen six votes short of the 60 needed to invoke cloture.

The only Republican to break ranks was Senator Lisa Murkowski of Alaska, who won reelection as a write-in candidate and so owes nothing to her Republican bosses. No such independence was shown by the two Republican senators from Maine, Olympia J. Snowe and Susan Collins, so-called moderates whose efforts to explain their votes against permitting Ms. Caitlin's nomination to come to a vote (a simple majority would have approved it) were so contorted as to be barely comprehensible. (Senator Collins mumbled something about needing to shrink the appeals court, failing to note that the Republicans invoked no such workload-related compunctions when they filled not only the ninth seat, to which Ms. Halligan was nominated, but the tenth as well. There are now three vacancies on the 11-member court.)

Back in May, Senator Murkowski was also the only Republican to vote to end the filibuster against Goodwin Liu, whom President Obama had nominated to the United States Court of Appeals for the Ninth Circuit, in San Francisco. (Now Justice Liu, the former Berkeley law professor may have the last laugh; Gov. Jerry Brown promptly named him to the California Supreme Court.) At 41, Mr. Liu, a Rhodes scholar and former Supreme Court law clerk, is a leading progressive legal scholar of his generation. Although the Republicans came up with other rationales for opposing him, including his Senate Judiciary Committee testimony six years ago against the Supreme Court confirmation of Samuel A. Alito Jr., the actual reason was that they couldn't stand the thought of a young, super smart, energetic liberal sitting on the appeals court, in the launch position to become the first Asian-American on the Supreme Court.

Mr. Liu is a friend of mine. I applauded his nomination and was distressed at its fate. But since I don't believe that judges are simply umpires who call balls and strikes, I get the role of ideology in evaluating judicial nominees. What I don't get is what happened to Ms. Halligan, whom I've met only once or twice. She has no ideological markings other

than those that identify her with the mainstream of the New York legal establishment, within which, following a clerkship with Justice Stephen G. Breyer, she has made a spectacularly successful career in both the public and private sectors. She was solicitor general of New York State; head of the appellate practice at a major law firm; and is now general counsel to the Manhattan district attorney. She has argued before the Supreme Court five times. Her 45th birthday was Dec. 14.

This was not a fight over ideology. It was an effort to keep the president from filling a seat on what is not just another appeals court. The D.C. Circuit is not just a federal court but a national one, with jurisdiction over federal regulatory initiatives and habeas corpus appeals by Guantanamo detainees. Next month, it will hear a potential landmark case on the constitutionality of the Voting Rights Act. Its caseload may not be huge, but its cases tend to be dense, tough and vitally important.

When pressed on their treatment of Ms. Halligan, Republicans typically invoke President George W. Bush's two nominees whom the Democrats blocked from the D.C. Circuit, Peter D. Keisler and Miguel A. Estrada, both highly qualified and both prominent conservatives. (The classy Mr. Estrada wrote to the Judiciary Committee in support of Ms. Halligan, as did two dozen other members of leading law firms.)

But it seems to me that this tit-for-tat goes only so far. President Bush succeeded in putting four decidedly conservative nominees on the D.C. Circuit. Three remain there today: Janice Rogers Brown, Thomas B. Griffith, and Brett M. Kavanaugh. The fourth was John G. Roberts Jr. It was his seat, which Chief Justice Roberts vacated on Sept. 29, 2005, to which Ms. Halligan was nominated. True, the Republicans didn't get everything they wanted. But they seem determined to make sure that President Obama gets nothing.

Across the federal judiciary, confirmation has been proceeding at a slow crawl. This week, the Judiciary Committee held a scheduled confirmation hearing that could have accommodated five nominees. But because Republican senators claimed not to be finished reading the F.B.I. files of four of the nominees, only one, Paul J. Watford, nominated for the Ninth Circuit, was able to appear for his hearing. Nominees who clear the committee without opposition have to wait months for a floor vote because the Republicans won't agree to a speedier schedule. Of 21 nominees now awaiting floor votes, 18 had no committee opposition, but only a handful, at most, will get a vote before the Senate recesses for the year.

Just when news on the judicial front could not get more discouraging, I came across something truly bizarre, a position paper by the new front-runner among Republican presidential candidates, Newt Gingrich. Under the title "Bringing the Courts Back Under the Constitution," Mr. Gingrich launches a 28-page attack on "lawless judges" who need to be reined in "if we are going to retain American freedoms and American identity."

The document, he writes, "serves as political notice to the public and to the legislative and judicial branches that a Gingrich administration will reject the theory of judicial supremacy and will reject passivity as a response to Supreme Court rulings that ignore executive and legislative concerns and which seek to institute policy changes that more properly rest with Congress." By re-

jecting passivity, Mr. Gingrich means impeaching judges for "unconstitutional" rulings or, failing to muster the two-thirds majority necessary for impeachment, simply abolishing their positions.

Much of the document is a grab bag of long familiar right-wing talking points (Judges who acknowledge foreign law? A threat to "American sovereignty!") It is also just plain sloppy, misspelling Justice Ruth Bader Ginsburg's name throughout. But truly head-spinning is the tenuous hold that this screed, from a onetime history professor, has on American history.

Mr. Gingrich writes that the contemporary "power grab by the Supreme Court" is a "modern phenomenon and a dramatic break from all previous American history." (Anyone remember the court's response to the New Deal?) Rebuking the court for substituting its will for that of Congress is downright strange, given that it is the Republicans who have run to the federal courts, imploring judges to strike down the Congressionally enacted Affordable Care Act.

Perhaps strangest of all is Mr. Gingrich's attack on Cooper v. Aaron, the court's celebrated response to the Little Rock school crisis of 1958. The unanimous opinion, signed individually by all nine justices for emphasis, held that Arkansas and all other states were bound by the court's interpretation of the equal protection guarantee four years earlier in Brown v. Board of Education. Cooper v. Aaron was, as Justice Breyer writes in his recent book, "Making Our Democracy Work," essential in its time and part of the "hard-earned victory for the rule of law" that the Little Rock story became. Newt Gingrich is unmoved. Cooper v. Aaron's assertion of the Supreme Court's authority, he writes, was "factually and historically false."

Thinking back to Ms. Halligan's failed nomination, I actually don't disagree with everything in Mr. Gingrich's manifesto. Four words in boldface type on page 20 caught my attention: "Electing the right Senators."

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### IRAQ WAR AND BELARUSIAN ELECTION CRACKDOWN

Mr. DURBIN. Mr. President, I rise to comment on the U.S. war in Iraq, which thankfully is coming to an end this month. Secretary of Defense Leon Panetta made this historic declaration on Thursday at a formal ceremony in Baghdad.

This means many things to many people, but I am certain that it can't mean more than to the families of the brave men and women who will be coming home for the holidays—home from Iraq for good. To those men and women I would like to say: We are proud of what you have accomplished—you deposed a dictator and gave the people of Iraq a singular opportunity to chart their own future.

And to the families of these brave servicemembers, thank you for the loneliness and longing that you endured while your loved ones were away. And to those whose loved ones did not

return, one can hardly imagine your loss.

The United States has been at war in Iraq for almost 9 years. President Obama made a promise to bring this war to a close—and I am proud to say he delivered on that promise.

Tens of thousands of troops have handed over security responsibilities to their Iraqi counterparts. The U.S. Embassy in Baghdad will take the leading role, continuing our engagement through diplomatic channels. Our remaining 4,000 troops will be home by the end of the year.

Whether you voted for or against the initial authorization for war—and I was one of the 23 to vote against it—we can all agree that its toll has been higher than many could have imagined.

The disproportionate strain this war placed on our servicemembers and their families has been enormous—at times almost unbearable—in back-to-back deployments, in post-traumatic stress, lost loved ones, and debilitating injuries.

Many are living with life-changing injuries.

Nearly 4,500 American service men and women have paid the ultimate price for their country, including 116 brave men and women from Illinois. Another 1,100 Illinoisans have been wounded physically—just some of the tens of thousands nationwide. Untold numbers still suffer from post-traumatic stress and traumatic brain injuries.

And many brave civilians in our Foreign Service and NGO and contractor communities also suffered death and injury.

Incredibly, more than 1.5 million Americans served in Iraq. It has cost the country almost \$1 trillion—considerably more when we factor in the long-term costs related to the war.

But even as we bring our military deployment in Iraq to a close, it is important to remember that two critical commitments remain.

The first is the commitment to our men and women in uniform. They have sacrificed so much for the Nation they love—sometimes everything—and we will not retreat from the sacred pledge we make to each and every servicemember to provide for their needs and for the needs of their loved ones.

As President Obama said this week:

In America, our commitment to those who fight for our freedom and our ideals doesn't end when our troops take off the uniform.

The second is the enduring political commitment that the United States continues to make to Iraq as a partner and ally and to the Iraqi people. Iraq has also paid a high price—over 10,000 Iraqi soldiers and police lost their lives in the war, and over 100,000 civilians. And Iraq still faces significant leadership and governance challenges on the path to a stable and peaceful future.

Yet, ultimately much of this future will depend on Iraqis and their political

leadership. We have given them a unique—a historic—opportunity to govern themselves with tolerance, openness, and freedom.

We have done that with the precious blood and treasure of our Nation.

We hope that in the end Iraq will follow this path—that it will be an ally to the United States and a responsible democratic voice in the region.

Through Foreign Service Officers at our Embassy, USAID projects around the country, or U.S. foreign assistance—America will continue to stand with our Iraqi allies in the years ahead.

Mr. President, amid this hopeful news that the Iraq war is over, I want to also mention the 1-year anniversary of a brutal election crackdown last December 19 in Belarus.

I, Senator LIEBERMAN, and others have come to the floor a number of times this year to talk about the tragic events of that day—the barbaric crackdown that ensued and that continues today.

Last December, after decades of misrule by Belarusian strongman Alexander Lukashenko, there was a glimmer of hope that perhaps this last dictator of Europe would ease his authoritarian regime and finally allow the Belarusian people to freely choose their own President in an honest and open election.

Tragically, those hopes were quickly dashed when Lukashenko claimed another term as President amid elections described by international monitors as seriously flawed.

Lukashenko ordered his police force—incredibly still called the KGB—to brutally suppress opposition candidates, activists, and supporters who gathered in protest on election night in Independence Square in downtown Minsk.

Most of the political opponents who ran against him, along with hundreds of their followers, were arrested. Those with suspected ties to democratic parties and groups, human rights organizations, and what remains of the independent media in Belarus were targeted by the KGB for months afterward.

I visited Belarus just weeks following the so-called elections. I met with many of the family members of the jailed activists. Their stories were heartbreaking. Missing fathers, mothers, sons, and brothers—locked away in a Belarusian jail for the crime of running for public office or peaceably protesting a rigged election.

Too often those detained were tortured and denied basic legal rights.

But that wasn't enough for Lukashenko.

Families of the detained were also harassed and Lukashenko even had the temerity to try to seize the 3-year-old son of two activists he had imprisoned on bogus charges.

Listening to these heart-wrenching stories, I couldn't believe that such So-

viet-era tactics were still being used in Europe today.

Lukashenko's actions this past year have pulled the country into isolation and made it the subject of international scorn.

Our Nation has joined efforts with the European Union to toughen sanctions on Belarus, including freezing the travel and assets of Lukashenko and his enablers and henchmen.

I worked with Senators LIEBERMAN, CARDIN, MCCAIN, KIRK, and others earlier this year to introduce S. Res. 105, which passed unanimously, condemning the sham elections and calling on the Belarusian regime to release all political prisoners.

The resolution also called for new elections in Belarus that meet international standards, supported the tightening of sanctions against the Belarusian state-owned oil and petrochemical company, and urged the International Ice Hockey Federation to suspend the 2014 Ice Hockey Championship in Minsk until all Belarusian political prisoners are released.

Let me add that former National Hockey League Hall of Famer and EU Parliamentarian Peter Stastny; chair of the House Hockey Caucus, Representative MIKE QUIGLEY; and I wrote to International Ice Hockey Federation President René Fasel urging him not to give the dictatorial Lukashenko regime the prestige afforded by the World Ice Hockey Championship while political prisoners continue to languish in his KGB prisons.

So far the federation has ignored this commonsense appeal.

Today, a year after the election crackdown, at least 60 candidates and/or activists remain imprisoned or face harsh restrictions on their freedoms, including limits on their travel, the ability to work in certain professions, and to freely participate in the political process.

For example, Presidential candidate Andrei Sannikov remains in a KGB jail. His family—which is granted only sporadic contact with him—suspects that he has been tortured and pressured to sign a letter asking for pardon.

Mikalai Statkevich, Zmitser Dashkevich, Eduard Lobau, Paval Seviarynets, and Zmitser Bandarenka—just to name a few—are also still in jail for their participation in demonstrations during and after the December elections.

I hope the Ice Hockey Federation's corporate sponsors for the Minsk championship also recognize the potential stain to their image by sponsoring this event while Lukashenko continues to imprison and torture these innocent people.

On the 1-year anniversary of the brutal crackdown we must not forget the Belarusian people and those detained who only wished to exercise their basic

rights of free speech and expression. That is why I am pleased to see that just this week the Senate passed the Belarus Democracy and Human Rights Act of 2011, which I hope the House will do as well before we break for recess.

Through legislation such as this and unwavering pressure on the Lukashenko regime to open its political system, the people of the United States will continue to stand by the Belarusian people and support them in their efforts to bring justice to their country.

#### EXPIRING TAX PROVISIONS

Mr. BAUCUS. Mr. President, in only two weeks, many critical tax incentives will expire. These provisions are vitally important to many families and businesses. Once again, Congress is leaving town without taking care of business. Once again, Congress is creating uncertainty. During these tough economic times, uncertainty in the tax arena is the last thing that Americans need.

Today families are struggling because of lost jobs and high costs. Extending expiring tax incentives will help many American families get through these tough times.

For example, with the rising cost of a higher education, families need help to cover their costs. The Tax Code includes a tuition deduction to assist college students with the rising cost of tuition. In 2009, about 2.4 million families took this much needed benefit.

Also expiring is a provision that gives tax relief to the people that we trust with America's future, our children. Many teachers dedicated their lives to educating our young people. To further this endeavor, teachers take money from their own pockets to buy supplies for the classroom. Many do not get much help with these costs. The least we can do is provide a little tax relief. This bill would extend the teacher expense deduction. Over 3.8 million families took this deduction in 2009.

There are also several provisions expiring that benefit American businesses. Without the tax incentives, businesses will have less certainty and fewer tools to compete in the global arena. This will further hamper job creation and growth.

One such incentive is the research and development credit. The provision rewards companies that strive to create new and improved products and services by performing research and development. The extension of the R&D credit is essential to American businesses being competitive in the global market. The extension of the R&D credit will boost America's economy and create good-paying jobs.

There are also several provisions expiring that incentivize businesses to invest in alternative fuel sources. For ex-

ample, the dollar-per-gallon credit for biodiesel and renewable diesel helps move us to a cleaner and more energy independent future.

These are just a few of the provisions that must be renewed each year. Members on both sides of the aisle worked hard to extend these and many other provisions before the end of the year. We must continue to work to get these provisions extended so that American businesses and families can continue to receive these tax incentives. We must not keep people in limbo. That is one of the very first and highest priorities we have when we come back in session in January.

I have been working with ranking member Hatch for more than a year now on broad-based, fundamental tax reform. That reform is much needed and long overdue. A bedrock principle for reform is to increase the certainty that Americans have in what their tax laws will be from year to year. So we will work hard to eliminate temporary provisions that are dependent on the whim of Congress at the end of each year for renewal. In the interim, it is time to extend these provisions.

#### MESSAGES FROM THE HOUSE

At 9:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 95. Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

At 12:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3672. An act making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1892) to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

#### ENROLLED JOINT RESOLUTION SIGNED

At 2:45 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 95. Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

The enrolled joint resolution was subsequently signed by the acting President pro tempore (Mr. REID).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 886. An act to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2594. An act to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3237. An act to amend the SOAR Act by clarifying the scope of coverage of the Act; to the Committee on Health, Education, Labor, and Pensions.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 440. An act to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

H.R. 3012. An act to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2012" (Rept. No. 112-102).

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

\*Kathleen Kerrigan, of Massachusetts, to be a Judge of the United States Tax Court for the term of fifteen years.

\*Mary John Miller, of Maryland, to be an Under Secretary of the Treasury.

\*Henry J. Aaron, of the District of Columbia, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2014.

\*Alastair M. Fitzpayne, of Maryland, to be a Deputy Under Secretary of the Treasury.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. BENNET (for himself and Mr. BOOZMAN):

S. 2027. A bill to improve microfinance and microenterprise, and for other purposes; to the Committee on Foreign Relations.

By Mr. BROWN of Ohio (for himself, Mr. CASEY, and Ms. STABENOW):

S. 2028. A bill to amend titles 23 and 49, United States Code, to ensure that transportation and infrastructure projects carried out using Federal financial assistance are constructed with steel, iron, and manufactured goods that are produced in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself, Mr. MORAN, and Ms. CANTWELL):

S. 2029. A bill to amend the Tariff Act of 1930 to deter unfair imports that infringe United States intellectual property rights, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2030. A bill to provide protection for consumers who have prepaid cards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Ohio (for himself and Mr. PORTMAN):

S. 2031. A bill to make funds available for the American centrifuge project research, development, and demonstration program of the Department of Energy, with an offset; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself, Mr. REED, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REID, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr.

TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WICKER, and Mr. WYDEN):

S. Res. 349. A resolution commemorating and honoring the service and sacrifice of members of the United States Armed Forces and their families as the official combat mission in Iraq draws to a close; considered and agreed to.

By Mr. LEE:

S. Res. 350. A resolution expressing the sense of the Senate regarding the recent presidential election in the Democratic Republic of the Congo; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. Res. 351. A resolution recognizing the accomplishments and commemorating the numerous achievements and contributions of the Alaska Native people over the past 40 years; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 1265

At the request of Mr. COONS, his name was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1866

At the request of Mr. RUBIO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1866, a bill to provide incentives for economic growth, and for other purposes.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 349—COMMEMORATING AND HONORING THE SERVICE AND SACRIFICE OF MEMBERS OF THE UNITED STATES ARMED FORCES AND THEIR FAMILIES AS THE OFFICIAL COMBAT MISSION IN IRAQ DRAWS TO A CLOSE

Mr. WHITEHOUSE (for himself, Mr. REED, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of

South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REID, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 349

Whereas nearly 1,500,000 members of the United States Armed Forces served in Iraq, many serving on multiple deployments;

Whereas the members of the United States Armed Forces who served in support of operations in Iraq performed brilliantly in a highly complex and challenging environment, and did everything that was asked of them and more to meet the requirements of the mission;

Whereas thousands of members of the National Guard and Reserves left their civilian jobs and livelihoods to support operations in Iraq, making enormous contributions, and serving with distinction;

Whereas nearly 4,500 members of the United States Armed Forces made the ultimate sacrifice in giving their lives in support of operations in Iraq;

Whereas more than 30,000 members of the United States Armed Forces were wounded serving in support of operations in Iraq;

Whereas families of the members of the United States Armed Forces serving in Iraq endured repeated deployments and spent many holidays, birthdays, and anniversaries apart;

Whereas, after nearly nine years of combat, we welcome home our veterans and continue to support members of the United States Armed Forces deployed in Afghanistan and elsewhere in the world;

Whereas Iraq's destiny and future development now lie with its people; and

Whereas the people of the United States recognize the service and sacrifices made by those members of the United States Armed Forces and veterans, as well as their families: Now, therefore, be it

*Resolved*, That the Senate—

(1) pays tribute to the members of the United States Armed Forces who served in support of operations in Iraq;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, veterans, and their families, and honor their sacrifices; and

(3) commemorates and honors the contributions made by members of the United States Armed Forces and their families, as the official combat mission in Iraq draws to a close.

# SENATE RESOLUTION 350—EXPRESSING THE SENSE OF THE SENATE REGARDING THE RECENT PRESIDENTIAL ELECTION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Mr. LEE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 350

*Resolved*, That it is the sense of the Senate that—

(1) all political leaders in the Democratic Republic of the Congo and the supporters of those leaders should act responsibly, renounce violence, and resolve any disagreements regarding the presidential election of November 2011 through peaceful, constructive dialogue and existing legal remedies;

(2) the authorities of the Democratic Republic of the Congo should conduct a rapid technical review of the electoral process to—  
(A) investigate the cause of any voting irregularities;

(B) suggest ways in which governance could be structured to give better effect to the will of the people of the Democratic Republic of the Congo; and

(C) provide guidance for future elections;

(3) the authorities of the Democratic Republic of the Congo should complete the electoral process with maximum openness and transparency; and

(4) the United States Government should engage with other governments in Central Africa and ask those governments to reach out to President Joseph Kabila and opposition candidate Etienne Tshisekedi to encourage the 2 leaders to embrace a peaceful solution to the potential impasse facing the Democratic Republic of the Congo.

# SENATE RESOLUTION 351—RECOGNIZING THE ACCOMPLISHMENTS AND COMMEMORATING THE NUMEROUS ACHIEVEMENTS AND CONTRIBUTIONS OF THE ALASKA NATIVE PEOPLE OVER THE PAST 40 YEARS

Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

S. RES. 351

Whereas on December 18, 1971, Public Law 92-203 (43 U.S.C. 1601 et seq.) was enacted to settle long-standing issues of Alaska Native aboriginal land claims;

Whereas the pioneering work of Alaska Native leaders has created a lasting legacy of professional and personal success;

Whereas Alaska Native people have prospered from their own initiative and innovative approaches to fostering economic development through self-determination;

Whereas Alaska Natives have produced a significant number of educated Alaska Natives who now serve in positions of leadership in the State of Alaska and beyond;

Whereas Alaska Native people have risen to the challenge of independently and productively managing their aboriginal land, which has fostered sustainable businesses and created employment opportunities for the people of the United States, both across the country and globally;

Whereas Alaska Native people continue to serve in positions of leadership in the State of Alaska and beyond;

Whereas the dedication and enthusiasm of the next generation of Alaska Native leaders

honors the previous generation of Alaska Native leaders who worked diligently to achieve the most significant Native land settlement in the history of the United States;

Whereas the next generation of Alaska Native people will continue to make positive changes in the world around them through acquired leadership skills, cultural advocacy, and community engagement;

Whereas the people of the United States have reason to commemorate the economic and political contributions of Alaska Native people; and

Whereas the people of the United States have reason to honor the tremendous educational, social, political, economic, and cultural achievements of the Alaska Native people over the past 40 years: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes December 18, 2011, as the 40th anniversary of the original enactment of the Alaska Native Claims Settlement Act (Public Law 92-203; 43 U.S.C. 1601 et seq.);

(2) recognizes the significant educational, economic, political, and cultural contributions of the Alaska Native people over the past 40 years; and

(3) encourages the people of the United States to participate in activities that show support for the success of the Native people and tribes of the State of Alaska.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1465. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

SA 1466. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 3630, *supra*.

SA 1467. Mr. REID (for Mr. BURR) proposed an amendment to the bill S. 1959, to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

## TEXT OF AMENDMENTS

SA 1465. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Temporary Payroll Tax Cut Continuation Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

### TITLE I—TEMPORARY PAYROLL TAX RELIEF

Sec. 101. Extension of payroll tax holiday.

### TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

Sec. 201. Temporary extension of unemployment compensation provisions.

Sec. 202. Extended unemployment benefits under the Railroad Unemployment Insurance Act.

### TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

Sec. 301. Medicare physician payment update.

Sec. 302. 2-month extension of MMA section 508 reclassifications.

Sec. 303. Extension of Medicare work geographic adjustment floor.

Sec. 304. Extension of exceptions process for Medicare therapy caps.

Sec. 305. Extension of payment for technical component of certain physician pathology services.

Sec. 306. Extension of ambulance add-ons.

Sec. 307. Extension of physician fee schedule mental health add-on payment.

Sec. 308. Extension of outpatient hold harmless provision.

Sec. 309. Extending minimum payment for bone mass measurement.

Sec. 310. Extension of the qualifying individual (QI) program.

Sec. 311. Extension of Transitional Medical Assistance (TMA).

Sec. 312. Extension of the temporary assistance program for needy families program.

### TITLE IV—MORTGAGE FEES AND PREMIUMS

Sec. 401. Guarantee Fees.

Sec. 402. FHA guarantee fees.

### TITLE V—OTHER PROVISIONS

Subtitle A—Keystone XL Pipeline

Sec. 501. Permit for Keystone XL pipeline.

Subtitle B—Budgetary Provisions

Sec. 511. Senate point of order against an emergency designation.

Sec. 512. PAYGO scorecard estimates.

### TITLE I—TEMPORARY PAYROLL TAX RELIEF

#### SEC. 101. EXTENSION OF PAYROLL TAX HOLIDAY.

(a) IN GENERAL.—Subsection (c) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended to read as follows:

“(c) PAYROLL TAX HOLIDAY PERIOD.—The term ‘payroll tax holiday period’ means—

“(1) in the case of the tax described in subsection (a)(1), calendar years 2011 and 2012, and

“(2) in the case of the taxes described in subsection (a)(2), the period beginning January 1, 2011, and ending February 29, 2012.”.

(b) SPECIAL RULES FOR 2012.—Section 601 of such Act (26 U.S.C. 1401 note) is amended by adding at the end the following new subsection:

“(f) SPECIAL RULES FOR 2012.—

“(1) LIMITATION ON WAGES AND SELF-EMPLOYMENT INCOME.—In the case of—

“(A) any taxable year beginning in 2012, subsection (a)(1) shall only apply with respect to so much of the taxpayer’s self-employment income (as defined in section 1402(b) of the Internal Revenue Code of 1986) as does not exceed the excess (if any) of—

“(i) \$18,350, over

“(ii) the amount of wages and compensation taken into account under subparagraph (B), and

“(B) any remuneration received during the portion of the payroll tax holiday period occurring during 2012, subsection (a)(2) shall only apply to so much of the sum of the taxpayer’s wages (as defined in section 3121(a) of such Code) and compensation (as defined section 3231(e) of such Code) as does not exceed \$18,350.

“(2) COORDINATION WITH DEDUCTION FOR EMPLOYMENT TAXES.—In the case of a taxable year beginning in 2012, subparagraph (A) of

subsection (b)(2) shall be applied as if it read as follows:

“(A) the sum of—

“(i) 59.6 percent of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined after the application of this section) on so much of self-employment income (as defined in section 1402(b) of such Code) as does not exceed the amount of self-employment income described in paragraph (1)(A), plus

“(ii) one-half of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined without regard to this section) on self-employment income (as so defined) in excess of such amount, plus.”

(c) TECHNICAL AMENDMENTS.—Paragraph (2) of section 601(b) of such Act (26 U.S.C. 1401 note) is amended—

(1) by inserting “of such Code” after “164(f)”,

(2) by inserting “of such Code” after “1401(a)” in subparagraph (A), and

(3) by inserting “of such Code” after “1401(b)” in subparagraph (B).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to remuneration received, and taxable years beginning, after December 31, 2011.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (c) shall take effect as if included in the enactment of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

## TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

### SEC. 201. TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “January 3, 2012” each place it appears and inserting “March 6, 2012”;

(B) in the heading for subsection (b)(2), by striking “JANUARY 3, 2012” and inserting “MARCH 6, 2012”; and

(C) in subsection (b)(3), by striking “June 9, 2012” and inserting “August 15, 2012”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “January 4, 2012” each place it appears and inserting “March 7, 2012”; and

(B) in subsection (c), by striking “June 11, 2012” and inserting “August 15, 2012”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “June 10, 2012” and inserting “August 15, 2012”.

(4) Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(A) in subsection (d), in the second sentence of the flush matter following paragraph (2), by striking “December 31, 2011” and inserting “February 29, 2012”; and

(B) in subsection (f)(2), by striking “December 31, 2011” and inserting “February 29, 2012”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking “and” at the end; and

(2) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 201(a)(1) of the Temporary Payroll Tax Cut Continuation Act of 2011; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312).

### SEC. 202. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312), is amended—

(1) by striking “June 30, 2011” and inserting “August 31, 2011”; and

(2) by striking “December 31, 2011” and inserting “February 29, 2012”.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

## TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

### SEC. 301. MEDICARE PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

“(13) UPDATE FOR FIRST TWO MONTHS OF 2012.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), and (12)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for the period beginning on January 1, 2012, and ending on February 29, 2012, the update to the single conversion factor shall be zero percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on March 1, 2012, and ending on December 31, 2012, and for 2013 and subsequent years as if subparagraph (A) had never applied.”.

### SEC. 302. 2-MONTH EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), sections 3137(a) and 1037 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 102(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “September 30, 2011” and inserting “November 30, 2011”.

(b) SPECIAL RULE FOR OCTOBER AND NOVEMBER 2011.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), for the period beginning on October 1, 2011, and ending on November 30, 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) EXCEPTION.—In determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall, for the period beginning on October 1, 2011, and ending on November 30, 2011, include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subsections (a) and (b) by not later than December 31, 2012.

### SEC. 303. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2012” and inserting “before March 1, 2012”.

### SEC. 304. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

### SEC. 305. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “and 2011” and inserting “2011, and the first two months of 2012”.

### SEC. 306. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “January 1, 2012” and inserting “March 1, 2012”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2012” and inserting “March 1, 2012” each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of Public Law 111-148 and section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.



(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking “January 1, 2012” and inserting “March 1, 2012”.

**SEC. 307. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.**

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 107 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

**SEC. 308. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.**

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 108 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “January 1, 2012” and inserting “March 1, 2012”; and

(B) in the second sentence, by striking “or 2011” and inserting “2011, or the first two months of 2012”; and

(2) in subclause (III)—

(A) in the first sentence, by striking “2009, and” and all that follows through “for which” and inserting “2009, and before March 1, 2012, for which”; and

(B) in the second sentence, by striking “2010, and” and all that follows through “the preceding” and inserting “2010, and before March 1, 2012, the preceding”.

**SEC. 309. EXTENDING MINIMUM PAYMENT FOR BONE MASS MEASUREMENT.**

Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b)—

(A) in paragraph (4)(B), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(ii) in subparagraph (C), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(2) in subsection (c)(2)(B)(iv)(IV), by striking “or 2011” and inserting “, 2011, or the first 2 months of 2012”.

**SEC. 310. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.**

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2011” and inserting “February 2012”.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (O);

(B) in subparagraph (P), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraphs:

“(Q) for the period that begins on January 1, 2012, and ends on February 29, 2012, the total allocation amount is \$150,000,000.”

**SEC. 311. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).**

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B),

1396r-6(f)) are each amended by striking “December 31, 2011” and inserting “February 29, 2012”.

**SEC. 312. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.**

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than under subsections (a)(3) and (b) of section 403 of such Act) shall continue through February 29, 2012, in the manner authorized for fiscal year 2011, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the second quarter of fiscal year 2012 at the pro rata portion of the level provided for such activities through the second quarter of fiscal year 2011.

**TITLE IV—MORTGAGE FEES AND PREMIUMS**

**SEC. 401. GUARANTEE FEES.**

Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by adding after section 1326 (12 U.S.C. 4546) the following new section:

**“SEC. 1327. ENTERPRISE GUARANTEE FEES.**

“(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) GUARANTEE FEE.—The term ‘guarantee fee’—

“(A) means a fee described in subsection (b); and

“(B) includes—

“(i) the guaranty fee charged by the Federal National Mortgage Association with respect to mortgage-backed securities; and

“(ii) the management and guarantee fee charged by the Federal Home Loan Mortgage Corporation with respect to participation certificates.

“(2) AVERAGE FEES.—The term ‘average fees’ means the average contractual fee rate of single-family guaranty arrangements by an enterprise entered into during 2011, plus the recognition of any up-front cash payments over an estimated average life, expressed in terms of basis points. Such definition shall be interpreted in a manner consistent with the annual report on guarantee fees by the Federal Housing Finance Agency.

“(b) INCREASE.—

“(1) IN GENERAL.—

“(A) PHASED INCREASE REQUIRED.—Subject to subsection (c), the Director shall require each enterprise to charge a guarantee fee in connection with any guarantee of the timely payment of principal and interest on securities, notes, and other obligations based on or backed by mortgages on residential real properties designed principally for occupancy of from 1 to 4 families, consummated after the date of enactment of this section.

“(B) AMOUNT.—The amount of the increase required under this section shall be determined by the Director to appropriately reflect the risk of loss, as well the cost of capital allocated to similar assets held by other fully private regulated financial institutions, but such amount shall be not less than an average increase of 10 basis points for each origination year or book year above the average fees imposed in 2011 for such guarantees. The Director shall prohibit an enterprise from offsetting the cost of the fee to mortgage originators, borrowers, and investors by decreasing other charges, fees, or premiums, or in any other manner.

“(2) AUTHORITY TO LIMIT OFFER OF GUARANTEE.—The Director shall prohibit an enterprise from consummating any offer for a

guarantee to a lender for mortgage-backed securities, if—

“(A) the guarantee is inconsistent with the requirements of this section; or

“(B) the risk of loss is allowed to increase, through lowering of the underwriting standards or other means, for the primary purpose of meeting the requirements of this section.

“(3) DEPOSIT IN TREASURY.—Amounts received from fee increases imposed under this section shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. The fees charged pursuant to this section shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise.

“(c) PHASE-IN.—

“(1) IN GENERAL.—The Director may provide for compliance with subsection (b) by allowing each enterprise to increase the guarantee fee charged by the enterprise gradually over the 2-year period beginning on the date of enactment of this section, in a manner sufficient to comply with this section. In determining a schedule for such increases, the Director shall—

“(A) provide for uniform pricing among lenders;

“(B) provide for adjustments in pricing based on risk levels; and

“(C) take into consideration conditions in financial markets.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted to undermine the minimum increase required by subsection (b).

“(d) INFORMATION COLLECTION AND ANNUAL ANALYSIS.—The Director shall require each enterprise to provide to the Director, as part of its annual report submitted to Congress—

“(1) a description of—

“(A) changes made to up-front fees and annual fees as part of the guarantee fees negotiated with lenders;

“(B) changes to the riskiness of the new borrowers compared to previous origination years or book years; and

“(C) any adjustments required to improve for future origination years or book years, in order to be in complete compliance with subsection (b); and

“(2) an assessment of how the changes in the guarantee fees described in paragraph (1) met the requirements of subsection (b).

“(e) ENFORCEMENT.—

“(1) REQUIRED ADJUSTMENTS.—Based on the information from subsection (d) and any other information the Director deems necessary, the Director shall require an enterprise to make adjustments in its guarantee fee in order to be in compliance with subsection (b).

“(2) NONCOMPLIANCE PENALTY.—An enterprise that has been found to be out of compliance with subsection (b) for any 2 consecutive years shall be precluded from providing any guarantee for a period, determined by rule of the Director, but in no case less than 1 year.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted as preventing the Director from initiating and implementing an enforcement action against an enterprise, at a time the Director deems necessary, under other existing enforcement authority.

“(f) EXPIRATION.—The provisions of this section shall expire on October 1, 2021.”

**SEC. 402. FHA GUARANTEE FEES.**

(a) AMENDMENT.—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by adding at the end the following:

“(C)(i) In addition to the premiums under subparagraphs (A) and (B), the Secretary shall establish and collect annual premium payments for any mortgage for which the Secretary collects an annual premium payment under subparagraph (B), in an amount described in clause (ii).

“(ii)(I) Subject to subclause (II), with respect to a mortgage, the amount described in this clause is 10 basis points of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

“(II) During the 2-year period beginning on the date of enactment of this subparagraph, the Secretary shall increase the number of basis points of the annual premium payment collected under this subparagraph incrementally, as determined appropriate by the Secretary, until the number of basis points of the annual premium payment collected under this subparagraph is equal to the number described in subclause (I).”.

(b) PROSPECTIVE REPEAL.—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by striking subparagraph (C), as added by subsection (a), effective on October 1, 2021.

(c) REPORT REQUIRED.—Not later than 30 days before the date on which the Secretary of Housing and Urban Development makes a determination under subsection (b)(2), the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(1) explains the basis for the determination; and

(2) identifies the date on which the Secretary plans to make the determination.

## TITLE V—OTHER PROVISIONS

### Subtitle A—Keystone XL Pipeline

#### SEC. 501. PERMIT FOR KEYSTONE XL PIPELINE.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 60 days after the date of enactment of this Act, the President, acting through the Secretary of State, shall grant a permit under Executive Order 13337 (3 U.S.C. 301 note; relating to issuance of permits with respect to certain energy-related facilities and land transportation crossings on the international boundaries of the United States) for the Keystone XL pipeline project application filed on September 19, 2008 (including amendments).

#### (b) EXCEPTION.—

(1) IN GENERAL.—The President shall not be required to grant the permit under subsection (a) if the President determines that the Keystone XL pipeline would not serve the national interest.

(2) REPORT.—If the President determines that the Keystone XL pipeline is not in the national interest under paragraph (1), the President shall, not later than 15 days after the date of the determination, submit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives a report that provides a justification for determination, including consideration of economic, employment, energy security, foreign policy, trade, and environmental factors.

(3) EFFECT OF NO FINDING OR ACTION.—If a determination is not made under paragraph (1) and no action is taken by the President under subsection (a) not later than 60 days

after the date of enactment of this Act, the permit for the Keystone XL pipeline described in subsection (a) that meets the requirements of subsections (c) and (d) shall be in effect by operation of law.

(c) REQUIREMENTS.—The permit granted under subsection (a) shall require the following:

(1) The permittee shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the United States facilities.

(2) The permittee shall obtain all requisite permits from Canadian authorities and relevant Federal, State, and local governmental agencies.

(3) The permittee shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, operation, and maintenance of the United States facilities.

(4) For the purpose of the permit issued under subsection (a) (regardless of any modifications under subsection (d))—

(A) the final environmental impact statement issued by the Secretary of State on August 26, 2011, satisfies all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

(B) any modification required by the Secretary of State to the Plan described in paragraph (5)(A) shall not require supplementation of the final environmental impact statement described in that paragraph; and

(C) no further Federal environmental review shall be required.

(5) The construction, operation, and maintenance of the facilities shall be in all material respects similar to that described in the application described in subsection (a) and in accordance with—

(A) the construction, mitigation, and reclamation measures agreed to by the permittee in the Construction Mitigation and Reclamation Plan found in appendix B of the final environmental impact statement issued by the Secretary of State on August 26, 2011, subject to the modification described in subsection (d);

(B) the special conditions agreed to between the permittee and the Administrator of the Pipeline Hazardous Materials Safety Administration of the Department of Transportation found in appendix U of the final environmental impact statement described in subparagraph (A);

(C) if the modified route submitted by the Governor of Nebraska under subsection (d)(3)(B) crosses the Sand Hills region, the measures agreed to by the permittee for the Sand Hills region found in appendix H of the final environmental impact statement described in subparagraph (A); and

(D) the stipulations identified in appendix S of the final environmental impact statement described in subparagraph (A).

(6) Other requirements that are standard industry practice or commonly included in Federal permits that are similar to a permit issued under subsection (a).

(d) MODIFICATION.—The permit issued under subsection (a) shall require—

(1) the reconsideration of routing of the Keystone XL pipeline within the State of Nebraska;

(2) a review period during which routing within the State of Nebraska may be reconsidered and the route of the Keystone XL pipeline through the State altered with any

accompanying modification to the Plan described in subsection (c)(5)(A); and

(3) the President—

(A) to coordinate review with the State of Nebraska and provide any necessary data and reasonable technical assistance material to the review process required under this subsection; and

(B) to approve the route within the State of Nebraska that has been submitted to the Secretary of State by the Governor of Nebraska.

(e) EFFECT OF NO APPROVAL.—If the President does not approve the route within the State of Nebraska submitted by the Governor of Nebraska under subsection (d)(3)(B) not later than 10 days after the date of submission, the route submitted by the Governor of Nebraska under subsection (d)(3)(B) shall be considered approved, pursuant to the terms of the permit described in subsection (a) that meets the requirements of subsection (c) and this subsection, by operation of law.

(f) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing in this section alters the Federal, State, or local processes or conditions in effect on the date of enactment of this Act that are necessary to secure access from private property owners to construct the Keystone XL pipeline.

### Subtitle B—Budgetary Provisions

#### SEC. 511. SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.

Section 314 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following:

“(e) SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.—

“(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(2) SUPERMAJORITY WAIVER AND APPEALS.—

“(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

“(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained,



such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order."

#### SEC. 512. PAYGO SCORECARD ESTIMATES.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

**SA 1466.** Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes; as follows:

To amend the title so as to read:

A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

**SA 1467.** Mr. REID (for Mr. BURR) proposed an amendment to the bill S. 1959, to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes; as follows:

At the end, add the following:

(c) CONSTRUCTION.—Nothing in this Act may be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2012

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H.J. Res. 95.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 95) making further continuing appropriations for fiscal year 2012 and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. This is a 6-day continuing resolution. The House is going to come back in Monday and then papers have to get to the President. It takes time.

I ask unanimous consent the joint resolution be read three times and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 95) was ordered to a third reading, was read the third time, and passed.

#### SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT OF 2011

Mr. REID. Mr. President, I ask the Chair lay to before the body a message from the House.

The PRESIDING OFFICER laid before the Senate the following message:

S. 278

*Resolved*, That the bill from the Senate (S. 278) entitled "An Act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Sugar Loaf Fire Protection District Land Exchange Act of 2011".*

#### SEC. 2. DEFINITIONS.

*In this Act:*

(1) DISTRICT.—The term "District" means the Sugar Loaf Fire Protection District of Boulder, Colorado.

(2) FEDERAL LAND.—The term "Federal land" means—

(A) the parcel of approximately 1.52 acres of land in the National Forest that is generally depicted on the map numbered 1, entitled "Sugarloaf Fire Protection District Proposed Land Exchange", and dated November 12, 2009; and

(B) the parcel of approximately 3.56 acres of land in the National Forest that is generally depicted on the map numbered 2, entitled "Sugarloaf Fire Protection District Proposed Land Exchange", and dated November 12, 2009.

(3) NATIONAL FOREST.—The term "National Forest" means the Arapaho-Roosevelt National Forests located in the State of Colorado.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the parcel of approximately 5.17 acres of non-Federal land in unincorporated Boulder County, Colorado, that is generally depicted on the map numbered 3, entitled "Sugarloaf Fire Protection District Proposed Land Exchange", and dated November 12, 2009.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

#### SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—Subject to the provisions of this Act, if the District offers to convey to the Secretary all right, title, and interest of the District in and to the non-Federal land, and the offer is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the District all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (a), except that—

(1) the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; and

(2) as a condition of the land exchange under subsection (a), the District shall—

(A) pay each cost relating to any land surveys and appraisals of the Federal land and non-Federal land; and

(B) enter into an agreement with the Secretary that allocates any other administrative costs between the Secretary and the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to—

(1) valid existing rights; and

(2) any terms and conditions that the Secretary may require.

(d) TIME FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.

(e) AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.—

(1) IN GENERAL.—In accordance with paragraph (2), if the land exchange under subsection (a) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary may offer to sell to the District the Federal land.

(2) VALUE OF FEDERAL LAND.—The Secretary may offer to sell to the District the Federal land for the fair market value of the Federal land.

(f) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit in the fund established under Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a) any amount received by the Secretary as the result of—

(A) any cash equalization payment made under subsection (b); and

(B) any sale carried out under subsection (e).

(2) USE OF PROCEEDS.—Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land in the National Forest System.

(g) MANAGEMENT AND STATUS OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under this section shall be—

(1) added to, and administered as part of, the National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest.

(h) REVOCATION OF ORDERS; WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public order withdrawing the Federal land from entry, appropriation, or disposal under the public land laws is revoked to the extent necessary to permit the conveyance of the Federal land to the District.

(2) WITHDRAWAL.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn until the date of the conveyance of the Federal land to the District.

Mr. REID. I ask unanimous consent the motion to concur in the House amendment to S. 278 be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HUBZONE QUALIFIED CENSUS TRACT ACT

Mr. REID. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of S. 1874 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1874) to require the timely identification of qualified census tracts for purposes of the HUBZone program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1874) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1874

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "HUBZone Qualified Census Tract Act of 2011".

#### SEC. 2. DESIGNATION OF QUALIFIED CENSUS TRACTS.

(a) IDENTIFICATION OF HUBZONE QUALIFIED CENSUS TRACTS.—Not later than 2 months after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts necessary for such identification, the Secretary of Housing and Urban Development shall identify and publish the list of census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(b) SPECIFICATION OF EFFECTIVE DATES OF DESIGNATION.—

(1) HUBZONE EFFECTIVE DATE.—The Secretary of Housing and Urban Development, after consultation with the Administrator of the Small Business Administration, shall designate a date that is not later than 3 months after the publication of the list of qualified census tracts under subsection (a) upon which the list published under subsection (a) becomes effective for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(2) SECTION 42 EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall designate a date, which may differ from the HUBZone effective date under paragraph (1), upon which the list of qualified census tracts published under subsection (a) shall become effective for purposes of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

#### SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the

Committee on Small Business of the House of Representatives a report that—

(1) describes the benefits and drawbacks of using qualified census tract data to designate HUBZones under section 3(p) of the Small Business Act (15 U.S.C. 632(p));

(2) describes any problems encountered by the Administrator in using qualified census tract data to designate HUBZones; and

(3) includes recommendations, if any, for ways to improve the process of designating HUBZones.

#### HAQQANI NETWORK TERRORIST DESIGNATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 1959 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1959) to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I express my appreciation to everyone for removing their holds and allowing this matter to go forward. It is a very important statement that we make as Americans regarding our foreign policy.

Mr. President, I ask unanimous consent that the Burr amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1467) was agreed to, as follows:

(Purpose: To provide that the Act may not be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan)

At the end, add the following:

(c) CONSTRUCTION.—Nothing in this Act may be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan.

The bill (S. 1959), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1959

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Haqqani Network Terrorist Designation Act of 2011".

#### SEC. 2. REPORT ON DESIGNATION OF THE HAQQANI NETWORK AS A FOREIGN TERRORIST ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) A report of the Congressional Research Service on relations between the United States and Pakistan states that "[t]he terrorist network led by Jalaluddin Haqqani and his son Sirajuddin, based in the FATA, is commonly identified as the most dangerous of Afghan insurgent groups battling U.S.-led forces in eastern Afghanistan".

(2) The report further states that, in mid-2011, the Haqqanis undertook several high-visibility attacks in Afghanistan. First, a late June assault on the Intercontinental Hotel in Kabul by 8 Haqqani gunmen and suicide bombers left 18 people dead. Then, on September 10, a truck bomb attack on a United States military base by Haqqani fighters in the Wardak province injured 77 United States troops and killed 5 Afghans. A September 13 attack on the United States Embassy compound in Kabul involved an assault that sparked a 20-hour-long gun battle and left 16 Afghans dead, 5 police officers and at least 6 children among them.

(3) The report further states that "U.S. and Afghan officials concluded the Embassy attackers were members of the Haqqani network".

(4) In September 22, 2011, testimony before the Committee on Armed Services of the Senate, Chairman of the Joint Chiefs of Staff Admiral Mullen stated that "[t]he Haqqani network, for one, acts as a veritable arm of Pakistan's Inter-Services Intelligence agency. With ISI support, Haqqani operatives plan and conducted that [September 13] truck bomb attack, as well as the assault on our embassy. We also have credible evidence they were behind the June 28th attack on the Intercontinental Hotel in Kabul and a host of other smaller but effective operations".

(5) In October 27, 2011, testimony before the Committee on Foreign Affairs of the House of Representatives, Secretary of State Hillary Clinton stated that "we are taking action to target the Haqqani leadership on both sides of the border. We're increasing international efforts to squeeze them operationally and financially. We are already working with the Pakistanis to target those who are behind a lot of the attacks against Afghans and Americans. And I made it very clear to the Pakistanis that the attack on our embassy was an outrage and the attack on our forward operating base that injured 77 of our soldiers was a similar outrage."

(6) At the same hearing, Secretary of State Clinton further stated that "I think everyone agrees that the Haqqani Network has safe havens inside Pakistan; that those safe havens give them a place to plan and direct operations that kill Afghans and Americans."

(7) On November 1, 2011, the United States Government added Haji Mali Kahn to a list of specially designated global terrorists under Executive Order 13224. The Department of State described Khan as "a Haqqani Network commander" who has "overseen hundreds of fighters, and has instructed his subordinates to conduct terrorist acts." The designation continued, "Mali Khan has provided support and logistics to the Haqqani Network, and has been involved in the planning and execution of attacks in Afghanistan against civilians, coalition forces, and Afghan police". According to Jason Blazakis, the chief of the Terrorist Designations Unit of the Department of State, Khan also has links to al-Qaeda.

(8) Five other top Haqqani Network leaders have been placed on the list of specially designated global terrorists under Executive Order 13224 since 2008, and three of them have been so placed in the last year. Sirajuddin

Haqqani, the overall leader of the Haqqani Network as well as the leader of the Taliban's Mira shah Regional Military Shura, was designated by the Secretary of State as a terrorist in March 2008, and in March 2009, the Secretary of State put out a bounty of \$5,000,000 for information leading to his capture. The other four individuals so designated are Nasiruddin Haqqani, Khalil al Rahman Haqqani, Badruddin Haqqani, and Mullah Sangeen Zadran.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress—

(A) a detailed report on whether the Haqqani Network meets the criteria for designation as a foreign terrorist organization as set forth in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(B) if the Secretary determines that the Haqqani Network does not meet the criteria set forth under such section 219, a detailed justification as to which criteria have not been met.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(c) CONSTRUCTION.—Nothing in this Act may be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan.

**JAMES M. FITZGERALD UNITED STATES COURTHOUSE**

**DESIGNATING THE “M.D. ANDERSON PLAZA”**

Mr. REID. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from consideration of S. 1710 and the Senate proceed to the consideration of S. 1710 and H.R. 1264, which is at the desk en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motion to reconsider be laid upon the table on both of these matters, and any statements related to these measures be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1710) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1710

To designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. JAMES M. FITZGERALD UNITED STATES COURTHOUSE.**

(a) DESIGNATION.—The United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, shall be known and designated as the “James M. Fitzgerald United States Courthouse”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the “James M. Fitzgerald United States Courthouse”.

The bill (H.R. 1264) was ordered to a third reading, was read the third time, and passed.

**THE CALENDAR**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 258, H.R. 789, and Calendar No. 259, H.R. 2422.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to these matters be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SERGEANT MATTHEW J. FENTON POST OFFICE**

The bill (H.R. 789) to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the “Sergeant Matthew J. Fenton Post Office,” was ordered to a third reading, was read the third time, and passed.

**SERGEANT ANGEL MENDEZ POST OFFICE**

The bill (H.R. 2422) to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the “Sergeant Angel Mendez Post Office,” was ordered to a third reading, was read the third time, and passed.

**RECOGNIZING THE ALASKA NATIVE PEOPLE**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 351.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 351) recognizing the accomplishments and commemorating the numerous achievements and contributions of the Alaska Native people over the past 40 years.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 351) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 351**

Whereas on December 18, 1971, Public Law 92-203 (43 U.S.C. 1601 et seq.) was enacted to settle long-standing issues of Alaska Native aboriginal land claims;

Whereas the pioneering work of Alaska Native leaders has created a lasting legacy of professional and personal success;

Whereas Alaska Native people have prospered from their own initiative and innovative approaches to fostering economic development through self-determination;

Whereas Alaska Natives have produced a significant number of educated Alaska Natives who now serve in positions of leadership in the State of Alaska and beyond;

Whereas Alaska Native people have risen to the challenge of independently and productively managing their aboriginal land, which has fostered sustainable businesses and created employment opportunities for the people of the United States, both across the country and globally;

Whereas Alaska Native people continue to serve in positions of leadership in the State of Alaska and beyond;

Whereas the dedication and enthusiasm of the next generation of Alaska Native leaders honors the previous generation of Alaska Native leaders who worked diligently to achieve the most significant Native land settlement in the history of the United States;

Whereas the next generation of Alaska Native people will continue to make positive changes in the world around them through acquired leadership skills, cultural advocacy, and community engagement;

Whereas the people of the United States have reason to commemorate the economic and political contributions of Alaska Native people; and

Whereas the people of the United States have reason to honor the tremendous educational, social, political, economic, and cultural achievements of the Alaska Native people over the past 40 years: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes December 18, 2011, as the 40th anniversary of the original enactment of the Alaska Native Claims Settlement Act (Public Law 92-203; 43 U.S.C. 1601 et seq.);

(2) recognizes the significant educational, economic, political, and cultural contributions of the Alaska Native people over the past 40 years; and

(3) encourages the people of the United States to participate in activities that show support for the success of the Native people and tribes of the State of Alaska.

#### MEASURES READ THE FIRST TIME—H.R. 440 AND H.R. 3012

Mr. REID. Mr. President, I am told there are two bills at the desk due for their first reading.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 440) to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

A bill (H.R. 3012) to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

Mr. REID. Mr. President, I now ask for a second reading, and object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, and upon the recommendation of the Republican leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, reappoints the following individual to the United States-China Economic Security Review Commission: Daniel Blumenthal of Maryland for a term beginning January 1, 2012, and expiring December 31, 2013.

#### REPORTING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the Senate's recess, committees be authorized to report legislative and executive matters on Friday, January 13, 2012, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENT AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by the law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, the long list that I read into the RECORD while the Republican leader was here, I failed to note Calendar No. 544. If the Republican leader were here, he would object to that.

I wanted the RECORD to reflect that.

#### PROTECT IP ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 70, S. 968.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 968) to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion which is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 70, S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

Harry Reid, Patrick J. Leahy, Dianne Feinstein, Bill Nelson, Max Baucus, Tom Harkin, Kay R. Hagan, Al Franken, Jeff Bingaman, Tom Udall, Benjamin L. Cardin, Barbara Boxer, Herb Kohl, Amy Klobuchar, Mary L. Landrieu, Tim Johnson, Christopher A. Coons.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to S. 968 occur at 2:15 p.m. on Tuesday, January 24—that is the day after we start the session—and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this is a bipartisan piece of legislation which is extremely important. Senator LEAHY and Senator GRASSLEY have worked very hard to get this to the floor. I repeat, it is bipartisan. I hope we can have a productive couple of days, pass this bill, and move on to other matters. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

#### PERSONAL INFORMATION PROTECTION ACT

Mr. WYDEN. Madam President, I understand cloture has been filed on the motion to proceed to the PIPA legislation. As one of the bipartisan group of Senators who strongly objects to proceeding to this bill, I believe it is important to begin to outline the very real dangers that are posed by the bill.

The primary architects of the Internet and our leading cyber security experts have made it clear this legislation will undermine the key technologies that prevent fraud and protect consumers on the Internet.

Our Nation's leading first amendment scholars have made it clear that this bill poses a serious threat to speech and civil liberties for all who use the Internet, and our Nation's leading technology employers warn that this bill presents a clear and present danger to innovation and job growth in an area that is going to be a major source of new jobs for this century.

Today, along with Senator MORAN of Kansas and Senator CANTWELL of Washington, I have introduced the OPEN Act. We believe this is a reasonable and bipartisan alternative to the PIPA bill and to the legislation that is before the other body, and we hope the Senate will take the time to consider alternatives before taking action that could deal an enormous body blow to a vital job engine for our economy.

Over the past few weeks, more than 1 million Americans have weighed in strongly in opposition to this legislation. Therefore, I will be working with colleagues on both sides of the aisle over the next month to explain the basis for this widespread concern, and I intend to follow through on a commitment that I made more than 1 year ago to filibuster this bill when the Senate returns in January.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR TUESDAY, DECEMBER 20, 2011 THROUGH MONDAY, JANUARY 23, 2012

Mr. WYDEN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted on the following dates and times, and that following each pro forma session the Senate adjourn until the following pro forma session: Tuesday, December 20, at 11 a.m.; Friday, December 23, at 9:30 a.m.; Tuesday, December 27, at 12 p.m.; Friday, December 30, at 11 a.m.; and that the second session of the 112th Congress convene on Tuesday, January 3, at 12 p.m. for a pro forma session only, with no business conducted, and that following the pro forma session the Senate adjourn and convene for pro forma sessions only, with no business conducted on the following dates and times, and that following each pro forma session the Senate adjourn until the following pro forma session: Friday, January 6, at 11 a.m.; Tuesday, January 10, at 11 a.m.; Friday, January 13, at 12 p.m.; Tuesday, January 17, at 10:15 a.m.; Friday, January 20, at 2 p.m.; and that the Senate adjourn on Friday, January 20, until 2 p.m. on Monday, January 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; further, that following any leader remarks the Senate be in a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that following morning business, the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. WYDEN. The next rollcall vote will be on Monday, January 23, at 5:30 p.m. on confirmation of the Gerrard nomination.

### ADJOURNMENT UNTIL TUESDAY, DECEMBER 20, 2011, AT 11 A.M.

Mr. WYDEN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 3:33 p.m., adjourned until Tuesday, December 20, 2011, at 11 a.m.

### CONFIRMATIONS

Executive nominations confirmed by the Senate December 17, 2011:

#### DEPARTMENT OF STATE

JOYCE A. BARR, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-

COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE (ADMINISTRATION).

MICHAEL ANTHONY MCAUL, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

#### DEPARTMENT OF DEFENSE

BRAD CARSON, OF OKLAHOMA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY.

MICHAEL A. SHEEHAN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be brigadier general*

COL. MERLE D. HART

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. FRANK GORENC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be brigadier general*

COL. BRIAN E. DOMINGUEZ

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### *To be brigadier general*

COL. JOHN P. CURRENTI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be brigadier general*

COLONEL JOHN D. BANSEMER  
COLONEL DAVID B. BEEN  
COLONEL MICHAEL T. BREWER  
COLONEL THOMAS A. BUSSIERS  
COLONEL CLINTON E. CROSIER  
COLONEL ALBERT M. ELTON II  
COLONEL MICHAEL A. FANTINI  
COLONEL TIMOTHY G. FAY  
COLONEL EDWARD A. FIENGA  
COLONEL STEVEN D. GARLAND  
COLONEL THOMAS W. GEARY  
COLONEL CEDRIC D. GEORGE  
COLONEL BLAINE D. HOLT  
COLONEL SCOTT A. HOWELL  
COLONEL RONALD L. HUNTLEY  
COLONEL ALLEN J. JAMERSON  
COLONEL JAMES C. JOHNSON  
COLONEL MARK D. KELLY  
COLONEL SCOTT A. KINDSVATER  
COLONEL DONALD E. KIRKLAND  
COLONEL BRUCE H. MCCLINTOCK  
COLONEL MARTHA A. MEEKER  
COLONEL JOHN E. MICHEL  
COLONEL CHARLES L. MOORE, JR.  
COLONEL GREGORY S. OTEY  
COLONEL JOHN T. QUINTAS  
COLONEL MICHAEL D. ROTHSTEIN  
COLONEL KEVIN B. SCHNEIDER  
COLONEL SCOTT F. SMITH  
COLONEL FERDINAND B. STOSS  
COLONEL JACQUELINE D. VAN OVOST  
COLONEL JAMES C. VECHERY  
COLONEL CHRISTOPHER P. WEGGEMAN  
COLONEL KEVIN B. WOOTEN  
COLONEL SARAH E. ZABEL

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be major general*

BRIG. GEN. MICHAEL J. LALLY III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be brigadier general*

COLONEL JOHN W. BAKER  
COLONEL MARGARET W. BURCHAM  
COLONEL RICHARD D. CLARKE, JR.  
COLONEL ROGER L. CLOUTIER, JR.  
COLONEL TIMOTHY R. COFFIN  
COLONEL PEGGY C. COMBS  
COLONEL BRUCE T. CRAWFORD  
COLONEL JASON T. EVANS  
COLONEL STEPHEN E. FARMEN  
COLONEL JOHN G. FERRARI  
COLONEL KIMBERLY FIELD  
COLONEL DUANE A. GAMBLE  
COLONEL RYAN F. GONSALVES

COLONEL WAYNE W. GRIGSBY, JR.  
COLONEL STEVEN R. GROVE  
COLONEL WILLIAM B. HICKMAN  
COLONEL CHRISTOPHER P. HUGHES  
COLONEL DANIEL P. HUGHES  
COLONEL DANIEL L. KARBLES  
COLONEL RONALD F. LEWIS  
COLONEL JAMES B. LINDER  
COLONEL MICHAEL D. LUNDY  
COLONEL DAVID K. MACEWEN  
COLONEL TODD B. MCCAFFREY  
COLONEL PAUL M. NAKASONE  
COLONEL PAUL A. OSTROWSKI  
COLONEL LAURA J. RICHARDSON  
COLONEL STEVEN A. SHAPIRO  
COLONEL JAMES E. SIMPSON  
COLONEL MARK R. STAMMER  
COLONEL MICHAEL C. WEHR  
COLONEL ERIC P. WENDT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be major general*

BRIG. GEN. LYNN A. COLLYAR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. MARY A. LEGERE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3069(B):

##### *To be major general*

COL. JIMMIE O. KEENAN

#### IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTINE L. BLICEBAUM AND ENDING WITH ABNER PERRY V. VALENZUELA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH JOEL O. ALMOSARA AND ENDING WITH ANNETTE J. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH KEITH ALLEN ALLBRITTEN AND ENDING WITH GREGORY S. WOODROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTON MICHAEL GIBB AND ENDING WITH THAD M. REDDICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

#### IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH MICHAEL S. FUNK AND ENDING WITH JOHN W. RUEGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH JARROD W. HUDSON AND ENDING WITH CHARLES B. WAGENBLAST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATION OF KARI L. CRAWFORD, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH HENRY H. BEAULIEU AND ENDING WITH ERIC K. LITTLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH DONALD B. ABSHER AND ENDING WITH IRENE M. ZOPPI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH JAMES S. ARANYI AND ENDING WITH MARK A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH MITCHELL J. ABEL AND ENDING WITH THOMAS M. ZUBIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH NANCY L. DAVIS AND ENDING WITH SHEILA VILLINES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATION OF GENEVIEVE L. COSTELLO, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ROBERT J. NEWSOM AND ENDING WITH RICHARD Y. YOON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH RICHARD A. DANIELS AND ENDING WITH STEPHEN M. LANGLOIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATIONS BEGINNING WITH ARTHUR E. RABENHORST AND ENDING WITH STEVEN J. SVABEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

ARMY NOMINATION OF HARVEY D. HUDSON, TO BE MAJOR.

ARMY NOMINATION OF WILLIAM H. CAROTHERS, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH TODD S. ALBRIGHT AND ENDING WITH D001765, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 5, 2011.

ARMY NOMINATIONS BEGINNING WITH LARRINGTON R. CONNELL AND ENDING WITH RICARDO J. VENDRELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 5, 2011.

#### IN THE NAVY

NAVY NOMINATION OF ANDREW K. LEDFORD, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF MATTHEW R. LOE, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF THOMAS P. ENGLISH, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH RICHARD A. ACKERMAN AND ENDING WITH ADAM I. ZAKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 30, 2011.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH BENJAMIN M. LACOUR AND ENDING WITH BRIAN D. PRESTCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND AP-

PEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 5, 2011.

#### FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JOHN ROSS BEYRLER AND ENDING WITH DANIEL J. WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 2011.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH TIMOTHY M. BASHOR AND ENDING WITH RAFAELA ZUIDEMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 3, 2011.

#### PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH JOSE G. BAL AND ENDING WITH KENDRA J. VIEIRA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 8, 2011.

## HOUSE OF REPRESENTATIVES—Monday, December 19, 2011

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:  
O Lord our God, we give You thanks for giving us another day. You have kept us in life, sustained us, and allowed us to reach this moment.

Bless the Members of the people's House that you have gifted to serve our Nation. As the first session of the 112th Congress draws near a close, we ask Your special blessing upon those who have given so much time and talent throughout this year and, in these closing days, the staffers of each congressional office and the various committees. Grant them peace and renewal in the weeks to come.

Grant the Members of this Chamber continued wisdom and charity as the work of this session comes to a close. May they be truly grateful for the awesome privilege which is theirs, to serve the people of our Nation in this august body.

Help us all to be truly grateful for what we have and generous in what we do. May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. Pursuant to section 3(a) of House Resolution 493, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 16, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 16, 2011 at 8:28 p.m.:

That the Senate agreed to without amendment H.J. Res. 94.

With best wishes, I am  
Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 17, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 17, 2011 at 4:19 p.m.:

That the Senate agreed to without amendment H.R. 789.

That the Senate agreed to without amendment H.R. 2422.

That the Senate agreed to without amendment H.R. 1264.

That the Senate passed S. 1874.

That the Senate passed S. 1710.

That the Senate passed S. 1959.

That the Senate concur in the amendment of The House of Representatives to the bill S. 278.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 17, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 17, 2011 at 11:23 a.m.:

That the Senate failed passage H. Con. Res. 94.

That the Senate passed with amendments H.R. 3630.

That the Senate agreed to Conference Report accompanying the bill H.R. 2055.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 17, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 17, 2011 at 12:56 p.m.:

That the Senate passed without amendment H.R. 3672.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 17, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 17, 2011 at 2:37 p.m.:

That the Senate agreed to without amendment H.J. Res. 95.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 5 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1600

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 4 p.m.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches per side.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



# BIDDING FAREWELL TO CZECH REPUBLIC FORMER PRESIDENT VACLAV HAVEL

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Mr. Speaker, the late Czech champion of freedom, Vaclav Havel, once explained the battle between good and evil as "an eternal, never-ending struggle waged not just by good people against evil people. It takes place inside everyone. It is what makes a person a person, and life, life."

"So anyone who claims that I am a dreamer who expects to transform hell into heaven is wrong. I have few illusions. But I feel a responsibility to work towards the things I consider good and right. I don't know whether I'll be able to change certain things for the better, or not at all. Both outcomes are possible. There is only one thing I will not concede: that it might be meaningless to strive in a good cause."

Mr. Havel, for your meaningful life's work engaging the affairs of state and of the heart for right and good, thank you and God bless you as your mortal struggle ends and you finally rest in peace amidst the freedom of your beloved Republic.

## HERE WE GO AGAIN

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, here we go again. Another phony crisis, courtesy of the extremist bah-humbug House Republicans.

House Republicans have never met a deal they couldn't find a reason to dislike. Now they've resorted to fighting their colleagues in the other body to avoid doing something positive for our country.

Right now, we could be cutting the payroll tax, we could be extending jobless benefits, and approving a Medicare fix for our doctors. The average American family in Cleveland, Lorain, Sandusky, and Toledo now faces a \$1,000 tax hike because of the Republican game of chicken.

American middle class families want the payroll tax cut or their taxes will go up on average about \$1,000. Millions of Americans need unemployment benefits, but House Republicans need to pick a fight. And it doesn't matter with whom. If they can't fight with Democrats, who are standing up for the middle class, they will fight with their colleagues in the other body.

Here's what I want for Christmas: I want the Republicans to care half as much about manufacturing jobs in America as they care about manufacturing crises. Now wouldn't that be a holiday present?

# REPUBLICANS HAVE SERVED THE PUBLIC

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Tuesday House Republicans successfully passed a bill that protects every American taxpayer and promotes job creation by extending the payroll tax cut, reforming unemployment insurance, and providing Medicare payments to physicians for a year. Over the weekend, liberals in the Senate amended this legislation to provide for only a 2-month fix. In an attempt to tie House Republicans' hands and force the 2-month extension, Senate liberals led adjournment for recess.

The American people deserve much better than this childish behavior when our unemployment rate has consistently remained above 8 percent for 34 months and over 25 million Americans are searching for work.

Our sympathy to the people of the Czech Republic upon the death of former President Vaclav Havel, who was a brave patriot helping liberate Central and Eastern Europe from communism, leading to the establishment of the neighboring Slovak Republic.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

## GOP AS GRINCH

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. It's Grinch time in Washington, Mr. Speaker. One is incredulous that the House Republicans would oppose a tax cut for 160 million Americans, but that's just what they're going to do today.

Is this bill perfect? No. There are aspects upon which both sides disagree. But it is the area of agreement that should be the most important: Congress stops playing hostage politics and halts the tax hike on 160 million fellow citizens.

Saturday's Senate vote was 89-10—not just liberals, I say to my friend from South Carolina—with all members of the Senate leadership, Republican and Democrat, voting in favor. If House Republicans vote against this compromise, they will ring in the new year with a tax hike of their own making.

If House Republicans were serious about wanting certainty, as they claim, they would vote for this bill today and guarantee that 160 million Americans won't pay higher taxes on January 1.

Mr. Speaker, rejecting this bill and holding up the payroll tax cut and unemployment benefits will be a true example of how the GOP Grinch stole Christmas for 160 million Americans.

# SENATE PLAN NOT GOOD FOR PHYSICIANS, PATIENTS, OR AMERICA

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I rise today on behalf of doctors around the country.

As a physician, and now a legislator, I am personally devastated at the way our government continues to treat those who care for America's patients, particularly those who care for America's seniors.

Physicians have staff to pay, electricity bills, building leases, and numerous other costs associated with running a practice. The 2-month patch that the Senate sent back to us as part of the payroll tax package does not provide doctors and their practices with the stability that they need to do their job—caring for America's seniors.

At a time when American businesses need certainty, Congress gives them a brief, unpredictable, and unreliable timeline. Two months of tax payment relief is just another short-term fix, and it's simply not good enough. Physicians deserve better. Patients deserve better. The American people deserve better.

I will vote "no" on the Senate bill and urge my colleagues to do the same. Then let's come back with a policy that will, for heaven's sakes, at least take us through the year ahead.

## SENATE PLAN IS IRRESPONSIBLE

(Mr. GIBBS asked and was given permission to address the House for 1 minute.)

Mr. GIBBS. Mr. Speaker, the President has said it would be inexcusable not to extend the payroll tax cut for a year. However, the Senate's plan merely extends the plan for just 60 days, instead of a full year extension, creating uncertainty for our job creators at a time when millions of Americans are out of work. It also creates more uncertainty about implementing the plans, as we just learned today from the National Payroll Reporting Consortium.

American families deserve better than tax policy in 2-month increments. Last week, the House passed bipartisan legislation that extends the payroll tax cut for a full year, which would save American households an average of \$1,000 a year. It also extends unemployment benefits and ensures senior citizens have access to their doctor by preventing a cut in Medicare reimbursement rates.

The worst part of the Senate plan is it puts new permanent fees on home mortgages to pay for 60 days of spending. This is an irresponsible and outrageous plan.

Our bill is offset by reasonable spending cuts, not new taxes on hardworking



middle class home borrowers. A full-year plan with no new taxes is better than a 2-month spending spree which is nothing more than a political sideshow.

I guess the Senators were anxious to leave town and not finish their work. So I think we ought to call the Senate plan "I'll be home for Christmas."

#### PULSE OF TEXAS: HUMBLE RESIDENT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, each week my neighbors take the time to make their opinions known through emails, phone calls, and letters. Today's Pulse of Texas is from a Federal employee in Humble, Texas, who recently wrote me with these wise observations:

"I am an 11-year Federal Government employee who works hard, and yet I'm on a 2-3 year pay freeze while unemployment benefits are extended over and over again. I live in a house that I purchased because I could afford it, yet my tax dollars go to bail out bad lenders and borrowers. My children go to colleges that they can afford. They all held jobs during college, and the oldest graduated with zero in student loan debt, yet now there is a plan to bail out those who went to schools above their means. Enough is enough.

"Please help break the cycle of entitlement and lack of personal responsibility that the government is fostering in this country."

Mr. Speaker, America should be the land of freedom and opportunity, not more free stuff and entitlement.

And that's just the way it is.

□ 1610

#### WE NEED A 1-YEAR EXTENSION

(Mr. HECK asked and was given permission to address the House for 1 minute.)

Mr. HECK. Mr. Speaker, Nevadans tell me time and time again that they want some certainty in their lives. They want their elected leaders to move beyond patchwork agreements every single month.

We passed a 1-year package, fully paid for, that extends unemployment benefits while providing a pathway back to work, keeps an extra \$1,000 in the pockets of Nevada's struggling families, while protecting Social Security, and maintains access to health care for seniors and veterans by keeping doctors in Medicare.

Throughout the entire negotiation process, the American people were assured that they would receive an entire year of certainty. Then the Senate pulled the rug out from underneath them. Passing a 2-month extension now

will put us right back here in February, when we should be using that time to debate job-creating ideas.

The House will stay here and work on this critical issue until it is resolved. The House agrees with the President and the American people: we need a 1-year extension. Anything else will be judged as a failure to do our job.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled joint resolution was signed by the Speaker on Friday, December 16, 2011:

H.J. Res. 94, making further continuing appropriations for fiscal year 2012, and for other purposes, and Saturday, December 17, 2011:

H.J. Res. 95, making further continuing appropriations for fiscal year 2012, and for other purposes.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### IMPACT OF INSURED DEPOSITORY INSTITUTION FAILURES

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2056) to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 2, line 10, insert "and" after the semicolon.

On page 2, line 14, strike the semicolon and all that follows through line 19 and insert a period.

On page 4, strike line 14 and all that follows through page 5, line 5, and insert the following:

(2) *LOSSES.*—The significance of losses, including—

(A) the number of insured depository institutions that have been placed into receivership or conservatorship due to significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans;

(B) the impact of significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, on the ability of insured depository institutions to raise additional capital;

(C) the effect of changes in the application of fair value accounting rules and other accounting standards, including the allowance for loan and lease loss methodology, on insured depository institutions, specifically the degree to which fair value accounting rules and other accounting standards have led to regulatory action against banks, including consent orders and closure of the institution; and

(D) whether field examiners are using appropriate appraisal procedures with respect to losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, and whether the application of appraisals leads to immediate write downs on the value of the underlying asset.

On page 9, strike lines 15 through 19, and insert the following:

#### SEC. 2. CONGRESSIONAL TESTIMONY.

The Inspector General of the Federal Deposit Insurance Corporation and the Comptroller General of the United States shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 150 days after the date of publication of the study required under this Act to discuss the outcomes and impact of Federal regulations on bank examinations and failures.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WESTMORELAND. Mr. Speaker, I yield myself such time as I may consume.

The bill before the House today is one that will provide much needed transparency to the FDIC, the Federal Reserve, and the OCC bank examination and resolution procedures.

First, I'd like to thank Chairman BACHUS and Subcommittee Chairwoman CAPITO, Ranking Member FRANK, and Subcommittee Ranking Member MALONEY for their support of H.R. 2056.

I'd also like to thank Senator CHAMBLISS and his staff for working to pass this bill on the Senate side. We are pleased to have an agreement with the other Chamber, which is highly unusual, and look forward to the outcome of this study.

As I have said many times before, there is no greater threat to our communities than bank failures, especially in my State of Georgia. Since the House last debated this bill in July, more banks in Georgia have been closed by the regulators. Now 73 banks are no longer serving their communities, and 22 banks alone have failed

in 2011. Sadly, there are some communities in my district that are no longer served by a community bank.

I have often referenced the so-called "ten over ten." These are the 10 States that have had more than 10 bank failures since 2008. These 10 unlucky States are Georgia, Florida, Illinois, California, Minnesota, Washington, Michigan, Nevada, Missouri and Arizona. In fact, six of the 10 States have had more than 10 percent of their banks fail in the last 3 years.

Mr. Speaker, the deeper I dig into the actions of the FDIC, the Fed and the OCC, the more concerned I am that our community banks are being regulated like public utilities rather than the job creators they are. H.R. 2056 is designed to cut through all the information to analyze the underlying fundamentals that continue to cause bank failures across this country.

The bill directs the FDIC Inspector General, in consultation with Treasury and the Federal Reserve IGs, to study the bank regulators' policies and practices with regard to loss share agreements, the fair application of regulatory capital standards, appraisals, the FDIC procedures for loan modifications, and the FDIC's handling of consent orders in cease and desist orders.

Further, the GAO also has a study in the bill to pursue those questions that the FDIC IG is unable to fully explore, such as the causes of the high number of bank failures. The impact of fair market value accounting has been a tremendous impact on our banks. Analysis of this impact of the failures on the community banks is especially needed. The overall effectiveness of loss share agreements for resolving banks is another thing that should be looked at very carefully.

The changes made by the Senate now ensure that the House Financial Services Committee and the Senate Banking Committee will have a hearing on this important study once it is issued.

I know this bill can never bring back the banks that have been lost in this crisis, but this bill and the study will provide Congress and the communities in my district and in other districts the information they need to ensure these failures never happen again.

I encourage my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

This was a matter brought to me by the gentleman from Georgia who just spoke, and his Georgia colleague, the gentleman, Mr. SCOTT, who's a member of the Financial Services Committee, because of their understandable concern that the impact bank failures could have in the State they represent. I am very supportive.

I do want to make clear that nothing in the passage of this should be taken

as a criticism of the FDIC. I have been very impressed with the leadership that was given to the FDIC by the recently retired chair, Sheila Bair, an appointee of President Bush, who was not only, I think, a first-rate chair at the FDIC, but gave us a great deal of her useful advice as we dealt with financial reform.

Bank failures are an unfortunate fact of life. We don't want them to be done unnecessarily, but neither can they be avoided. And, obviously, in the overwhelming majority of cases, the problem is in the business community. The right to fail, as we must remind ourselves, is part of the right to do business.

Having said that, I agree that what the FDIC does should be very transparent. And there is one aspect of what the FDIC does, not directly affected in this bill, but it's one that I think you have bipartisan agreement on in the committee, namely, and I will mention this because of its impact on our economy.

Understandably, bank examiners felt very sensitive to criticism that during the first part of this century they did not say no to enough loans. Loans were made in the mortgage field that shouldn't have been made, but you cannot retroactively go back and undo that by now being too tough and denying loans that should be made. And we have had a frustration on the part of members of our committee because we hear reports from people in the field in the community banks that bank examiners are being too tough.

No one wants to encourage imprudent lending, and the bank regulators tell us they agree with that; but I want to take every opportunity I can to remind the bank examiners that if they run into a situation in which no bank loan ever defaults, then they have been too tough because perfection is unattainable; and what we want to do is minimize the number of failures, but not move them out all together with a regime that will keep good loans from being made.

Having said that, to go back to this, it is appropriate that we get a full study of what happens when a bank fails; and we would ask the FDIC, when they are dealing with a failed bank, to take into account the needs of that particular community so that the disposition is one that has some sensitivity, and that is what I think is here.

I would just say, with regard to community banks, there was a continued recognition they're important. And I would just note in the financial reform bill signed last year, there were several provisions that were in there at the specific request of the community banks to help them. For example, one of the disadvantages community banks have felt is that people with large amounts to deposit would go to larger institutions because the limitation on

deposit insurance would make them a little worried about going to a community bank.

□ 1620

We increase that number from \$100,000 to \$250,000, which is a significant advantage for community banks over the prior situation.

We also, for the first time in our history, change the way in which assessments are levied on banks for deposit insurance by introducing a risk factor. Before the bill was signed, every deposit was levied the same amount of insurance cost. Now there is a risk factor, which means that, dollar for dollar, the larger institutions which engage in riskier activities will be paying more than the smaller institutions.

We also extended, for a period—I would have liked to make it permanent; we didn't have the votes to do that—the transactional accounts.

So, yes, we are aware of the importance of community banks. And I would just repeat what I said at the first, because I have found, surprisingly, that not everybody listens to everything I say the first time I say it. This is not meant as a criticism of the FDIC. It is a recognition of the importance of this process being open and that people understand it.

So I say to the gentleman from Georgia (Mr. WESTMORELAND), the gentleman from Georgia (Mr. DAVID SCOTT), they were serving their constituents well by bringing this forward, and I hope the bill passes.

I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield such time as she may consume to the chairwoman of the Financial Institutions Subcommittee of Financial Services, the gentlelady from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. WESTMORELAND) for his leadership on this topic. He has been very dedicated to finding a solution here. He's worked with both sides of the aisle to find a way to get to the transparency and accountability that we need to have in terms of the examination process with our community banks, and I know he has been a tireless advocate for the communities in his district.

We actually went to Mr. WESTMORELAND's district, to Newnan, Georgia, and had a legislative hearing, and we learned about the bank closures and the financial examination procedures. Regulators were all there. Financial institutions were there. But I think the one thing that struck me more than anything in the course of the conversation was, when a bank fails—and a lot of times a community bank is the only community bank, local bank, local ownership, know the people down the street. When that bank fails, it really guts the community in a way that's hard to describe.

The larger banks are there; branches are there. But, still, losing that community anchor in a community bank can be a devastating thing, not just for individuals and families but also for the shop owner, the car dealer, the individual farmer, the folks that rely on the relationship banking that you get so spectacularly through a community bank. You lose that and, unfortunately, never to come back again in a lot of cases. I think that he's very concerned about that, and the people of Newnan, Georgia, in that district, are very concerned.

This study I think will help us to see what's really going on here, pull the curtain back, look at the practices and the examination procedures. I know that Senator LEVIN made some technical changes in this, and I would like to thank Mr. WESTMORELAND for working with the Senator.

Now, maybe that should be a life lesson for us here in terms of what's going on today, but I think we've reached a good consensus and a good agreement. We will hear the results of this study in our subcommittee and in our full committee to find out if we need to work with the regulators to change the regulations, make it so that what the banking institutions are hearing on the ground from their regulators is actually what is moving forward in their written reports that are sent to Washington, et cetera, et cetera.

One of the things that we are challenged with here in Congress certainly is creating jobs and creating a climate where banks are going to lend and creating a regulatory climate where banks are going to lend and want to lend to small businesses. This issue that Mr. WESTMORELAND has highlighted I think will help us with that and, hopefully, will undo some of the needless shackles that some of our examiners are placing on our smaller institutions or on our community banks to be able to get back lending, and then our small businesses and job creators can then get back to the business of creating jobs so we can grow our economy.

I would like to again thank everybody for their efforts, and I look forward to the passage of this bill.

Mr. FRANK of Massachusetts. I yield back the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I want to encourage all of the Members to vote for this. As the chairlady mentioned, we had a field hearing in my district with my colleague Mr. SCOTT from Georgia, also. I think it was a very good field hearing. We had testimony from bankers and from borrowers about the different regulations that had interfered with their ability to actually do business and the difference in the capital requirements that the FDIC is putting on some of these banks.

We understand that the FDIC has to enforce the rules, but we do think there are some cases, as the ranking

member mentioned, that there has been some overbearing on some loans that have been performing and are quality loans. So we think that this study will at least open some people's eyes to this and give us a better idea on maybe some of the things that we need to do to make sure that our community banks stay open.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. POSEY. Mr. Speaker, as an elected Representative from one of the states hardest hit by the financial crisis, I strongly support H.R. 2056, introduced by my colleague, Representative LYNN WESTMORELAND, which takes a closer look at how our Nation's small community banks are failing at the hands of overzealous regulators.

H.R. 2056 directs the Federal Deposit Insurance Corporation (FDIC) and the Government Accountability Office to study whether certain practices and procedures employed by federal regulators while examining financial institutions has played a role in a record number of community banks failing in recent years. Among these are important issues relating to loss-sharing agreements and examiners' policies relating to appraisals.

Among other things, the FDIC must determine whether financial institutions are being placed into receivership or conservatorship due to significant losses arising from loans for which all payments were made on time and the contractual terms of the loans have been met. With Congressman WESTMORELAND, I believe that a performing loan is exactly that—one that is performing according to the terms of the contract. A regulator should not be able to step in and interject an opinion on why the loan may not perform at some point in the future, and thus penalize a community bank.

The introduction and passage of this bill indicates that there is a real world problem here, one that deserves swift diagnosis and treatment. I have heard from bankers time and again that regulators have shifted away from considering objective evaluations of loan performance, such as borrower payment history, and looked instead to subjective opinions on whether a loan may experience difficulties in the future. No business can thrive in that kind of volatile environment. Community banks are struggling in Florida. To make matters worse, surviving banks are operating in fear of overzealous regulators and as a result, small businesses are finding it almost impossible to obtain the capital they need to expand and hire more workers. Community banks are the lifeblood of our local communities and are best positioned to help our economy recover if they are able to make loans, using reasonable underwriting standards, without being penalized by their examiners.

It has been shown that states with the highest number of bank failures also have the highest unemployment and foreclosure rates in the country. That being said, it will be difficult to realize a full national economic recovery without addressing the issue of why so many small banks are closing their doors and why so many of them are unable to make loans in their community. As Congress continues to work to see that our economy recov-

ers, it is essential that we press regulators for answers to the issues raised in Representative WESTMORELAND's study.

No one wants to see a repeat of what transpired in 2008 and the effects that still linger on today. However, we must remember that small banks did not cause the financial crisis. Their business practices are by nature thorough and cautious. I urge my colleagues to take a serious look at the issues raised by Representative WESTMORELAND and join me in pressing financial regulators for answers.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2056.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WESTMORELAND. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### RISK-BASED SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES ACT

Mr. CRAVAACK. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Risk-Based Security Screening for Members of the Armed Forces Act".*

##### SEC. 2. SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.

(a) *IN GENERAL.*—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

“(m) *SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.*—

“(1) *IN GENERAL.*—The Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Department of Defense, shall develop and implement a plan to provide expedited security screening services for a member of the armed forces, and, to the extent possible, any accompanying family member, if the member of the armed forces, while in uniform, presents documentation indicating official orders for air transportation departing from a primary airport (as defined in section 47102).

“(2) *PROTOCOLS.*—In developing the plan, the Assistant Secretary shall consider—

“(A) leveraging existing security screening models used to reduce passenger wait times;

“(B) establishing standard guidelines for the screening of military uniform items, including combat boots; and

“(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

“(3) *RULE OF CONSTRUCTION.*—Nothing in this subsection shall affect the authority of the Assistant Secretary to require additional screening of a member of the armed forces if intelligence or law enforcement information indicates that additional screening is necessary.

“(4) *REPORT TO CONGRESS.*—The Assistant Secretary shall submit to the appropriate committees of Congress a report on the implementation of the plan.”

(b) *EFFECTIVE DATE.*—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall implement the plan required by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. CRAVAACK) and the gentlewoman from California (Ms. RICHARDSON) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

#### GENERAL LEAVE

Mr. CRAVAACK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CRAVAACK. Mr. Speaker, I yield myself such time as I may consume.

Today I rise in support of the Senate amendment to H.R. 1801.

H.R. 1801 represents a bipartisan, bicameral effort in honor of the members of our Armed Forces by transitioning to an expedited, intelligence-driven screening process for all U.S. soldiers at our Nation's airports.

Shortly after the House passed H.R. 1801 by a vote of 404-0, the Senate, with the support and leadership of Ranking Member KAY BAILEY HUTCHISON and Chairman JAY ROCKEFELLER, amended and passed H.R. 1801 by voice vote.

I have had time to review the Senate amendment, and, quite frankly, I think it improves the underlying bill. It requires coordination between TSA and the Department of Defense in establishing the expedited screening process and clarifies that the TSA Administrator retains the authority to require additional screening for a member of the Armed Forces should intelligence or law enforcement information raise any concerns.

In addition, the Senate amendment allows TSA to include accompanying military family members in the expedited screening process “to the extent possible.”

Overall, the Senate amendment to H.R. 1801 improves the bill, and I urge my colleagues to support it.

In closing, I'd like to thank Transportation Security Committee Chairman MIKE ROGERS and Ranking Member SHEILA JACKSON LEE and Homeland Security Committee Chairman PETER KING and Ranking Member BENNIE THOMPSON for moving this legislation.

Additionally, I would like to recognize and thank Senators KAY BAILEY HUTCHISON and JAY ROCKEFELLER for their leadership in having this measure pass in the Senate.

I would also like to take some time to recognize some of the great staff on the House and Senate Homeland Security Committees, especially Mandy Bowers, Jennifer Arangio, Amanda Parikh, Steven Giaier, Nicole Smith, Jake Vreeburg, and Minnesota's Eighth Congressional District Legislative Director Paul Blocher and his staff for all they have done in this process.

I reserve the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise in support of the Senate amendment to H.R. 1801, and I yield myself such time as I may consume.

As a member of the Committee of Homeland Security and as an ardent supporter of the men and women of the armed services, I am pleased to return today as we're on the floor to consider the Senate amendment to H.R. 1801, the Risk-Based Security Screening for Members of the Armed Forces Act.

□ 1630

This legislation requires the Transportation Security Administration to develop a plan for providing expedited screening to our military personnel at airport security checkpoints.

As the gentleman from Minnesota just alluded to, the Senate amendment took a good bill and made it even better by expressly including new safeguards. Last Congress, on a bipartisan basis, an earlier version of this legislation was accepted as an amendment during the consideration of the Transportation Security Administration Authorization Act, which passed this House by 397-25, which was not acted upon by the Senate.

H.R. 1801 properly recognizes the preciousness of time—nothing more important than time—to the patriotic men and women serving in our armed services, but it does not compromise aviation security. Our troops help keep our country safe. While first ensuring safety, the least we can do is devise methods to help speed up the screening process for our troops who are in uniform and who are traveling on airplanes while on official duty.

Since 2001, there have been more than 2 million troops deployed to Iraq and Afghanistan. As our military presence in Iraq winds down, more servicemembers will, thankfully, be coming home. We owe it to them and to all of

our servicemembers to do all we can to smooth their travels so that they can get home and into the arms of their loving families. This legislation establishes adequate parameters that will ensure that our troops and their families, including the 236,963 military personnel in my home State of California, will be given the opportunity to board an aircraft in a security-approved expedited manner. If approved today, this legislation will go directly to the President for his signature.

With the enactment of H.R. 1801, we have the opportunity to show the country, despite all the acrimony that has been punctuated in this 112th Congress, we can accomplish good things for the American people when we focus on areas of common ground and when compromise is embraced. So I urge my colleagues to support this legislation with the Senate amendment.

Mr. Speaker, I am compelled to build upon this current debate of H.R. 1801 and use this opportunity to urge the Republican leadership to bring to the floor additional bipartisan, common-sense homeland security legislation. This is the only bill reported by the Committee on Homeland Security to be considered before the full House. There are a number of other Homeland Security bills on the Union Calendar that warrant consideration by the full House as well.

Among them is H.R. 1447, introduced by Ranking Member BENNIE THOMPSON. This legislation seeks to enhance TSA's coordination with private-sector stakeholders on aviation policy. Also on the Union Calendar is H.R. 1165, authored by Representative JACKSON LEE, which would strengthen the TSA Ombudsman office.

With bipartisan support, both of these bills were ordered reported by the Committee on Homeland Security. Despite having received bipartisan support from the committee, these bills have lingered on the Union Calendar for 40-plus days. I urge the Republican leadership to schedule these bills for consideration, as I am confident they will return to this House with overwhelming bipartisan support.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. CRAVAACK. I have no further requests for time, and I continue to reserve the balance of my time to close.

Ms. RICHARDSON. Mr. Speaker, I yield 2 minutes to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentlelady from California for yielding.

Mr. Speaker, I think expedited screening for military servicemembers is very important. I am glad that we are taking this bill up on a bipartisan basis, but I think there are some other things happening right now that should also be given our complete attention with regard to what we will be talking about.

With the highest unemployment rate in the Nation, far too many Nevadans are worrying about how they're going to make ends meet. Nevada's middle class families who still have jobs cannot afford a massive tax increase in January, but that's exactly the direction we appear to be heading thanks to the Tea Party extremists in the House of Representatives. They're holding middle-income families hostage; they're holding unemployed people hostage; and they're holding senior citizens hostage.

One would ask, Why? It's to protect their special interest buddies—Wall Street millionaires, Big Oil executives, and corporations that ship American jobs overseas.

Mr. Speaker, enough is enough. It would be a disaster if the House Republicans refused to stand up to Wall Street today and extend the middle class tax cuts. In Nevada, 1.2 million people would see their taxes rise as much as \$1,247 in January if this House of Representatives, led by the Republicans, doesn't do the right thing. With families struggling just to pay rent, put food on their tables, and put gas in their cars, that's not acceptable.

It's time for the Tea Party extremists in the Republican Party to let go and get their priorities straight. Middle class families in Nevada and across the country come first, not Wall Street millionaires. The time for political games is over. The clock is ticking. We have to take care of those who are unemployed through no fault of their own. We have to take care of middle-income families who are struggling just to get by and who need that extra \$1,000 this year. Rather than have it taken out of their taxes, we also need to ensure that seniors get the medical care they need.

The time is over for game-playing. On behalf of Nevada's struggling families, I demand that this House not allow a massive middle class tax increase. Let us do our business before we go home and not shame ourselves and the American people by leaving them in the lurch during the holiday season.

I applaud Congresswoman RICHARDSON for putting this legislation on, and I hope that we truly address what's important to millions and millions of Americans across the country by doing the right thing later this evening and by making sure that we pass this middle-income tax cut.

Ms. RICHARDSON. I yield myself the balance of my time.

As you've heard, Mr. Speaker, the measure before us represents discrete, commonsense homeland security legislation. I urge my colleagues on both sides of the aisle to vote in favor of this motion to suspend the rules and to concur in the Senate amendment to H.R. 1801 so that this measure can be presented to the President for his signature.

I would like to congratulate the gentleman from Minnesota (Mr. CRAVAACK) and the staffs on both sides of the aisle for their work not only in this Congress but for their work in the 111th Congress, which was when this was brought forward in the prior TSA act.

Mr. Speaker, I yield back the balance of my time.

Mr. CRAVAACK. In closing, I would like to thank the gentlelady from California for her refocusing of the debate on who deserves this the most—our troops.

With that, I would urge all of my colleagues to support this. This is a very big amendment for our troops; so let's give them a Christmas present that really means something to them. I look forward to bringing home the Minnesota Red Bulls safe and sound.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, as the Ranking Member of the Committee on Homeland Security's Subcommittee on Transportation Security, I am pleased that we are on the floor today to consider the Senate amendment to H.R. 1801.

Approval of this measure today will, for the first time this Congress, result in transportation security legislation reaching the President's desk.

In this budgetary climate, we must ensure that the Transportation Security Administration is maximizing its resources and adequately integrating efficient screening process across its checkpoint security programs.

This legislation strives to do that by ensuring that an expedited screening program is established for members of the Armed Forces, which includes over 20,000 men and women in the Houston metro area.

These men and women sacrifice their time and family life to defend our liberty.

Affording them the opportunity to be respectfully screened in an expedited manner will ensure that we continue to honor their service and what their commitment means to the American public.

H.R. 1801 represents common-sense legislation with bipartisan support.

The Senate amendment ensures that there is a strong collaboration between the Department of Defense and the Transportation Security Administration.

Furthermore, H.R. 1801 establishes parameters for expedited screening process for members of the Armed Services without compromising security.

I am happy that I was able to work with Mr. ROGERS and other members of the Subcommittee on Transportation Security and Full Committee on Homeland Security on this bill.

However, I hope that we do not stop here. This legislation represents only a small slice of the legislative action we must act on to adequately address transportation security.

Transportation security threats are evolving and more work must be done.

I look forward to continuing our work on the Committee on Homeland Security and producing additional bipartisan measures that strive to enhance our Nation's transportation security efforts.

With that Mr. Speaker, I urge my colleagues to support this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. CRAVAACK) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1801.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CRAVAACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### EXTENSION OF REDACTION AUTHORITY CONCERNING SENSITIVE SECURITY INFORMATION

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1059) to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 2, line 6 through 8 strike and insert:

(1) in subparagraph (A), by striking "Marshall" and inserting "Marshals";

(2) in subparagraph (C), by inserting "and the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform" after "Senate"; and

(3) in subparagraph (E), by striking "2011" both places it appears and inserting "2017".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the motion to concur currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1640

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I support H.R. 1059 and thank Mr. CONYERS for sponsoring it. I also thank Mr. COHEN of Tennessee and Mr. JOHN-SON of Georgia for serving as cospon-sors.

H.R. 1059 promotes an important goal, providing security for Federal judges. Under the Ethics in Govern-ment Act, judges and other high-level judicial branch officials must file an- nual financial disclosure reports. This requirement increases public con- fidence in government officials and better enables the public to judge the performance of those officials. How- ever, Congress enacted legislation that allows the Judicial Conference to red- act statutorily required information in a financial disclosure report where the release of the information could endanger the filer or their family.

Those who seek to harm or intimi- date Federal judges might use a disclo- sure form to identify where someone's spouse or child works or goes to school on a regular basis. Individuals tar- geting judges for harassment have also been known to file false claims on property owned by judges and their families. Harassers could use judicial financial disclosure reports to more easily identify such property.

The Judicial Conference delegated to its Committee on Financial Disclosure the responsibility to implement the fi- nancial disclosure requirements for judges and judicial employees under the Ethics in Government Act. The committee monitors the release of fi- nancial disclosure reports to ensure compliance with the statute.

In consultation with U.S. Marshals Service, the committee also reviews and approves or disapproves any re- quest for redaction or statutorily man- dated information where the filer be- lieves the release of the information could endanger the filer and their fam- ily. Under the Judicial Conference's regulations, no redaction will be grant- ed without a clear nexus between a se- curity risk and the information for which redaction is sought.

The law has worked well through the years and has been reauthorized twice since 2001; but it expires at the end of this calendar year if we fail to act, an outcome that is unacceptable.

Last year the Marshals Service in- vestigated and analyzed almost 1,400 threats and inappropriate communica- tions to judicial officials, nearly three times as many threats as recorded in 2003. And there were more than 3,900 in- cidents and arrests at U.S. court faci- lities in 2010.

Financial disclosures help maintain an open and transparent government, but government transparency should not come at the cost of personal secu- rity for government officials. Judges and other judicial employees perform important work that is integral to our democratic system of government. In order to preserve the integrity of our

democracy, we must protect the integ- rity of our courts; and that means en- suring the security of judges and other judicial employees from intimidation and threats.

The Senate made two minor amend- ments to the bill, which we accept. The first amendment involves an annual re- port that the administrative Office of the U.S. Courts submits to the House and Senate Judiciary Committees. The report summarizes the redactions made in the preceding year and explains why they were made. The first amendment mandates that the report also be sent to the House Oversight and Govern- ment Reform Committee, as well as the Senate Homeland Security & Govern- mental Affairs Committee. The second amendment sunsets the redaction au- thority after 6 years, in 2017.

Mr. Speaker, I support H.R. 1059, as amended by the Senate, and urge my colleagues to extend the redaction au- thority.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I want to commend the chairman of the Judiciary Committee, the gen- tleman from Texas, LAMAR SMITH, for his cooperation in bringing this bill out of committee and through the Con- gress.

On September 12 of this year, my bill passed the House unanimously. The re- quirement that judges and judicial branch employees disclose their per- sonal finances promotes openness in the Federal Government. It reduces the risk of corruption, prevents the appear- ance of impropriety, and also sheds some transparency on what we do in the third branch of government.

Unfortunately, sometimes these re- quired disclosures can include specific information about the filer's residence, a spouse's workplace, a child's work- place, or a vacation home. This infor- mation has the potential to place indi- vidual judges, employees, and their families at risk. So what we're doing here is allowing a redaction by the Ju- dicial Conference. The bill's redaction authority is critical to ensuring that this information does not get into the wrong hands and the whole idea is to make sure that some of the Federal judges whose lives have been lost and others whose family members have lost their lives by disgruntled litigants will not be made available to them.

The Judicial Conference is very care- ful in granting redaction authority. And although I would have preferred a permanent redaction authority, I'm perfectly willing to support a 6-year authority with extension possibilities. I look forward to the President signing this bill into law immediately.

I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1059.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursu- ant to clause 8 of rule XX, further pro- ceedings on this question will be post- poned.

The point of no quorum is considered withdrawn.

#### BELARUS DEMOCRACY AND HUMAN RIGHTS ACT OF 2011

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 515) to reauthorize the Belarus Democracy Act of 2004.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 6, line 19, strike "and" and insert "expanded its visa ban list, imposed addi- tional financial sanctions on certain state- owned enterprises, and initiated prepara- tions to freeze the assets of several individ- uals in Belarus. The".

On page 10, line 9, strike "continue to".

The SPEAKER pro tempore. Pursu- ant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Virginia (Mr. CON- NOLLY) each will control 20 minutes.

The Chair recognizes the gentle- woman from Florida.

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. I ask unani- mous consent that all Members may have 5 legislative days to submit for the RECORD statements and extraneous materials on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentle- woman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may con- sume.

I rise in support of H.R. 515, the Belarus Democracy and Human Rights Act. Before I begin my prepared re- marks, however, I would like to take a moment to honor the life of former President Vaclav Havel, an inspira- tional leader and lifelong advocate for the cause of freedom.

Throughout his lifetime, Havel was part of an incredible transformation of Czechoslovakia, from an oppressive, communist Soviet satellite to the free, democratic, independent nation that is the Czech Republic. Many people at



that time had given up hope that such a transformation was possible. It was beyond their imagination. But Vaclav Havel never lost faith and believed that people yearning for liberty could come together and effect incredible change.

Even following the liberation of his own country, Mr. Havel continued to champion the cause of the oppressed around the world, adding his voice to those calling for freedom in countries throughout Europe, the Balkans, and even my native homeland of Cuba.

□ 1650

As he eloquently said after the Velvet Revolution that brought liberty to his people: "None of us know all of the potentialities that slumber in the spirit of the population, or all the ways in which that population can surprise us when there is the right interplay of events."

It is therefore fitting that we come here today to consider this measure to support the democratic movement in a country relatively near Mr. Havel's homeland, a country called the "last dictatorship in Europe."

The brutal Lukashenko regime in Belarus has time and again proven itself to be unrepentant in the oppression of its own people. Despite claims of reform by those in leadership positions, there have been no real changes in Belarus. It seems that's the same script that all communist or communist-style dictators are using these days. It's the same facade the Cuban dictatorship seeks to perpetuate.

Hundreds of political prisoners remain in jail in Belarus, including two former Presidential candidates and a well-respected human rights defender, and credible reports indicate these prisoners are frequently subjected to degrading and inhumane treatment. Even those who have been previously released in attempted overtures to the West frequently are rearrested or face some other type of intimidation and retribution.

Mr. Speaker, last year, the world watched as over 700 pro-democracy protesters were arrested en masse. Their crime? Simply clapping their hands—their hands. This was their peaceful expression of dissent with the regime and fraudulent elections which kept it in power. For clapping their hands.

Today marks the 1-year anniversary of those protests, and how does Belarus' dictator choose to mark this occasion? He has had police summon a key democratic opposition leader and has detained several independent journalists. This clearly shows that the regime is not interested in reform, only in retaining power—power through the muzzling of the opposition, power through the silencing of independent journalists, and power through the repression of its own people.

But as Mr. Havel stated, there is great potential in people who are call-

ing for their own liberty. The people of Belarus are actively calling for their liberty, and this measure before us today provides them with the assistance and the resources they need to continue their valiant struggles.

I urge my colleagues to join us in showing their support for the people of Belarus by passing this important bill today.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this legislation. One year ago today, Belarus President Alexander Lukashenko staged a fraudulent election.

After tens of thousands of ordinary Belarusians gathered to protest the conduct and results of that election, he arrested hundreds of them, including opposition candidates who dared to run against him. Last May, most were convicted and handed heavy sentences of up to 6 years in prison.

Since then, the Lukashenko regime has continued to harass members of opposition political parties, human rights activists and civil society, and to suppress Belarusians' access to free press and information.

This summer, when citizens of Belarus gathered over several weeks to protest peacefully against Lukashenko and his regime and the deteriorating economic situation there, he had them arrested for simply clapping their hands.

Just last month, the government tightened restrictions on the ability of civil society groups to receive foreign grants and placed even greater restrictions on peaceful protests.

The Obama administration, to its credit, has led the strong international reaction to the fraudulent elections, postelection crackdown and further deterioration of the human rights situation in Belarus. On February 2, the United States significantly expanded the list of Belarusian officials subject to travel restrictions and to having their assets blocked, and restored full U.S. sanctions against Belarus' largest state-owned oil and gas concern and all of its subsidiaries.

On July 2, Secretary of State Clinton met with activists from Belarus during her visit to Lithuania for a meeting of the Community of Democracies. She repeated her demand that Belarus release political prisoners and embark on the path of democratic reform. Just last night, Secretary Clinton and EU High Representative Catherine Ashton released a joint statement highlighting American and European concerns about continued human rights abuses in Belarus on the 1-year anniversary of the December 19, 2010, political crackdown.

In coordination with the European Union, the Obama administration has

significantly expanded democracy assistance to the private sector in Belarus this year. These new resources will support the kind of assistance called for in the Belarus Democracy and Human Rights Act of 2011 which we consider here today. By passing this legislation, Mr. Speaker, we are doing our part to encourage the free exchange of ideas in Belarus and helping to ensure a brighter future for the people of that tortured nation, people who, like people everywhere, have the right to free expression and self-government.

I support this bill and encourage my colleagues to do the same, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on Africa, Global Health, and Human Rights, a strong advocate for freedom everywhere and the author of the bill before us.

Mr. SMITH of New Jersey. I thank the distinguished chairwoman for yielding and join her first in mourning the passing of Vaclav Havel, the great President and human rights crusader, one of the founders of Charter 77, a magnificent human rights manifesto, that took the Helsinki final act and turned it into a very durable and tangible program of action for the people of Czechoslovakia. Charter 77 has been replicated all over the world, including in Belarus—it's called Charter 97 there—as well as in places like Vietnam, where it's Bloc 8406.

I would note parenthetically that, back in the 1980s, I and some members of the Helsinki Commission, including STENY HOYER, sought to meet with members of Charter 77. Only one, Father Valclav Maly—now Bishop Maly—got through to our meeting. The rest were detained by the secret police, including Vaclav Havel.

It's interesting and very important to point out that Vaclav Havel, before he passed away, tragically, sent a strong letter to the people of Belarus encouraging them to hold firm and expressing his overwhelming solidarity with the people of Belarus as they seek their universally recognized human rights. Again, this man never ceased in his promotion of human rights anywhere—from Burma to Belarus—including to his dying day, sending this very important letter to the Belarusian people.

Mr. Speaker, I do rise in strong support and urge my colleagues to pass H.R. 515 again. We passed it last July, but it came back from the Senate with a couple of additions which are very much appreciated.

I especially want to thank Chairman JOHN KERRY and Senator LUGAR for their cooperation in helping to bring this legislation back to the House; and I want to thank the distinguished gentlelady for her leadership, and HOWARD

BERMAN, as well as the Speaker and ERIC CANTOR, for bringing this legislation to the floor.

This is a very timely piece of legislation. As was noted, it is exactly 1 year ago today since the bloody December 19, 2010, election-night crackdown in Belarus which swept up more than 700 opposition supporters, many of whom I know personally, who dared to challenge the rule of Belarusian dictator Alexander Lukashenko.

On this day of remembrance, we are here in the House to pass legislation that we know President Obama will sign—he supports it—that demonstrates our country's support for the human rights of the Belarusian people for democracy and the rule of law in Belarus through sanctions targeted against the dictator Lukashenko and his senior officials.

□ 1700

This legislation tracks legislation that I authored in 2004 and '06, which is current policy, called the Belarus Democracy Act, and it builds on that framework of trying to target those who are actually inflicting the abuse. It's timely and necessary. As I said, those jailed—and remember, there are many who have been jailed and more that are being jailed as we meet—have been subjected to degrading and humiliating treatment, and some have been tortured. More than 40 were convicted, and about a dozen, including several presidential candidates, remain imprisoned to this day. At a Helsinki Commission hearing that I chaired only last month, we heard shocking, heartbreaking testimony from one of the presidential candidates who had endured torture during his 2-month stay at a KGB prison—and, yes, Mr. Speaker, in Belarus, it is still called the KGB, reminding one how little Belarus has strayed from its dark, Soviet roots. In addition to the arrested, the families, the lawyers, the independent journalists and the democratic activists who are not yet in prison continue to be harassed and intimidated and their homes watched by the KGB. This has been the worst political crackdown in Europe in well over a decade.

The postelection crackdown has followed the pattern, however, of repression that has characterized Lukashenko's nearly 17-year rule. Through a series of rigged elections, large-scale intimidation, and the suppression of independent media and civil society, the dictator has long consolidated his control over virtually all national institutions. His dictatorship has the worst record for human rights by far of any government in Europe.

Specifically, and significantly, the sanctions outlined in the bill are aimed at the senior leadership of the dictatorship that displays utter contempt for the dignity and the rights of the Belarusian people. With these sanctions

we stand with the Belarusian people and against their oppressors.

H.R. 515 requires the State Department to issue a new report to Congress on the sale, delivery, or provision of weapons or weapons-related technologies or training; Lukashenko's personal wealth and assets; and cooperation by the Belarusian Government with any foreign government or organizations related to censorship or surveillance of the Internet.

H.R. 515 states a U.S. Government policy of strong support for the Belarusian people in their struggle against Lukashenko to live in a free, independent country where their human rights are respected. The bill encourages those struggling despite overwhelming pressures from an anti-democratic regime. It calls for a full accounting of the 1999 to 2000 disappearances. This morning I was with a woman whose husband disappeared, presumed to be dead by this regime, and she continues to this day struggling for human rights on behalf of her people now in exile.

It calls for and supports radio, television, and Internet broadcasting to Belarus, specifically Radio Free Europe and Radio Liberty, Voice of America, European Radio for Belarus, and the satellite television station BelSat.

It calls for a release of all of the political prisoners. We can't say that enough. We can't say it one day and forget it the next. We need to redouble our efforts, beginning today, to promote a free Belarus where all can live in peace, freedom and prosperity without that knock in the middle of the night by the KGB.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I want to congratulate my friend from New Jersey. He has been a passionate advocate for human rights across the board. He and I may not always agree on all issues, but his passion and his commitment to human rights universally cannot be questioned and has made a great contribution to this institution, and I thank him.

I believe that the yearning for human rights is a basic human yearning. It is not limited to the American culture or the Western culture, as we have seen in the outpouring of support during the Arab Spring for the basic human freedoms: the right to organize, the right to express politically, the right to practice one's religion freely, the right to organize political parties and to involve themselves in political dissent. These are universal yearnings, as our Founders understood, in their genius, in the writing of the Declaration of Independence. And it is absolutely a fundamental American value that we proclaim those freedoms, and we assist those who seek actively in that yearning to implement those freedoms.

Again, I congratulate the distinguished chairman of the House Foreign

Affairs Committee and our colleague from New Jersey for their leadership.

With that, Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. I have no further requests for time. I just wanted to thank my friend from Virginia for his statements, and I want to thank the gentleman from New Jersey (Mr. SMITH) for his leadership on all things related to human rights, freedom, and liberty.

What an interesting weekend that we saw, not just the death of Mr. Havel but, at the same time, the death of Kim Jong Il. What an incredible juxtaposition to see a wonderful human rights leader like Mr. Havel and then at the same time a terrible despot like Kim Jong Il who was responsible for actually starving his people as well as having them hunger for freedom and justice.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 515.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### PROVIDING FOR PLACEMENT OF STATUE OR BUST OF WINSTON CHURCHILL IN CAPITOL

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 497) to provide for the placement of a statue or bust of Sir Winston Churchill in the United States Capitol.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 497

Whereas Sir Winston Churchill was Prime Minister of the United Kingdom from 1940 through 1945 and from 1951 through 1955;

Whereas the United States and the United Kingdom led the Allied Powers during World War Two;

Whereas President Franklin Delano Roosevelt and Sir Winston Churchill formed a bond that united freedom-loving people throughout the world to defeat tyranny in Europe and Asia;

Whereas, on December 26, 1941, Sir Winston Churchill addressed a Joint Session of Congress;



Whereas during that speech, Sir Winston Churchill said, "Sure I am that this day—now we are the masters of our fate; that the task which has been set us is not above our strength; that its pangs and tolls are not beyond our endurance. As long as we have faith in our cause and an unconquerable will-power, salvation will not be denied us. In the words of the Psalmist, 'He shall not be afraid of evil tidings; his heart is fixed, trusting in the Lord.' Not all the tidings will be evil.'";

Whereas December 26, 2011, is the 70th anniversary of this speech to a joint session of Congress;

Whereas Sir Winston Churchill was made an Honorary Citizen of the United States by an act of Congress in 1963;

Whereas Sir Winston Churchill was awarded the Congressional Gold Medal in 1969;

Whereas Sir Winston Churchill's persistence, determination and resolve remains an inspiration to freedom-fighters all over the world;

Whereas the United Kingdom remains and will forever be an important and irreplaceable ally to the United States; and

Whereas the United States Capitol does not currently appropriately recognize the contributions of Sir Winston Churchill or that of the United Kingdom: Now, therefore, be it

*Resolved*, That the Architect of the Capitol place an appropriate statue or bust of Sir Winston Churchill in the United States Capitol at a location directed by the House Fine Arts Board in consultation with the Speaker.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 497 and the placement of a statue or bust of Winston Churchill here in the United States Capitol. Winston Churchill was unique. An inspiration to millions around the world during World War II, Winston Churchill's eloquence and courage brought hope to those bound under the weight of tyranny and war.

His prose and his voice were direct and succinct. Churchill believed in calling things by their rightful names. When he secretly met with President Roosevelt in August of 1941 and signed the Atlantic Charter, Churchill made sure that it referred specifically to "Nazi tyranny." Always a straight shooter, Churchill called it like it was. In retrospect, many people think that it's easy for that kind of nomenclature to be used, but at the time, it was unique. During the 1930s, when voice

after voice cautioned against taking too strong a stance against Nazi Germany, Winston Churchill refused to ignore the gathering storm.

In 1982, Mr. Speaker, I was a young, second-term Member of this House. But I, like millions of Americans, was inspired that year by the actions and words of our 40th President, who traveled across the Atlantic in June of that year to address Parliament. He did so out of an appreciation of the common liberty-loving and natural rights-affirming heritage Great Britain and the United States had shared, and which he thought must be protected at all costs.

And as he should have, President Reagan quoted frequently from Churchill that day, for there was no other statesman in the 20th century who had thought, who had contemplated, who had written, and who had taught us about war, about the motives of man, and about the causes of and necessities present for civilization to survive. That is why Churchill's hatred of tyranny burned so deep, and why his warnings about oppression before and after the war were so prescient.

□ 1710

Mr. Speaker, during the long dark night of war in 1940 and 1941, before the United States was there to aid its ally, Britain suffered the horrors of attack after attack, as all others on the continent had fallen and it was left alone, separated only by the channel from utter destruction.

During Nazi bombing attacks on London, the great and majestic St. Paul's Cathedral was badly damaged. It looked like it would crumble in flames, but it did not. One of the most inspired images of the war is of St. Paul's with smoke billowing all around it, standing tall, refusing to fall, and reminding us of the things for which Britain was fighting. And like that image, Winston Churchill's example does the same, and so much more.

Almost 70 years ago to the day, Prime Minister Churchill risked his life in a U-boat attack in a secret voyage across the Atlantic. On December 26, 1941, in an address to a joint session of Congress, he said: "I avow my hope and faith, sure and inviolate, that in the days to come the British and American peoples will, for their own safety and for the good of all, walk together in majesty, in justice, and in peace." This is a charge to which I hope this Congress will still aspire.

Mr. Speaker, I support this resolution, I urge my colleagues to support it, and I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of this resolution, and I yield myself such time as I may consume.

Winston Churchill, who was Prime Minister of Great Britain from 1940 to

1945 and again from 1951 to 1955, is one of the foremost world figures of the 20th century. He was renowned for leading his nation through most of World War II. And in addition to his well-known oratory skills, Churchill was a talented writer and painter. And he's the only British Prime Minister to receive the Nobel Prize in literature for his numerous works, including the six-volume set "The Second World War."

Churchill served in the British House of Commons and as a Cabinet Minister in several posts before being selected as Prime Minister in 1940. A great ally to the United States during World War II, Churchill was the architect of the Grand Alliance between the United States and the Soviet Union. He forged a strong relationship with President Franklin Delano Roosevelt, and the two had numerous historic meetings shaping the direction of the war and what came after it. One such meeting resulted in the creation of the Atlantic Charter, which later led to the creation of the United Nations.

As with other historical figures, Mr. Speaker, Churchill's life was fraught with complexity and contradictions. He held antediluvian views with respect to race, for example, which was long a point of contention with respect to the peoples of India and his relationship specifically with Gandhi.

During World War I, he was First Lord of the Admiralty; and it was he who set in motion the failed assault at Gallipoli in a futile effort to capture the Ottoman capital of Constantinople in hopes of securing a sea route to Russia. That failure forced him out of the government, and it was years before he would return warning of the threat Hitler presented in Germany.

That ability to define injustice and pursue actions with clarity of purpose in the absolute face of evil no matter what the consequences is one of the traits that helped him transcend his human flaws and foibles and enter the ranks of the great statesmen of the 20th century.

He stood alone in the 1930s, issuing jeremiad after jeremiad about the Nazi threat; and his peers were heedless, tragically heedless, of his warning. His years in the political wilderness then showed consummate courage and resolve. He never lost the clarity of recognition of evil, and in fact that extended into a decade later when he warned in a Missouri speech about Stalin's Iron Curtain.

In recognition of his contributions to our Nation and our international alliances, Churchill was the first person to be made an honorary citizen of the United States. And it is fitting that we now recognize the 70th anniversary of his address before a joint session of Congress, mentioned by Mr. LUNGREN of California, by requesting to have a statue of him displayed here in the Capitol.

It would not be the first time Churchill's life work has been honored in this Capitol. A bronze statuette of Churchill presented to the Joint Committee on the Library was in fact placed in Statuary Hall from 1985 to 1986, and it has since been on display in the Ways and Means Committee of the House.

Mr. Speaker, I support the resolution honoring a great American ally, and I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the author of this resolution and distinguished Speaker of the House.

Mr. BOEHNER. I thank my colleague for yielding.

As they've pointed out, next week, December 26, marks the 70th anniversary of Winston Churchill's address to a joint meeting of the Congress.

Less than 3 weeks after the Japanese attack on Pearl Harbor, Churchill arrived in Washington to begin coordinating military strategy with the President and leaders of Congress. During his address, he warned the Congress of the difficult path that lay ahead. He spoke of the many disappointments and unpleasant surprises that were going to await us.

Regarding the Japanese aggressors, he asked, "What kind of a people do they think we are? Is it possible that they do not realize that we shall never cease to persevere against them until they've been taught a lesson which they and the world will never forget?"

Churchill's joint address became known as the "Masters of Our Fate" speech. In it he said, "Now we are the masters of our fate. As long as we have faith in our cause and an unconquerable willpower, salvation will not be denied us."

In declaring war against the Axis powers, Churchill said, "the United States—united as never before—have drawn the sword for freedom and cast away the scabbard."

This resolution will honor the former British Prime Minister by placing a bust of him in the United States Capitol. The British, similarly, have a statue of Abraham Lincoln in the park across from their Parliament.

Winston Churchill was the best friend America ever had. I ask my colleagues to join me in honoring his legacy of persistence, determination, and resolve.

Mr. CONNOLLY of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. HARPER), the distinguished chairman of the Subcommittee on Elections for the Committee on House Administration.

Mr. HARPER. I thank the gentleman for yielding.

I rise today in support of H. Res. 497, providing for the placement of a statue or bust of Sir Winston Churchill in the United States Capitol.

Mr. Speaker, much has been said and written about Winston Churchill. Most prominently, he served as Prime Minister of the United Kingdom from 1940 through 1945 and again from 1951 through 1955. But he was so much more.

During the 20th century's darkest hour, Winston Churchill warned of the approaching evil, stood tall when it arrived, and inspired his citizens and ours, and liberty-loving people around the world, to fight, to persevere, and to never surrender before victory was assured.

He knew that the long road of our humanity-affirming progress could not end and was not going to end in defeat to tyranny.

Mr. Speaker, we are, in fact, one week away, as has been said, from the 70th anniversary of Churchill's address to a joint session of Congress. On December 26, 1941, with our Nation still in shock after the attack on Pearl Harbor and simultaneous defeats and setbacks across the Pacific, and more than 2 long years since the invasion of Poland, Prime Minister Churchill, as this resolution reminds us, said: "Sure I am that this day—now we are the masters of our fate, that the task which has been set us is not above our strength, that its pains and toils are not beyond our endurance. As long as we have faith in our cause and an unconquerable willpower, salvation will not be denied us."

Mr. Speaker, World War II was a cataclysmic conflict which engulfed the world in 6 long and bloody years and took approximately 60 million lives.

□ 1720

Whole continents were engulfed in flames. Europe as we knew it was overrun. Poland, Belgium, France, Italy, Norway, Finland, Denmark, Greece, and many others all were conquered by the Nazi inferno, until only Britain stood alone. And in those days, Churchill, his people, the heroic Royal Air Force, and the courage summoned from the depths of their character rose to meet the evil face to face.

Mr. Speaker, Winston Churchill was made an Honorary Citizen of the United States by an act of Congress in 1963. He was awarded the Congressional Gold Medal in 1969. His strength, fortitude, and resolve have stood, and will forever stand, the test of time; and his life and example will be one of those guiding lights to which we always look in troublesome days, whenever they should appear.

It is more than appropriate to have a statue or bust of Sir Winston Churchill in our great Capitol, and I support H. Res. 497.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 3 minutes

to the gentleman from Texas (Mr. POE), a distinguished member of the Judiciary and Foreign Affairs Committees.

Mr. POE of Texas. Mr. Speaker, Winston Churchill, born to a British father and an American mother. Winston Churchill, to me, is the person of the 20th century that is an example of a leader that motivated the free world in its defeat of the tyrants of tyranny.

His importance to us here today is not only because he served as Prime Minister of the United Kingdom from 1940 to 1945 when our two nations battled together to save civilization from the grips of the Nazis and the Japanese, but also because of his steadfast unwillingness to ever surrender. He still serves as a guiding light to America and to free peoples throughout the world.

In World War II, during the Battle of Britain, London endured systematic bombing by the Luftwaffe for 76 consecutive nights, which destroyed or damaged over a million London homes and killed more than 40,000 British citizens. To bolster resolve among the British people, Winston Churchill gave the following speech:

"Even though large tracts of Europe and many old and famous states have fallen or may fall into the grip of the Gestapo and all of the apparatus of Nazi rule, we shall not flag or fail.

"We shall go on to the end; we shall fight in France; we shall fight on the seas and the oceans; we shall fight with growing confidence and growing strength in the air. We shall defend our island, whatever the cost may be.

"We shall fight on the beaches; we shall fight on the landing grounds; we shall fight in the fields and in the streets; we shall fight in the hills.

"We shall never surrender."

Mr. Speaker, history shows Britain never did surrender. And along with the United States and the rest of the Allies, they defeated tyranny and the zeal of the Nazi to enslave peoples in the East and the West.

Today our country faces many daunting problems. The world is still a very dangerous place, and there are those who would snuff out the flame of freedom. We can learn from the resolve of Winston Churchill. Our Nation will get through tough times, both home and abroad, just as the Allies did in World War II.

Americans need to be strong and courageous, not timid and weak; work together and remember, as Churchill so eloquently encouraged the British people in 1940, that some things are worth fighting for. And, Mr. Speaker, America is one of those noble ideals.

And that's just the way it is.

Mr. CONNOLLY of Virginia. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CONNOLLY of Virginia. I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman and the Speaker and the chairman for their kindness and recognition for 2 minutes today.

Coming in from Houston, I had the privilege of being with Reservists that visited one of my hospitals that serves military families and, of course, the soldiers and veterans. They serve them on the issue of posttraumatic stress disorder.

I say that because it was a feeling of warmth and family, first acknowledging, as I wear this yellow ribbon, of those who have come home and those who have done their duty.

I believe that the acknowledgment of Sir Winston Churchill is an appropriate action for this Congress, but really on behalf of the American people. And I read quickly this quote in brief of his words: "Sure I am that this day, now, we are the masters of our fate; that the task which has been set us is not above our strength."

Although this was in the context of World War II, I plead with my colleagues who are all arriving back by train, bus, airplane, and car, that this is a time that is within our strength to not, in any way, yield to the tasks and not accomplish on behalf of the American people. We are masters of our fate.

We have before us the Senate conference on the payroll tax and employment extension. Vote on it. Vote together in a bipartisan manner. Realize that there are differences, but that we have another day, as was devised by the Senate, by February, to be able to debate this issue.

The American people thought this was settled.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONNOLLY of Virginia. I yield the gentlelady an additional 30 seconds.

Ms. JACKSON LEE of Texas. People who are hungry for payroll tax relief, \$1,000; people who are looking for the unemployment extension; those who are getting \$1,000, those who would be beneficiaries of the 400,000 jobs, and those who will be beneficiaries of the unemployment extension that will help them pay their mortgage or help them pay their rent or food or the necessities of life, putting those monies into the economy, the American people thought we were finished, thought we had compromised, thought we had risen to our higher angels.

And so, if our soldiers and those who are returning can do their job, I'm pleading, in a bipartisan manner, let us vote for the Senate bill. Let us move this forward, and let us realize that we are the masters of our fate.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Returning to the subject at hand, we have the great portrait of General Lafayette here in the House Chamber, one of seven honorary citizens of the United States, Winston Churchill being another.

Winston Churchill was, as is evident, one of the great men of the last century, one for whom inspiration was a way of life, and one who, as the Speaker said just a few moments ago, was the best ally that the United States has ever had.

As a young boy, having been born somewhat after World War II, I remember with fascination seeing this figure on television. He seemed to remind me of every newborn baby I've ever seen. They all look like Winston Churchill without the cigar. You wondered what was it that made this man great. And you began to read history. You began to talk with your father who had served in World War II about what this man was, and you realized this was someone who, in his youth, was involved in cavalry charges, and in his oldest age, was leader of a country at the beginning of the thermonuclear world.

Talk about the span of time and the span of greatness and the ability to perceive, through all of that time, despite his mistakes, being a fallible man, perceive the greatness of the individual and the opportunity that democracy gives to individuals as no other form of government does.

□ 1730

At the time when he criticized Nazi Germany, it was not something that all then said. The late Christopher Hitchens, in an April 2002 article in "The Atlantic," said this:

But alone among his contemporaries, Churchill did not denounce the Nazi empire merely as a threat, actual or potential, to the British one. Nor did he speak of it as a depraved but possibly useful ally. He excoriated it as a wicked and nihilistic thing. That appears facile now, but was exceedingly uncommon then. In what was perhaps his best ever speech, delivered to the Commons 5 days after the Munich agreement on October 5, 1938, Churchill gave voice to the idea that even a "peace-loving" coexistence with Hitler had something rotten about it. "What I find unendurable is the sense of our country falling into the power, into the orbit and influence of Nazi Germany, and of our existence becoming dependent upon their good will or pleasure."

That was an uncommon statement at the time. That was a courageous statement at the time. That was a visionary statement at the time.

It is to honor that vision, it is to honor that ally, it is to honor that person who was dedicated to the best of Western civilization, who was one who stood with very few at a time when that civilization was threatened as never before.

Mr. Speaker, it is an honor to be on the floor to offer this resolution to allow for, to authorize, a statue or bust

of Winston Churchill here in the United States Capitol.

Mr. Speaker, I yield back the balance of my time as I urge my colleagues to vote for this resolution.

Mr. CONNOLLY of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and agree to the resolution, H. Res. 497.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

# RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2302

# AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOX) at 11 o'clock and 2 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011; PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 501, SENSE OF HOUSE REGARDING ANY FINAL MEASURE TO EXTEND CERTAIN EXPIRING PROVISIONS; AND FOR OTHER PURPOSES

Mr. SCOTT of South Carolina, from the Committee on Rules, submitted a privileged report (Rept. No. 112-335) on the resolution (H. Res. 502) providing for consideration of the Senate amendments to the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes; providing for consideration of the resolution (H. Res. 501) expressing the sense of the House of Representatives regarding any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to Medicare beneficiaries; and for other purposes, which was referred to the House Calendar and ordered to be printed.

# HOURLY MEETING ON TOMORROW

Mr. SCOTT of South Carolina. Madam Speaker, pursuant to clause 4

of rule XVI, I move that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The motion was agreed to.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DIAZ-BALART (at the request of Mr. CANTOR) for today on account of a family medical issue.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today and for the balance of the week.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1710. An act to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse; to the Committee on Transportation and Infrastructure.

S. 1959. An act to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes; to the Committee on the Judiciary.

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 789. An act to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office."

H.R. 1264. An act to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson.

H.R. 1892. An act to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 2422. An act to designate the facility of the United States Postal Service located at 45 Bay Street, Suit 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office".

H.R. 2845. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

H.R. 3421. An act to award Congressional Gold Medals in honor of the men and women

who perished as a result of the terrorist attack on the United States on September 11, 2001.

H.R. 3672. An act making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes.

H.J. Res. 94. Joint resolutions making further continuing appropriations for fiscal year 2012, and for other purposes.

H.J. Res. 95. Joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 278. An act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

#### ADJOURNMENT

Mr. SCOTT of South Carolina. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 20, 2011, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4327. A letter from the Acting Deputy Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Supplemental Nutrition Assistance Program: Quality Control Error Tolerance Threshold [FNS-2011-0060] (RIN: 0584-AE24) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4328. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas in California [Docket No.: APHIS-2011-0074] received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4329. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4330. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Resolution Plans Required (RIN: 3064-AD77) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4331. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Repeal of Regulations (RIN: 2590-AA52) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4332. A letter from the General Counsel, Federal Housing Finance Agency, transmit-

ting the Agency's final rule — Voluntary Mergers of Federal Home Loan Banks (RIN: 2590-AA37) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4333. A letter from the Director, Office of Management and Budget, transmitting a report for the Consolidated and Further Continuing Appropriations Act; to the Committee on the Budget.

4334. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Bidding by Affiliates in Open Seasons for Pipeline Capacity [Docket No.: RM11-15-000; Order No. 894] received December 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4335. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: MAGNASTOR System, Revision 2 [NRC-2011-0008] (RIN: 3150-AI91) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4336. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 17-11 informing of an intent to sign a Memorandum of Understanding Among Canada, the Kingdom of Denmark, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, and New Zealand; to the Committee on Foreign Affairs.

4337. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 9, 2011; to the Committee on Foreign Affairs.

4338. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

4339. A letter from the Chairman, Consumer Product Safety Commission, transmitting Fiscal Year 2011 Annual Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4340. A letter from the Secretary, Department of Agriculture, transmitting the Inspector General's semiannual report to Congress for the reporting period ending September 30, 2011; to the Committee on Oversight and Government Reform.

4341. A letter from the Treasurer, National Gallery of Art, transmitting the Gallery's Performance and Accountability Report including audited financial statements for fiscal year 2011; to the Committee on Oversight and Government Reform.

4342. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4343. A letter from the Chairman, Securities and Exchange Commission, transmitting

the Semiannual Report of the Inspector General and a separate management report for the period April 1, 2011 through September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4344. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Norton Company in Worcester, Massachusetts, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

4345. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Proposed Method of Accounting for OID on a Pool of Credit Card Receivables [Notice 2011-99] received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4346. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Rev. Proc. 2009-20 on Theft Loss Deductions for Fraudulent Investment Arrangements (Rev. Proc. 2011-58) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3029. A bill to reduce the size of the Federal workforce through attrition, and for other purposes; with an amendment (Rept. 112-334). Referred to the Committee of the Whole House on the State of the Union.

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 502. Resolution providing for consideration of the Senate amendments to the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes; providing for consideration of the resolution (H. Res. 501) expressing the sense of the House of Representatives regarding any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to medicare beneficiaries; and for other purposes (Rept. 112-335). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADERHOLT:

H.R. 3727. A bill to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals; to the Committee on Energy and Commerce.

By Mr. SCHOCK (for himself and Mr. POSEY):

H.R. 3728. A bill to amend the Internal Revenue Code of 1986 to make members of health care sharing ministries eligible to establish health savings accounts; to the Committee on Ways and Means.

By Mr. DAVIS of Kentucky (for himself and Mr. LEVIN):

H.R. 3729. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Ways and Means.

By Mr. DONNELLY of Indiana (for himself and Mr. JOHNSON of Ohio):

H.R. 3730. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide notice to individuals whose sensitive personal information is involved in a data breach, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GOHMERT:

H.R. 3731. A bill to amend the Internal Revenue Code of 1986 to tax bona fide residents of the District of Columbia in the same manner as bona fide residents of possessions of the United States; to the Committee on Ways and Means.

By Mr. GOHMERT:

H.R. 3732. A bill to provide for the retrocession of the District of Columbia to Maryland, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 3733. A bill to reduce the interest rates on mortgages owned or guaranteed by Fannie Mae and Freddie Mac; to the Committee on Financial Services.

By Mr. HEINRICH:

H.R. 3734. A bill to make a technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes; to the Committee on Natural Resources.

By Ms. ROS-LEHTINEN:

H.R. 3735. A bill to provide for enhanced penalties to combat Medicare and Medicaid fraud, a Medicare data-mining system and biometric technology pilot program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself and Mr. BOSWELL):

H.R. 3736. A bill to provide \$50,000,000,000 in new transportation infrastructure funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways, and for other purposes; to the Committee on Ways and Means.

By Mr. PRICE of Georgia:

H. Res. 501. A resolution expressing the sense of the House of Representatives regarding any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, House Administration, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ADERHOLT:

H.R. 3727.  
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3—The Commerce Clause and Article I, Section 8, Clause 18—Necessary and Proper Clause.

By Mr. SCHOCK:

H.R. 3728.  
Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8 of the United States Constitution.

By Mr. DAVIS of Kentucky:

H.R. 3729.  
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. DONNELLY of Indiana:

H.R. 3730.  
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, U.S. Constitution, Clauses 1, 12, 13, and 14 of the U.S. Constitution.

By Mr. GOHMERT:

H.R. 3731.  
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, U.S. Constitution:  
To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;

By Mr. GOHMERT:

H.R. 3732.  
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, US Constitution:  
To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;

By Mr. HASTINGS of Florida:

H.R. 3733.  
Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the Constitution

By Mr. HEINRICH:

H.R. 3734.  
Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. ROS-LEHTINEN:

H.R. 3735.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution

By Mr. WHITFIELD:

H.R. 3736.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, that grants Congress the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. STARK.  
H.R. 32: Mr. PLATTS.  
H.R. 145: Mr. JONES.  
H.R. 178: Mr. SCHILLING.  
H.R. 708: Mr. FILNER.  
H.R. 835: Mr. MCINTYRE, Ms. EDWARDS, Ms. LINDA T. SÁNCHEZ of California, and Mr. BACHUS.  
H.R. 860: Mr. POE of Texas and Mr. HARPER.  
H.R. 890: Ms. ESHOO.  
H.R. 905: Mr. GIBSON.  
H.R. 959: Mr. KUCINICH.  
H.R. 1054: Mr. FRANK of Massachusetts.  
H.R. 1063: Mr. DOYLE and Ms. SLAUGHTER.  
H.R. 1148: Ms. WASSERMAN SCHULTZ.  
H.R. 1166: Ms. BROWN of Florida, Mr. PAYNE, and Mr. BARROW.  
H.R. 1294: Mr. KUCINICH and Ms. WILSON of Florida.  
H.R. 1295: Mr. KUCINICH.  
H.R. 1370: Mr. THOMPSON of Pennsylvania, Mr. BROUN of Georgia, and Mr. WALDEN.  
H.R. 1385: Mr. QUIGLEY.  
H.R. 1513: Ms. JACKSON LEE of Texas, Ms. EDWARDS, Mr. BISHOP of New York, Mr. SCHOCK, Mr. JACKSON of Illinois, and Mr. CALVERT.  
H.R. 1519: Mr. PETERSON.  
H.R. 1580: Mr. BOREN, Ms. BUERKLE, Mr. PETERSON, and Mr. CHANDLER.  
H.R. 1614: Mr. PENCE.  
H.R. 1648: Mr. LEVIN.  
H.R. 1700: Mr. SCHOCK.  
H.R. 1718: Mrs. MALONEY.  
H.R. 1738: Mr. ISRAEL, Mr. DENT, Ms. CHU, and Ms. WILSON of Florida.  
H.R. 1744: Mrs. HARTZLER.  
H.R. 1815: Mr. BONNER, Mr. AUSTRIA, Mr. GIBSON, Mr. GOHMERT, Mr. FITZPATRICK, Mr. BROUN of Georgia, Mrs. LUMMIS, Mr. BOUSTANY, Mr. PAULSEN, Mr. MICA, Mrs. ADAMS, Mr. CARTER, Mr. SMITH of Texas, Mr. PETRI,

Mr. TERRY, Mrs. CAPITO, Mr. HUIZENGA of Michigan, Mrs. BIGGERT, Mr. CHAFFETZ, Mr. FRELINGHUYSEN, Mr. SOUTHERLAND, Mr. PITTS, Mr. ROSS of Florida, Mr. SESSIONS, Mr. WHITFIELD, Mr. SCHOCK, Mr. HALL, Mr. BISHOP of Utah, Mr. BOEHNER, Mrs. MILLER of Michigan, Mr. COLE, Mr. ALEXANDER, Mr. SHUSTER, Mr. SCALISE, Mrs. EMERSON, Mr. WALDEN, Mr. CASSIDY, Mr. GOWDY, Mr. BILLIRAKIS, Mr. ROYCE, Mr. GARRETT, Mr. PLATTS, Mr. THORNBERRY, Mr. LATHAM, Ms. HERRERA BEUTLER, Mr. FLEISCHMANN, Mr. MCCARTHY of California, Mr. GARDNER, Mr. ISSA, Mr. MULVANEY, Mr. HARRIS, Mr. JORDAN, Mr. DUNCAN of South Carolina, Mr. BERG, Mr. WESTMORELAND, Mr. PRICE of Georgia, Ms. HAYWORTH, Mr. KELLY, Mr. DUFFY, and Mr. UPTON.

H.R. 1842: Mr. KUCINICH.  
H.R. 1897: Mr. SCHOCK.  
H.R. 1964: Mr. FINCHER.  
H.R. 1968: Ms. KAPTUR.  
H.R. 1978: Ms. MOORE and Mr. JACKSON of Illinois.  
H.R. 2070: Mr. HARPER.  
H.R. 2077: Mr. GUTHRIE and Mr. STIVERS.  
H.R. 2104: Mr. LIPINSKI.  
H.R. 2139: Mr. YOUNG of Alaska.  
H.R. 2159: Mr. FRELINGHUYSEN.  
H.R. 2182: Mr. MCHENRY and Mr. WALDEN.  
H.R. 2232: Mr. NUGENT.  
H.R. 2248: Mr. COHEN.  
H.R. 2288: Mr. FILNER and Mr. HIMES.  
H.R. 2404: Ms. BALDWIN.  
H.R. 2446: Mr. SHERMAN.  
H.R. 2453: Mr. GRIJALVA, Mr. PASTOR of Arizona, Mr. BACA, Mr. BECERRA, Ms. ESHOO, Mr. GARAMENDI, Mr. HONDA, Ms. MATSUI, Ms. RICHARDSON, Ms. LINDA T. SÁNCHEZ of California, Mr. SCHIFF, Ms. WATERS, Ms. WOOLSEY, Mr. PERLMUTTER, Ms. BROWN of Florida, Ms. CASTOR of Florida, Mr. JOHNSON of Georgia, Ms. HIRONO, Mr. VISCLOSKEY, Mr. BRALEY of Iowa, Mr. CHANDLER, Mr. YARMUTH, Mr. SARBANES, Mr. LEVIN, Mr. BUTTERFIELD, Mr. MCINTYRE, Mr. HOLT, Mr. PALLONE, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, Mr. HEINRICH, Mr. ACKERMAN, Mr. BISHOP of New York, Ms. CLARKE of New York, Mrs. MCCARTHY of New York, Mr. RANGEL, Mr. BLUMENAUER, Mr. DEFazio, Mr. CRITZ, Mr. DOYLE, Mr. FATTAH, Mr. HOLDEN, Ms. SUTTON, Ms. FUDGE, Mr. LANGEVIN, Mr. COHEN, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Ms. JACKSON LEE of Texas, Mr. REYES, Mr. MATHESON, Mr. CRENSHAW, and Mr. BROUN of Georgia.  
H.R. 2492: Mr. RUPPERSBERGER, Ms. WILSON of Florida, Ms. EDWARDS, Mr. LANGEVIN, Ms. LINDA T. SÁNCHEZ of California, Mr. MCCOTTER, and Mrs. LOWEY.

H.R. 2528: Mr. WALDEN.  
H.R. 2569: Mr. WALBERG.  
H.R. 2679: Ms. HANABUSA.  
H.R. 2705: Mr. ROTHMAN of New Jersey.  
H.R. 2746: Mr. REYES.  
H.R. 2866: Mr. MCNERNEY, Mr. BURGESS, and Mr. COSTELLO.  
H.R. 2925: Mr. RIBBLE.  
H.R. 2948: Ms. SUTTON and Ms. WILSON of Florida.  
H.R. 2962: Mr. DUFFY.  
H.R. 2966: Mr. LIPINSKI, Ms. WILSON of Florida, Ms. EDWARDS, Mr. DOGGETT, Mr. RUPPERSBERGER, and Ms. JACKSON LEE of Texas.  
H.R. 2970: Mr. MILLER of North Carolina.  
H.R. 2981: Ms. LEE of California.  
H.R. 3000: Mr. CONAWAY, Mr. BUCSHON, Mr. WALBERG, and Mr. BISHOP of Utah.  
H.R. 3367: Mr. RANGEL.  
H.R. 3422: Mr. CANSECO.  
H.R. 3425: Mr. JACKSON of Illinois.  
H.R. 3432: Ms. SLAUGHTER.  
H.R. 3461: Mr. AKIN, Mr. PAULSEN, and Mr. WOLF.  
H.R. 3521: Mr. COOPER.  
H.R. 3542: Mr. ELLISON, Mr. FILNER, Mr. JACKSON of Illinois, Ms. PINGREE of Maine, and Ms. SCHAKOWSKY.  
H.R. 3578: Mr. ROKITA and Mr. JOHNSON of Illinois.  
H.R. 3582: Mr. REED and Mr. LANKFORD.  
H.R. 3589: Mr. SENSENBRENNER.  
H.R. 3601: Mr. WESTMORELAND.  
H.R. 3626: Mr. CONYERS, Mr. PASCRELL, and Ms. SLAUGHTER.  
H.R. 3638: Mr. NADLER and Ms. WATERS.  
H.R. 3643: Mr. COFFMAN of Colorado.  
H.R. 3676: Mr. TOWNS, Mr. BARLETTA, Ms. MOORE, and Mr. ROSS of Florida.  
H.R. 3704: Mr. GRIMM.  
H.R. 3717: Mrs. LOWEY.  
H.R. 3720: Mr. SMITH of Texas.  
H. Con. Res. 85: Ms. BERKLEY, Mr. MICHAUD, and Ms. HIRONO.  
H. Con. Res. 87: Mr. MCINTYRE and Mr. YOUNG of Alaska.  
H. Res. 137: Mr. MILLER of North Carolina.  
H. Res. 295: Mr. RUSH.  
H. Res. 460: Mr. NADLER and Mr. GRIJALVA.  
H. Res. 489: Mr. CRAWFORD, Mrs. BLACK, Mr. PALAZZO, Mrs. SCHMIDT, Mr. MCCOTTER, Mr. MCKINLEY, Mr. BURGESS, Mr. JORDAN, Mr. KLINE, Mr. GRIFFITH of Virginia, Mr. SOUTHERLAND, Mr. WALSH of Illinois, and Mr. HALL.  
H. Res. 490: Mr. GRIFFIN of Arkansas, Mr. LUETKEMEYER, Mrs. BLACKBURN, Mr. WALBERG, Mr. LATTI, and Mr. BRADY of Texas.

## EXTENSIONS OF REMARKS

THE DEATH OF VACLAV HAVEL,  
FORMER PRESIDENT OF CZECHO-  
SLOVAKIA AND THE CZECH RE-  
PUBLIC

**HON. MICHAEL R. TURNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. TURNER of Ohio. Mr. Speaker, history is often made by Generals and politicians; rarely has the course of history been forever altered by a playwright. We are saddened that we have lost Vaclav Havel, former President of Czechoslovakia and the Czech Republic, but we must remember that this man lived his life with courage and a fundamental sense for what was right. His was a life well-lived, which he used to change our world for the better no matter the personal cost.

Americans will never forget this man or the role he played in the peaceful dissolution of the Evil Empire and the unification of Europe and the expansion of NATO. The support of the American people for our Czech allies and their commitment to the U.S.-Czech alliance as well as a shared belief in the rights and dignity of man continues today. Havel's life is a testament to his observation that "words can prove mightier than ten military divisions." The thoughts of all Americans are with Havel's family and the Czech people. We are immeasurably better off for his life and his example.

HONORING THE LIFE OF NANCY  
GOOD

**HON. DIANA DeGETTE**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Ms. DeGETTE. Mr. Speaker, I rise to honor the life of a longtime constituent of mine who recently passed away. Nancy Good was a social and political activist whose career, which was focused on bettering the lives of others, spanned several decades and three continents. Nancy was especially committed to furthering the cause of civil rights, and was an enthusiastic advocate of racially integrated neighborhoods, a cause she worked on both in Washington, DC, and Denver. She died August 24th at St. Joseph's Hospital in Denver after a brief illness at the age of 89.

After World War II, she worked in Germany to repatriate displaced persons for the United Nations Relief and Rehabilitation Administration (UNRRA) and edited the agency newsletter. It was during this time that she met her husband, Robert C. Good, and together they opened a settlement house under the sponsorship of the American Friends Service Committee in Frankfurt in 1947, work for which she was honored fifty years later by the German government.

Nancy moved to Denver with her family in 1953 and worked for the Social Science Foundation at the University of Denver (D.U.). She worked with community groups to establish fair housing practices among Denver realtors. She was also very active with the ACLU during this time.

A long career detour took the Goods to Washington, DC, where Nancy worked for the Washington Planning and Housing Agency. Nancy organized Democracy in Action, which took groups of DC junior high school students to meet with Senators, Supreme Court Justices and members of the Kennedy administration to learn firsthand about the workings of the federal government. The Goods lived in France in 1959, and in 1965, her husband was appointed the first U.S. Ambassador to Zambia, where Nancy remained active with the Girl Guides and with hunger relief projects.

In 1971 the Goods moved back to Denver when Bob Good was appointed head of the Graduate School of International Studies at D.U. Nancy worked for Mayor Bill McNichols's Commission on Community Relations (working with John Simonet on police sensitivity training among other issues) and Commission on Aging (where she started the Wise Old Owls gift shop to sell crafts made by seniors). Her proudest accomplishment at this time was helping to start Denver's first Community Gardens project under the leadership of Min Yasui.

In 1976 the Goods moved to Granville, Ohio, when Bob Good became President of Denison University. At Denison, Nancy oversaw a three year renovation of a derelict Victorian building in the center of the campus, which became the Good's residence and the center of social and intellectual life of the university. Bob and Nancy returned to Denver in 1984.

Nancy was a proud longtime Democratic Party activist. She worked on election after election, bringing in cadres of volunteers to elect the Jerry Kopels, Pat Schroeders and Wellington Webbs of Denver. She was a member of the Downtown Democratic Forum, the Social Legislation Committee and the League of Women Voters, and spent her life fighting for positive social change in her community.

It may be for a more light-hearted institution, however, that she will be remembered by generations of Denver children. "Eggnog for Eggheads," a Christmas party, was given by Nancy for 40 consecutive years. The party eventually grew to become an all-day affair with a guest list of over 1,000 attendees including Mayors, Congresswomen and professors who mingled with Nancy's Park Hill neighbors. Kids built houses, castles and other architectural wonders from sugar cubes and frosting in the Goods' basement which were later donated to children in hospitals across the city. In honor of the popular gathering, Mayor Wellington Webb declared "Eggnog for

Eggheads Day" in Denver on December 3rd 1996.

Nancy is greatly missed by friends and family and will be remembered most for her enthusiastic nature, zest for life, and commitment to political and social change and for the great love she had for her children, grandchildren and great-grandchildren.

REMEMBERING THE 30TH ANNI-  
VERSARY OF MARTIAL LAW IN  
POLAND

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. SMITH of New Jersey. Mr. Speaker, I rise today as Chairman of the Helsinki Commission and Co-Chairman of the Congressional Poland caucus, to remember the declaration of martial law in Poland 30 years ago this month, and to pay tribute to the men and women of Poland who triumphed against repression, ultimately helping to bring democracy to a whole continent.

It is well known that in Poland the resistance to communism was particularly broad and deep—Stalin is reputed to have said that trying to impose communism on Poland was like trying to put a saddle on a cow. And so for several decades, Poles pushed back against the dictatorship that had been imposed on their exhausted country at the end of World War II. They pushed back in 1956 when workers from Poznan marched to Warsaw demanding "bread and freedom." They pushed back through actions by students and intellectuals in 1964 and in 1968. And workers took to the streets again in Gdansk in 1970, including one young man named Lech Walesa. Each time the communist government managed to keep itself in power through a combination of force, threats of force, concessions, and by divisively playing one group of Poles off against another group. But never was the Poles' desire for freedom extinguished or even diminished. Indeed it seemed to grow year by year.

In June 1979, when Pope John Paul II made his historic visit to Poland, he urged his countrymen and women: "Be not afraid." A year later, in August 1980, the world stood in awe as shipyard workers struck at the Lenin factory in Gdansk, catapulting an unknown electrician, Lech Walesa, to the world stage. On August 31, Solidarity, the Warsaw Pact's first truly independent trade union was born.

Solidarity, of course, was much more than a trade union. Strikers in Gdansk included in their original 21 demands not only improved working conditions, but respect for freedom of speech and the press, religious liberties, and freedom for political prisoners. Over the next year and a half. Solidarity's card-carrying

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



membership would grow to encompass nearly one-third of Poland's working-age population, but its influence was beyond measure. Moreover, Solidarity ultimately brought together diverse segments of the population—workers and peasants, students and intellectuals—that had not previously worked together for a common cause. And in Solidarity, one could see a nation acting for a high moral purpose, informed by church and conscience, and by a tradition of Polish patriotism.

Inevitably, Solidarity was seen as a threat not only to the communist authorities in Warsaw, but to their taskmasters in Moscow, who escalated pressure on Warsaw to impose a crackdown that would silence the growing movement. At midnight, on December 13, 1981, martial law was declared, and a military government was established. Poland's borders were sealed and its airspace closed. Phone service throughout the country was suspended. The routine sale of gasoline ceased. A curfew was established. Strikes, demonstrations, meetings, and public gatherings were banned. Solidarity was outlawed. Open censorship of mail was introduced and normal radio and television broadcasting was replaced with a loop of General Jaruzelski intoning that Poland was on the edge of an abyss. Tanks rumbled down Warsaw's broad boulevards, and the whiff of tear gas tinged the air.

Approximately 10,000 people were arrested during the Martial Law period, and dozens of people were killed, most notoriously during the "pacification" of the Wujek Coal Mine. The harshest controls were eased within weeks or months and martial law was formally lifted on July 22, 1983, but various forms of oppression continued for years. Many political prisoners were not released until the general amnesty in 1986, 5 years later.

Nevertheless, throughout the 1980s, and notwithstanding martial law, dissent in Poland burgeoned. By 1988, the ability of Solidarity to mount continuing strikes had forced the communist regime to blink—roundtable negotiations between the authorities and the opposition began in early 1988, and the Solidarity movement was formally re-legalized on April 7. When Solidarity's official spokesman, Janusz Onyszkiewicz, testified before me at a Helsinki Commission hearing in September 1988, it was the first time that the Helsinki Commission received testimony from a Warsaw Pact dissident who was actually planning to return to his home country.

The roundtable talks eventually led to an agreement that 35% of the seats in parliament would be freely and fairly contested in the June 1989 elections, and all of the seats would be contested 4 years after that. The die, of course, was cast: when it came time to form a government, Solidarity put forward their own slate of candidates for prime minister. On August 19, 1989, Tadeusz Mazowiecki was elected Poland's first non-Communist prime minister in 40 years. Poland rightly deserves credit for playing a critical role in advancing human rights and democratic forms throughout the entire Warsaw Pact region. In fact, Poland rightly deserves credit for helping to dissolve the Warsaw Pact.

We all remember the fall of the Berlin Wall—one of the greatest moments of the 20th century. Let's not forget that, to a very

great extent, the movement that brought down the Wall was "made in Poland," or at least owes an immense debt to the Poles. For 45 years the Poles took the lead, within eastern Europe, in pushing back on communist rule, testing the limits of what the Soviets would tolerate. In other words, taking the risks. The rhythm of Polish uprisings and mass movements against communism is instructive: in 1944, the Nazis, with nearby Soviet forces blocking allied assistance, crushed the Warsaw Uprising; 12 years later, in 1956, the Poles were rioting again, and they wrung concessions out of the communist government; 12 years later, in 1968–1970, the same thing happened; then six later, in 1976; then 3 years later, in 1979 the visit of the new pope saw what amounted to massive demonstration of support for the Polish Catholic tradition which were at the same time demonstrations against communist tyranny; then 1 year later, in 1980, Solidarity was formed. But as the declaration of martial law demonstrated, the communists would only be able to exercise meaningful control through the use of an ultimately unsustainable degree of force. By the summer of 1989, it was clear that the Poles had stood down the Soviet Union. The communist parties of the eastern bloc were on their own, facing their peoples without Soviet military backing, setting the stage for them all to be swept from power.

So let's remember that from the 1950s through the 1980s the Polish people, acting for high moral purposes—religious freedom, human rights, liberty, solidarity, patriotism—ran great risks—even the risk of another Russian invasion and they succeeded to the enduring benefit not only of their own citizens, but all those around the globe who share those purposes.

At the end of this month, Poland will wrap up its tenure as the president of the European Union. It has come a very long way from the dark days of martial law and I am grateful that, as the United States seeks to promote democracy and human rights around the globe, Poland stands beside us as a leader in this effort.

#### THE KINGDOM OF MOROCCO

#### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Ms. ROS-LEHTINEN. Mr. Speaker, the Kingdom of Morocco is an important strategic partner, and I support its continuing reform efforts to make it a more democratic and prosperous nation. Last month's elections in Morocco were another important step toward building a more democratic and inclusive country. The level of participation in the election of a new parliament demonstrates popular support for this reform agenda.

I support the democratic aspirations of the Moroccan people and encourage its new parliament and government to follow through on constitutional and other reforms to protect fundamental freedoms and human rights.

Additionally, the U.S. must continue to seek a fair, just, and enduring solution to the West-

ern Sahara in order to promote regional integration and protect U.S. security interests in the region.

#### HONORING THE LIFE OF RON LYLE

#### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Ms. DEGETTE. Mr. Speaker, I rise today to honor Ron Lyle, a Colorado resident and professional boxer who passed away late last month.

In Colorado's surprisingly rich boxing history, Lyle stands alongside names like Jack Dempsey and Sonny Liston not only for his success in the ring but for his commitment to giving back to his community after retirement.

His story is one of redemption. Born into a family of 19 children in a downtrodden area of Northeast Denver, Lyle dropped out of school at age 19 and was subsequently convicted of second-degree murder in the death of a local gang-rival. Lyle, who had always been an impressive athlete growing up, learned to box in prison, and was pardoned 7½ years later by Colorado Gov. John Love.

Upon his release, Lyle pursued a career in boxing, winning the National Amateur Union heavyweight championship at age 28 before turning pro at the relatively old age of 29. He won his first 19 bouts, including an impressive 17 of them by KO.

As Lyle's professional boxing career came of age, it did so during the golden-era for heavyweight fighting. The mid-1970's was the time of Muhammad Ali, George Foreman, and Joe Frazier—it was a time when families would gather around the radio or the network television as Howard Cosell narrated the poetic clash of power, resilience and grace that is a heavyweight title fight. During this time, Lyle fought Muhammad Ali, Earnie Shavers, and George Foreman, taking Ali to the 11th round before losing by TKO, knocking-out Shavers in the 6th, and knocking down Foreman twice before suffering a KO late in the 5th. While calling the Lyle-Foreman fight for ABC's "Wide World of Sports," Cosell remarked "it's not artistic, but it is slugging!"

Lyle retired from boxing in 1980, and then attempted a brief comeback in 1995, when he won four more fights. After retirement he dedicated himself to coaching boxing in his old neighborhood, hoping to give children the same opportunities that boxing had afforded him. On most any given afternoon he was down at the Salvation Army Red Shield Center in Denver's Five Points neighborhood, coaching at the boxing program that bore his name and teaching not just the right jab and left hook, but also the discipline and focus that allowed him to go toe-toe with the great heavyweights of his era.

Mr. Speaker, Ron Lyle was an inspiration to our community—a role model whose impressive 43–7–1 record nonetheless does not do justice to what he meant to those around him. He will be sorely missed, but his legacy will continue to shape young boxers and help write the next chapter in Colorado's boxing history.



# HONORING THE LIFE AND PUBLIC SERVICE ACHIEVEMENTS OF FRANKLIN FRYER

## HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 19, 2011

Mr. KEATING. Mr. Speaker, I rise today to recognize the dedicated service of Franklin Fryer. In his 57 years of service to the Town of Weymouth, Massachusetts, Franklin helped advance many important initiatives and tirelessly served his community. Now at age 90, as he celebrates his retirement from public life at the end of this month, I am proud to join family, friends, colleagues, and community leaders in thanking him for his many years of commitment to the Commonwealth of Massachusetts.

Franklin is that rare individual who dedicates his entire life's work to public service. After bravely serving as a Marine in World War II, he returned to his native Weymouth to continue his civic service. In 1955, he was elected to the Board of Selectmen, where he served until 1973. Three years later, Franklin was elected Town Clerk, a position he has held ever since. But those are just the positions he held; they don't speak to the countless hours and services he has dedicated to his community in excess of his job. Franklin is a reflection of all that we hope and expect community leaders to be. The Town of Weymouth would not be the same without him, so it was a fitting tribute that the office where he had been working for the past 12 years was renamed in his honor. Franklin's retirement marks the end of an era for the Weymouth community.

Mr. Speaker, it is my honor to recognize Franklin Fryer for his dedication to the people of Weymouth, Massachusetts. He is an excellent role model for young adults, a leader for his fellow community members and a shining example of what it means to be a public servant. I ask my colleagues to join me in wishing him many more years of health and happiness.

## A CHANUKA MESSAGE

### HON. E. SCOTT RIGELL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 19, 2011

Mr. RIGELL. Mr. Speaker, I rise today to enter a statement into the RECORD on behalf of my constituent, Dr. Israel Zoberman. Dr. Zoberman is the Founding Rabbi of Congregation Beth Chaverim in Virginia Beach, Virginia. He is also the president of the Hampton Roads Board of Rabbis and Cantors. Dr. Zoberman asked me to enter the following remarks into the RECORD regarding Chanuka. Dr. Zoberman's statement follows.

Chanuka's origins in the drama of a small people standing up to the might of the Hellenistic empire of antiquity is a poignant symbol and a timeless reminder of Israel's unique and timely legacy. The Maccabees' successful revolt in 167 B.C.E. against the dictates of King Antiochus IV that sought to deprive the Jews of practicing their faith,

was truly a stance of a proud conscience. Our refusal to submit to a superior physical power when our spiritual inheritance was at stake, is a clear indication of how deep a bond we held with our religious convictions, ready to sacrifice the sacred gift of life for the sake of an ancestral covenant with the God of Freedom and Responsibility.

The word Chanuka and its very meaning represent the spirit of dedication to noble ideals and ideas through the cleansing of Jerusalem's temple of old from pagan defilement. The Talmud's insisting focus on the miracle of the cruse of oil lasting eight days reflects the Rabbis' aversion to the bloodshed and the Hasmoneans' intra-political strife, associated with the war and beyond. Consequently, the Book of the Maccabees was not included in our own Biblical canon but was fortunately preserved through the Catholic one. In truth, the conflict was not only against the enemy from without, but also in response to the experienced assimilation from within. The encounter with the dominant, flourishing and tempting Greek culture led, however, to a fruitful engagement influencing Rabbinic thought and logic.

The flickering lights of Chanuka have come to represent through centuries of trying suffering the miracle of Jewish survival in spite of great odds, while endowing the human family with an enduring, undying hope for a world transformed and redeemed. Let us continue to pray and labor that the ancient promise of prophetic Shalom from the hills of Judea, the first such inspiring and courageous message of universal embrace, will yet be realized for all of God's children including the offspring of Isaac and Ishmael whose familial bond cannot be denied. How frustrating that there are Palestinian leaders attempting to re-write history by removing the incontrovertible Jewish connection with the Temple Mount, seeking to extinguish Chanuka's authenticity.

As our American nation, the State of Israel and the entire free world fight the blight of contemporary terrorism with Iran begrudging the Maccabean victory leading the way, much can be learned from the Maccabees' old and new saga and spirit. The terrorists negate the life-enlightening, pluralistic and inclusive principles of Chanuka's bright Menorah daring to challenge the darkness. All humans have now become like vulnerable Jews yet empowered with our people's indomitable faith and heroic example to face an oppressive foe—physically, spiritually, and psychologically—and prevail.

## HAROLD ANDERSON TRIBUTE

### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 19, 2011

Mr. TIPTON. Mr. Speaker, I rise today in honor of Mr. Harold Anderson, President of the Board of the Costilla Conservation District. Mr. Anderson was inducted into the Colorado Association of Conservation Districts' Conservation Hall of Fame on November 16, 2011.

Mr. Anderson, of Jaroso, Colorado, is known among his peers for his dedication to his duties, knowledge of the area's most important issues, and reliability. He is a tireless supporter of the farmers and ranchers that

form the bedrock of his community, and works with fellow board members to keep the focus on what they can do for Costilla County. Friends say that he is "a heck of a cattle hauler, too."

Since his appointment to the Board in 1999, Mr. Anderson has earned a reputation for making things happen, whether it's a community event, scholarship program, or teaching workshop. During a difficult time full of management turnover, he kept the District on firm footing, often by assuming extra duties.

Mr. Anderson's family has been a part of the San Luis Valley for generations, beginning when his grandfather moved into the farmhouse where they still reside in the late 1920s. He has been married to his wife Kathy for 39 years, and together they raised a son and two daughters. Harold is a member of the numerous local boards, committees, and cattlemen's associations, and was appointed by Secretary of the Interior Ken Salazar to serve on the Rio Grande Natural Habitat Initiative.

Mr. Speaker, it is an honor to recognize Mr. Harold Anderson. I rise today to thank him for his public spirit and devotion to the conservation needs of Costilla County, Colorado.

## RECOGNIZING THE 90TH ANNIVERSARY OF THE FORT WALTON BEACH GENERAL FEDERATION OF WOMEN'S CLUB

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 19, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to congratulate the Fort Walton Beach General Federation of Women's Club on their 90th Anniversary. For nearly a century, the Fort Walton Beach General Federation of Women's Club has served the Northwest Florida community with continuous benevolence.

The Fort Walton Beach General Federation of Women's Club's history dates back to the early 1900s, when a group of women pioneers and settlers assembled to address community needs. They provided local law enforcement when no other authority existed, medicinal services when a doctor was not available, and food and clothing for children and families in need. The group also founded both a medical clinic and a public library, and to this day, the Fort Walton Public Library provides vital services to the community.

The Fort Walton Beach General Federation of Women's Club is well known for their many invaluable contributions to the arts, environment, education, domestic violence prevention, home life, and our nation's veterans. The Club's commitment to providing resources to our veterans and their families is invaluable to the Northwest Florida community and serves as a shining example for others. As Chairman of the House Committee on Veterans' Affairs, I understand the vital importance of serving those who have worn the uniform, and I am extremely grateful for the patriotic and dedicated service that the Club offers to Northwest Florida's veterans.

On behalf of the United States Congress, I congratulate and offer thanks to the Fort Walton Beach General Federation of Women's

Club on 90 years of exemplary service. My wife Vicki joins me in offering our best wishes to the Women's Club for their success as they continue to carry out their laudable mission and for their dedication to bettering the lives of those around them.

**HONORING SUMMERVILLE HIGH  
SCHOOL JAZZ @ 8 ADVANCED  
JAZZ CHOIR**

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the Summerville High School Jazz @ 8 Advanced Jazz Choir for their exceptional performance at the 2011 U.S. Capitol Christmas Tree.

The Jazz @ 8 Advanced Jazz Choir has a 30-year history of outstanding performances. This year, the 18-member group is comprised of 10 girls and 8 boys, ranging from sophomores to seniors. The members, Camille Berringer, Adria Britton, Ian Britton, Joaquin David, Tonysha Hadden, Justin Jones, Kai Kellerman, Karissa Kinkle, Max Kohl, Sam Kohl, Charlie McClung, Hank Miller, Maeve Moriarty, Mikayla Murry, Morgan Murry, Rebekah O'Kelley, Aubreana Woodworth, and Autumn Worden are students of Summerville High School and the Connections Visual and Performing Arts Academy. This educational facility was established 10 years ago on the Summerville campus to support the interests of students in visual and performing arts. Jazz @ 8 is directed by Madeline Young, the vocal music and drama director and teacher. Throughout the school year, this group performs at many community and school events, including parades, veteran ceremonies, luncheons for service groups, benefit dinners, and at local football and basketball games.

The invitation to perform in Washington D.C. was a distinguished honor, and the students rehearsed every day to prepare. Accompanying the group to Washington, D.C. was Diana Harford, Principal of the Connections Visual and Performing Arts Academy and David Urquhart, Principal of Summerville High School. The Tuolumne County community, which is a small, rural community in the Sierra Nevada foothills of central California, was enormously generous and supportive of the students, the program and the school, providing the entire funding for the students to be able to make this once in a lifetime trip. In a very short amount of time, generous contributions ranging from \$20 to over \$6,000 were received to raise the \$20,000 to cover all the costs for the four-day trip. Large donors include Summerville High School Foundation, Sonora Area Foundation, Black Hats, and Black Oak Casino.

In addition to the tree lighting performance, the talented group of young adults performed at the White House for two hours during public tours and the Library of Congress during the 2011 Capitol Christmas Tree Lighting Ceremony reception hosted by the California State Society and sponsored by Southern California Edison.

Mr. Speaker, please join me in honoring and commending the Summerville High School Jazz @ 8 Advanced Jazz Choir on this accomplishment, and for representing the city and county of Tuolumne in such a positive light.

**RECOGNIZING DANIEL MAUGHAN,  
BOY SCOUTS OF AMERICA HER-  
OISM AWARD RECIPIENT**

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. MARCHANT. Mr. Speaker, it is my distinct pleasure to recognize Daniel Maughan of Euless, Texas, for receiving the Boy Scouts of America (BSA) Heroism Award. The Heroism Award is the third-highest award presented by BSA for lifesaving and meritorious action. This award is reserved for individuals who have demonstrated heroism and skill in saving or attempting to save a life. Since the award's inception in 1923, Boy Scouts of America has only awarded approximately 3,500 recipients this distinguished honor.

On May 15, 2011, Daniel's father, Mike Maughan, Ph.D., suffered a heart attack due to an unknown blood clot that quickly traveled to his pulmonary artery. In an act of heroism, Daniel performed CPR on his father, sustaining his life until paramedics arrived on scene. Due to the trauma caused by the blood clot, Mike later passed away with his family by his side. Mike was an avid supporter of the Boy Scouts and a mentor to many young men in scouting.

Daniel has earned numerous Boy Scout honors including the rank of Eagle Scout—the highest rank in the Boy Scout organization—and the Silver Palm. Currently, Daniel is a freshman at the Milwaukee School of Engineering, where he is pursuing a Bachelor's Degree in mechanical engineering and is a member of the rowing team.

Mr. Speaker, it gives me great pride to represent a hero like Daniel. I ask all my colleagues to join me in honoring Daniel for his courageous acts of bravery.

**OUR UNCONSCIONABLE NATIONAL  
DEBT**

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,099,497,460,357.58. We've added \$10,298,092,285,063.30 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have been avoided with a balanced budget amendment.

**INTRODUCING THE AFFORDABLE  
MORTGAGE FOR HOMEOWNERS  
ACT**

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Affordable Mortgage for Homeowners Act. This bill would reduce the interest rate on all mortgages owned or guaranteed by Fannie Mae or Freddie Mac to the current—and more affordable—interest rate, which averages four percent.

As our nation is recovering from the worst recession and housing crisis in decades, millions of homeowners continue to struggle to make their mortgage payments and keep their homes. Approximately 22 percent or 10.7 million of homeowners owe more on their mortgages than their homes are worth. In 2011, two million households received a foreclosure filing. Furthermore, the total mortgage debt overhang in the United States approaches \$700 billion dollars. The state of Florida is by far one of the hardest hit regions in the country.

During the height of the subprime mortgage crisis in 2008, many recognized that it was the predatory lending practices of mortgage lenders that pushed millions of homeowners to purchase homes they could not afford. Today, millions of responsible homeowners have underwater mortgages, because of these unscrupulous lending practices and declining home values. I refuse to let American families struggle through no fault of their own.

While the U.S. government has established programs to help homeowners who are both current and in default on their mortgages, it has not been enough. Indeed, many households did not qualify for these programs or were not aware of their existence. My bill will fix this problem by requiring Fannie Mae and Freddie Mac to reduce the interest rate on all the mortgages they own to the current interest rate, which averages four percent. Homeowners who have a better mortgage product or want to opt out will be exempted. My bill is the first program that will directly help millions of homeowners and address the housing crisis comprehensively.

Mr. Speaker, homeownership is a central part of the American dream. Ensuring that people are able to maintain this critical investment is essential to achieving sustainable growth and economic development in our communities. Millions of responsible Americans continue to bear the cost of this economic crisis. I find this to be unacceptable. They deserve fair and affordable mortgages that allow them to plan for the future. This is why I urge my colleagues to take a major step towards ending the housing crisis and support this important legislation.

HONORING STANISLAUS NATIONAL  
FOREST SERVICE**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Stanislaus National Forest Service for supplying the 2011 U.S. Capitol Christmas Tree. No season generates more enthusiasm, heightened sense of good will, deeper traditions, and economic benefits than the annual Christmas season, and the Stanislaus National Forest Service provided the single and most beautiful symbol of the season—the Christmas Tree.

This year, Speaker of the House JOHN BOEHNER hosted the tree lighting ceremony on the West Front Lawn of the United States Capitol Building on Tuesday, December 6. Seven-year-old Johnny Crawford from Sonora, California was the lucky child who flipped the switch and turned on the 10,000 LED lights that illuminated the tree.

Since 1970, it has become an honor for one of the National Forests to be asked to provide the Capitol Tree. The appointed National Forest, in turn, engages help from diverse partners throughout its respective State. The opportunity to provide the Capitol Christmas Tree becomes a state-wide celebration and civic event, leaving a lasting impression on all who are fortunate enough to be involved.

2011 is only the fourth time California has provided the U.S. Capitol Christmas Tree—the last time was in 1995. Known as “The People’s Tree,” the 2011 Capitol Christmas Tree was harvested from the Stanislaus National Forest located in the Central Sierra Nevada Mountains.

The Forest Service recommended 15 trees to the Superintendent of the U.S. Capitol Grounds, Ted Bechtel, in late August of 2011. He made his final decision after a good night’s sleep. Several aspects are taken into account during the selection, including the shape and fullness of the tree, the tree color and foliage condition, and species characteristics of needle retention and branch pliability. Of course, access to the tree for ease of cutting, loading, and transporting are also considered.

This year’s 118-year-old Sierra White Fir tree is 63 feet tall. It weighs 8,300 pounds and traveled 4,280 miles from California to Washington, D.C. Along the way, it made 23 stops; 13 in California and 11 across the nation. An additional 100 companion trees were delivered to the capital and placed in federal offices and congressional offices. They also transported the tree donated by the Tuolumne Band of Me-Wuk Indians to the Smithsonian’s National Museum of the American Indian. The tree’s arrival received international press and showed the rest of the world that our nation has the freedom to celebrate a religious holiday at the Capitol.

In addition, the Stanislaus National Forest Service held a Statewide Song Search and Art Contest. They collected 2,500 outdoor and 2,200 indoor Christmas ornaments made by Californians for the Tree. The use of recycled and natural materials was encouraged. Also, they conducted a food drive for Gallup, New

Mexico, the third poorest city in the nation. The statewide food drive involved several food banks from throughout the state that donated a pallet of food as well as collected food at every stop made in California. The food was transported to Gallup, New Mexico, and the community was very appreciative of the more than 14 pallets of food that the team delivered on November 16.

The Stanislaus National Forest also coordinated all the donations to fund the harvesting, transport, and tour of the U.S. Capitol Christmas Tree. Additionally, there were many that assisted in the momentous occasion that made it possible. Special recognition should go to Maria Benech, 2011 U.S. Capitol Christmas Tree Coordinator, who worked tirelessly on the project. Central Sierra Arts Council helped with the statewide song search and Art Competition. Gini Siebert of Out of Hand helped create over 1,000 clay ornaments for the Tree and the indoor trees by garnering donations from Sonora businesses to pay for classroom art projects. The Sonora Garden Club made the 48 sprays that were given as gifts at each community the Tree visited across the United States. Fire on the Mountain were critical in the November 5 Tree Cutting Celebration in Sonora. Mark Patton, Frank Gilbeau, and Danny Hess cut and laid the Tree down on the special cradle without breaking a branch in the 17 degree weather. The City of Sonora hosted a parade and escort on November 5. And finally, Cal Trans and CHP who helped the Stanislaus National Forest Service move the tree from Point A to Barstow.

Mr. Speaker, please join me in honoring and commending the Stanislaus National Forest Service for a job well done in supplying the 2011 U.S. Capitol Christmas Tree.

## HONORING DAN TERRELL

**HON. TODD ROKITA**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. ROKITA. Mr. Speaker, it is my great privilege as the representative of Indiana’s Fourth District to rise and pay tribute to Mr. Dan Terrell, mayor of Mitchell, Indiana.

Mayor Terrell is a man of deep civic conviction, a loving father of 6, and a devoted grandfather of 17.

Dan Terrell was born in Mitchell, Indiana, and has remained there his entire life. He has never lost the small town conservative spirit that growing up in the Heartland of America gave him.

Following his retirement from the Canadian Pacific Railroad, Dan Terrell was ready to concentrate fully on helping his hometown overcome challenges that so many small cities and towns have faced: lost businesses, sidewalks that were unsafe or non-existent, infrastructure in total disrepair, drinking water barely able to pass State regulations. During Mayor Terrell’s four years in office these, and many other concerns, have not only been addressed but have been corrected.

Besides the tangible accomplishments, his representation of the city as he traveled

throughout Indiana offered his constituents a mayor they could be proud of.

His leadership and vision will be truly missed as he leaves the mayor’s office. His love and his devotion for his hometown will continue. Mr. Speaker, it has been a true honor to stand in tribute and offer my thanks to the civic service of Mayor Dan Terrell, one of Indiana’s best mayors and my close friend.

RECOGNIZING MR. TODD LAVOGUE  
AND HIS STUDENTS AS HAS-  
TINGS’ HEROES**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize Mr. Todd LaVogue and the students in his social studies class at Roosevelt Middle School in West Palm Beach. Mr. LaVogue recently engaged his students in Amnesty International’s letter-writing campaign for human rights. Mr. LaVogue and his students joined people of good conscience around the world in writing letters to government officials in many countries, urging them to release political prisoners and prisoners of conscience. The students were able to see what such efforts can accomplish when the government of the nation of Myanmar released opposition leader Aung San Suu Kyi after many years of house arrest.

By expressing their concern for people improperly and unfairly held in captivity by authoritarian governments around the world, Mr. LaVogue and his students are shining examples of the best in humankind. They are people deserving of respect and admiration from all of us.

Mr. Speaker, I am very proud of Mr. LaVogue and his students, and I am pleased to name them true Hastings’ Heroes.

HONORING TUOLUMNE BAND OF  
ME-WUK INDIANS**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the Tuolumne Band of Me-Wuk Indians for the integral part they played in bringing the 2011 U.S. Capitol Christmas Tree to Washington, DC.

Since 1970, it has become an honor for one of the National Forests to be asked to provide the Capitol Tree. The appointed National Forest, in turn, engages help from diverse partners throughout its respective State. The opportunity to provide the Capitol Christmas Tree becomes a state-wide celebration and civic event, leaving a lasting impression on all who are fortunate enough to be involved.

2011 is only the fourth time California has contributed the U.S. Capitol Christmas Tree, the last time was in 1995. Known as “The People’s Tree,” the 2011 Capitol Christmas Tree was harvested from the Stanislaus National Forest located in the Central Sierra Nevada Mountains. The Tuolumne Band of Me-

Wuk Indians performed a blessing of the tree prior to it being harvested. The members of the tribe cut and laid the tree down on a special cradle without breaking a branch in the frigid 17 degree weather.

In addition to assisting with the harvesting and blessing of the 2011 Capitol Christmas Tree, the Tuolumne Band of Me-Wuk Indians also harvested and blessed their own tree. The 20-foot tall White Spruce was hand-picked by the Elders to be donated to the Smithsonian's National Museum of the American Indian. It is the first time that a Native American tribe from California has donated a tree to the museum. It traveled 4,280 miles from California to Washington, DC making 23 stops along the way. At two of the stops, the Me-Wuk's had tribal gift exchanges with two other Indian tribes. The tree's arrival received international press and showed the rest of the world that our nation has the freedom to celebrate a religious holiday at the Capitol.

A notable moment for the Tuolumne Band of Me-Wuk Indians was being able to perform a tribal dance in the Library of Congress. Their performance marks the first time that a Native American tribe has danced in the historic building. The dancers that participated were Robert Millis, Louis Millis, Robert Burciaga, Miguel Campos, Joey Guinn, Shanta Millis, Tricia Guinn, Heather Palmer, Darla Berg, Janell Lavell, Melissa Wiest, Lucy Parker, and Ursula Jones. Special Recognition should be extended to Reba Fuller, the Tuolumne Band of Me-Wuk Indians Government Specialist, who worked tirelessly on the project and traveled with the tree until it was properly placed.

Mr. Speaker, please join me in honoring and commending the Tuolumne Band of Me-Wuk Indians for their historic journey with the 2011 U.S. Capitol Christmas Tree.

#### RECOGNIZING NATIONAL HOMELESS PERSONS' MEMORIAL DAY

##### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize National Homeless Persons' Memorial Day, which will be observed on December 21, 2011. This day has been observed annually since 1990 to remember those who have lost their lives due to the tragedy of homelessness, and to bring attention to the need to end homelessness. Last December, the House of Representatives passed H. Con. Res. 325, a resolution that I introduced that supports the goals and ideals of National Homeless Persons' Memorial Day. I am proud to recognize this important day again this year, and express my deepest sympathies to those who have lost loved ones to this tragedy.

The current state of our economy has greatly exacerbated national homelessness. It is estimated that over half a million people experience homelessness on any given night in the United States. Of those in the homeless population, 12 percent are veterans, and 17 percent are considered chronically homeless. These numbers highlight the fact that we are

witnessing a growing human rights crisis right here at home. This is a crisis that cannot be ignored.

Mr. Speaker, as Co-Founder and Co-Chairman of the Congressional Caucus on Homelessness, I understand that we must and can do more to end homelessness. I urge my colleagues to join me in recognizing National Homeless Persons' Memorial to prevent and end homelessness.

#### HONORING G. KENNETH CARPENTER AND HAROLD FARRINGTON, JR., ON THEIR INDUCTION TO THE VETERANS HALL OF FAME

##### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. COURTNEY. Mr. Speaker, I rise today to honor, recognize, and congratulate G. Kenneth Carpenter and Harold Farrington, Jr., on their induction into the Veterans Hall of Fame.

In 1967, Kenneth volunteered to serve his country in Vietnam. After returning home, he found his calling and joined the clergy. During his 25 years as Senior Minister at Mystic's Union Baptist Church, Mr. Carpenter dedicated himself to his community. He helped found the Mystic Area Shelter & Hospitality, providing a safe haven to more than 800 people and preventing hundreds more from becoming homeless. He also led the group that created the Sunshine Kitchen in Groton, which served free meals to local people in need for 18 years. In addition, Mr. Carpenter co-founded the Southeastern Connecticut Clergy Association to encourage people of different faiths to work together and volunteered to counsel veterans suffering from post-traumatic stress disorder.

Harold Farrington, Jr., served in the Army's combat infantry in Vietnam. In 1968, he returned home after a mortar round blew up in his left hand. Mr. Farrington spent five years undergoing painful bone and skin grafts and tendon transplants. Harold was so impressed with the care he received from the Veterans benefits counselor that he decided to go work for the U.S. Department of Veterans Affairs. Over the next 30 years, Mr. Farrington was dedicated to ensuring that veterans and their families were able to receive the disability compensation, benefits, and services to which they were entitled. Harold established Veteran's Services offices at the Naval Submarine Base in Groton, the Coast Guard Academy in New London and the Naval Station in Newport, RI, to help service-members transition to civilian life.

The exemplary contributions that G. Kenneth Carpenter and Harold Farrington, Jr., have made to their communities after leaving the military, have earned them a place in the Veterans Hall of Fame. Mr. Speaker, I ask that my colleagues join me in congratulating these two men and applauding their dedication to serving Connecticut and the nation.

#### RECOGNIZING THE REPUBLIC OF CHINA'S CENTENNIAL NATIONAL DAY

##### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the Republic of China's many successes and to express my congratulations on their Centennial.

In 1911 the Wuchang uprising gave birth to the Republic of China, becoming the first nation in the ethnic Chinese world where democracy would take root. After the revolution, Dr. Sun Yat-sen vowed to the people that they would build a strong and prosperous nation under a democratic government. Although that dream was not achieved before his death, his ideas continued to live on. Today, Taiwan celebrates freedom and democracy and enjoys a prosperous economy. As a loyal friend of the United States, we affirm our continued commitment to Taiwan's security and look forward to only strengthening our relationship.

On behalf of the United States Congress, I congratulate the Republic of China on its many accomplishments over the past 100 years and invite my colleagues to join me in celebration. My wife Vicki joins me in offering our best wishes to the people of Taiwan for their continued prosperity.

#### HONORING THE NANTUCKET HIGH SCHOOL FOOTBALL TEAM

##### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. KEATING. Mr. Speaker, I rise today to honor the Nantucket Whalers in my district who represented their communities in the Massachusetts Interscholastic Athletic Association's (MIAA) annual Super Bowls. The teams from Bourne High School, Dennis-Yarmouth Regional High School, Duxbury High School, Mashpee High School, and Nantucket High School won five of the nine Super Bowls across the State, demonstrating a true commitment to excellence in Massachusetts' 10th District. Since 1978 when the MIAA first regulated athletic events in the Commonwealth, these tournaments have highlighted the dedication and discipline of our State's high school football teams, and the five teams from the 10th Congressional District, who won their division Super Bowls, are wonderful examples of the best of high school sports.

I am certain that the student-athletes on Nantucket's high school football team will take the valuable lesson of teamwork they have learned and translate it into many successes in the future. This is a tremendous achievement for the school, coaches and players, and I congratulate them on making everyone in their communities, including myself, proud.

I would like to take a moment to now recognize each of the hardworking athletes, their coach, and assistant coaches for their achievements both on and off the field:

From Nantucket High School (by alphabetical order):

Jake Adams, Oscar Andersen, Keegan Bartlett, Andrew Benson, Victor Boucher, Valentino Coleman, Matt Correia, Terrel Correia, Bryan Depass, Sam Earle, Hunter Gray, Shane Hanlon, Stephen Harris, Jon Holdgate, Thomas Holdgate, Taylor Hughes, Jacob Martinson, Zach Moran, Dylan O'Connor, Tanner O'Keefe, Jake Pearl, Codie Perry, Dylan Perry, Jack Pitts, Alex Rezendes, Colton Robinson, Will Sarnie, Marshall Slade, Ian Smith, Joe Tallman, Trent Valero, Cooper Voigt, Jon Vollans, Zach VonKampen.

Bill Manchester, Head Coach; Beau Almodobar, Assistant Coach; Vaughan Machado, Assistant Coach; Steve Murphy, Assistant Coach; Tim Psaradelis, Assistant Coach; Travis Lombardi, Assistant Coach; Bob Kessler, Assistant Coach; Matt Erisman, Assistant Coach.

# HONORING THE DENNIS-YARMOUTH HIGH SCHOOL FOOTBALL TEAM

## HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. KEATING. Mr. Speaker, I rise today to honor the Dennis-Yarmouth Dolphins in my district who represented their communities in the Massachusetts Interscholastic Athletic Association's (MIAA's) annual Super Bowls. The teams from Bourne High School, Dennis-Yarmouth Regional High School, Duxbury High School, Mashpee High School, and Nantucket High School won five of the nine Super Bowls across the state, demonstrating a true commitment to excellence in Massachusetts' 10th District. Since 1978 when the MIAA first regulated athletic events in the Commonwealth, these tournaments have highlighted the dedication and discipline of our state's high school football teams, and the five teams from the 10th Congressional District, who won their division Super Bowls, are wonderful examples of the best of high school sports.

I am certain that the student-athletes on Dennis-Yarmouth's high school football team will take the valuable lesson of teamwork they have learned and translate it into many successes in the future. This is a tremendous achievement for the school, coaches and players, and I congratulate them on making everyone in their communities, including myself, proud.

I would like to take a moment to now recognize each of the hardworking athletes, their coach, assistants and managers for their achievements both on and off the field:

From Dennis-Yarmouth Regional High School (by number):

1—Damion Johnson, 2—Quan Lovett, 3—Kent Metz, 4—Rufus Hamilton, 5—Spencer Tyler, 6—Mike Dunn, 7—Mathew Montalto, 10—A.J. Breault, 11—Jeremy Lucyk, 12—Steven Azor, 13—Kyle Stephens, 14—Spencer McCaffrey, 15—Mike Anderson, 16—Ryan Barabe, 17—Liam Matheson, 18—Jacob Pawlina, 20—Ben Chapakso, 21—Sean Iliffe, 22—Dylan Hodsdon, 23—Cory Desimone,

24—Kenneth Couture, 25—Gandin McCaffrey, 30—Joe Furness, 33—Cooper Greenspon-Sullivan, 35—Tom Dasilva, 44—Chase Orava, 45—Mathew Peterson.

50—Liam Breen, 51—Quinn Campbell, 52—Eduardo Seabra-Amancio, 53—Dan Robles, 54—John Downs, 55—John Terrio, 56—Casey Allen, 57—Barry Dempsey, 58—Mathew Quattrucci, 59—Hunter Oppedisano, 60—Anthony Burke, 61—Tristen O'Leary, 63—Anthony Daly, 65—Spike Elizondo, 66—Chip Evangelista, 67—Arthur Hairston, 68—Zach Mancini, 69—Nick Coelho, 70—Andrew Robles, 71—Morgan Rosetta, 72—Kyle Pina, 73—Justin Haley, 74—Mike Alker, 75—Shane Lappen, 76—Ryan Donahue, 77—Tommy Kennedy, 78—Joe Tyo, 79—Dillon Collins, 84—Will Campbell, 87—Jason Lavallee, 88—Thomas Cooper, 90—Raheem McFarlane, Jake Campbell, Nick Warne, Devan Smith, Matt Perrino, Jeff Romulus, Ziad Kamel.

Coach: Paul Funk; Assistants: Tom Campbell, Chris Capobianco, Ross Jatkola, Matt Crossetti, Joe Jamiel, Nick Montalto, Dave Hamshire, Derick Rodrigues, John Terrio, Bob Montalto, Chris Corna; Managers: Joe Elliot and Zack Hardigan.

# UNIVERSITY OF LOUISIANA-LAFAYETTE RAGIN' CAJUNS RIDE TO NEW ORLEANS BOWL VICTORY

## HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. BOUSTANY. Mr. Speaker, I rise today to congratulate the University of Louisiana-Lafayette Ragin' Cajuns football team for a thrilling victory in this past Saturday's R+L Carriers New Orleans Bowl. Kicker Brett Baer's 50-yard field goal as time expired lifted the Ragin' Cajuns to a come-from-behind victory over the San Diego State Aztecs in dramatic fashion.

Junior quarterback Blaine Gautier threw for three touchdowns and 470 yards, an R+L Carriers New Orleans Bowl record for passing yardage. Playing in its first bowl game in 41 years, the Ragin' Cajuns did not disappoint its fan base. The last-second field goal propelled the team to its first ever Division I FBS bowl victory.

I would like to congratulate Coach Mark Hudspeth, the Ragin' Cajuns football team, and the entire University of Louisiana-Lafayette family for a successful season and a job well done. GEAUX CAJUNS!

# HONORING THE MASHPEE HIGH SCHOOL FOOTBALL TEAM

## HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Mr. KEATING. Mr. Speaker, I rise today to honor the Mashpee Falcons in my district who represented their communities in the Massachusetts Interscholastic Athletic Association's (MIAA) annual Super Bowls. The teams from Bourne High School, Dennis-Yarmouth Re-

gional High School, Duxbury High School, Mashpee High School, and Nantucket High School won five of the nine Super Bowls across the state, demonstrating a true commitment to excellence in Massachusetts' 10th District. Since 1978 when the MIAA first regulated athletic events in the Commonwealth, these tournaments have highlighted the dedication and discipline of our state's high school football teams, and the five teams from the 10th Congressional District, who won their division Super Bowls, are wonderful examples of the best of high school sports.

I am certain that the student-athletes on Mashpee's high school football team will take the valuable lesson of teamwork they have learned and translate it into many successes in the future. This is a tremendous achievement for the school, coaches and players, and I congratulate them on making everyone in their communities, including myself, proud.

I would like to take a moment to now recognize each of the hardworking athletes, their coach, athletic director, team doctor, assistants, as well as the school administration for their achievements both on and off the field:

From Mashpee High School (by number): 2—John Williams, 3—Cody Bingham-Hendricks, 4—Xavier Penveluar, 5—Devin VanGelder, 6—Jake Martini, 6—James Murphy, 7—Zack Orcutt, 9—Tyler Gaudreau, 12—Chris Pearson, 14—Tyler Lawlee, 18—Jordan Keliinui, 20—Robbie Hendricks, 22—Larry Green, 23—Zack Buckley, 24—Kevin Frye, 28—Robert Andrade, 30—Kameron Clark, 31—Jared Taylor, 36—Kyle Murrury, 40—Xavier Rose, 44—John Benard, 47—Sam Elichalt, 50—Aaron Roderick, 52—Hayden Kilpatrick, 53—Ethan West, 56—Kris Carpenter, 59—Travis Parslow, 62—Dan Miklos, 70—Anthony Sylvia, 76—Matt Miller, 76—Kevin Wilson, 77—Graham Kilpatrick, 79—Nathan Chrzanowski, 80—Tea Moulton-Childs, 81—Alexander Clark, 90—Jorgen Danielson, Devin McDaniel.

Head Coach: Matthew Triveri.

Assistants: Mark Balestracci, Patrick Ball, Mark Doucette, Chris Rendigs.

Volunteers: Mike Mullen, John Moreno, Pat Merrick.

Athletic Director: Mike Horne.

Trainer: Courtney Briggs.

Team Doctor: Rich Mosychuk.

Principal: Jane Day.

Superintendent of schools: Ann Bradshaw.

# HONORING THE BOURNE HIGH SCHOOL FOOTBALL TEAM

## HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. KEATING. Mr. Speaker, I rise today to honor the Bourne High School Canamens in my district who represented their communities in the Massachusetts Interscholastic Athletic Association's (MIAA) annual Super Bowls. The teams from Bourne High School, Dennis-Yarmouth Regional High School, Duxbury High School, Mashpee High School, and Nantucket High School won five of the nine Super Bowls across the state, demonstrating a true commitment to excellence in Massachusetts' 10th

District. Since 1978 when the MIAA first regulated athletic events in the Commonwealth, these tournaments have highlighted the dedication and discipline of our state's high school football teams, and the five teams from the 10th Congressional District, who won their division Super Bowls, are wonderful examples of the best of high school sports.

I am certain that the student-athletes on Bourne's high school football team will take the valuable lesson of teamwork they have learned and translate it into many successes in the future. This is a tremendous achievement for the school, coaches and players, and I congratulate them on making everyone in their communities, including myself, proud.

I would like to take a moment to now recognize each of the hardworking athletes, their coach, assistants and athletic director for their achievements both on and off the field:

From Bourne High School (by number):

3—Nigel Jackson, 5—Nick Pereira, 7—Tyler Ruggiero, 9—Geoffrey Hite, 10—Jason Moriarty, 11—Terrell Rogers, 12—Jovier Nivar, 14—Zach Songer, 21—Chad Marsh, 24—Marquesse Rhodes, 30—Tyler Benotti, 32—Christopher Mayer, 34—Jake Achstetter, 35—Michael Stephens, 60—Connor Collett, 48—Team Captain Joe Epps, 50—Kyle Voss, 51—Dan DiMonda, 55—Brandon Boisvert, 56—Team Captain Jack Schmitt, 57—Manny Pereira, 58—Colin Lanoie, 61—Cody Black, 62—Justin Breton, 63—Tripper Johnson, 64—Tommy Davis, 66—Robert Hodgkinson, 70—Andrew Veliotis, 72—Zachary Keif, 74—Pat Sullivan, 75—Corey Travers, 76—Mike Raftery, 77—Connor Schmitt, 81—Dillon Woodside, 85—Team Captain Drew Girouard, 88—Kent Murtaugh.

Coach: John McIntyre; Assistants: Dave DeFelice, James Lanoie, Terry Donovan, Brent Lyden, Craig Davidson; Athletic Director: Scott Ashworth.

#### HONORING ROBERT F. HALSCH

#### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor my dear friend, Robert F. Halsch, in honor of his 30th anniversary with the Bergen County Community Action Partnership.

Since 1984, Bob has provided exceptional leadership to this multi-faceted anti-poverty organization. As Executive Director he is responsible for supervising 250 employees who run programs related to health, housing, men-

tal health, substance abuse, education, child care, Head Start, immigration, nutrition, energy, asset development, and economic and community development.

Highlights from his tenure include the opening of new Head Start sites, creating a new Federally Qualified Health Center and chartering the first new federal credit union in New Jersey in two decades. Under Bob's leadership, Bergen County CAP was selected as the inaugural recipient of the 1st Annual Charles E. Braithwait Award for Leadership by the National Community Action Foundation (NCAF) for creating new models for economic opportunity for low-income families and the agencies that serve them.

Bob is also the founder and CEO of Community Housing in Partnership, Inc. (CHIP), a HUD certified Community Housing Development Organization created in 1989. This is a New Jersey not-for-profit real estate development company that has developed affordable housing for persons with special needs, homeless persons in transition, older adults, first time homebuyers and low-income renters. Acting as the designated developer for the Jersey City Redevelopment Authority, CHIP recently completed the re-development of a city block in an economically distressed area of the city.

Furthermore, in partnership with the National Community Action Foundation and Southern New Hampshire University, Bob helped initiate a master's program for the benefit of the Community Action Agency Network. Community Action Agency employees from around the Nation have been working toward their master's degrees through this online program.

Mr. Speaker, today I rise to congratulate my dear friend, Robert F. Halsch, on his 30th anniversary as Executive Director of the Bergen County Community Action Partnership. I join with the grateful residents of Bergen County in thanking him for innumerable contributions to the development of our community. I am confident that his leadership and dedication to service will continue to be a blessing to countless New Jerseyans in need.

#### HONORING THE DUXBURY HIGH SCHOOL FOOTBALL TEAM

#### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 19, 2011*

Mr. KEATING. Mr. Speaker, I rise today to honor the Duxbury Dragons in my district who represented their communities in the Massachusetts Interscholastic Athletic Association's

(MIAA) annual Super Bowls. The teams from Bourne High School, Dennis-Yarmouth Regional High School, Duxbury High School, Mashpee High School, and Nantucket High School won five of the nine Super Bowls across the state, demonstrating a true commitment to excellence in Massachusetts' 10th District. Since 1978 when the MIAA first regulated athletic events in the Commonwealth, these tournaments have highlighted the dedication and discipline of our state's high school football teams, and the five teams from the 10th Congressional District, who won their division Super Bowls, are wonderful examples of the best of high school sports.

I am certain that the student-athletes on Duxbury's high school football team will take the valuable lesson of teamwork they have learned and translate it into many successes in the future. This is a tremendous achievement for the school, coaches and players, and I congratulate them on making everyone in their communities, including myself, proud.

I would like to take a moment to now recognize each of the hardworking athletes and their coach for their achievements both on and off the field.

From Duxbury High School (by number):

1—Tucker Hannon, 2—Reilly Naton (C), 3—Andrew Buron, 4—Khai Perry, 5—Jay McDermott, 6—Greg Williams, 7—Matt Okeefe, 8—James Burke (C), 9—Don Webber (C), 10—Sean McCarthy, 11—Kevin Winchester, 12—James Higgins, 13—Patrick Buell, 14—Ryan Scanlon, 15—Mike Tougas, 16—Keenan Siciliano, 17—Drew Hadley, 19—Luke DiVasta, 20—Max Randall (C), 21—Colin Johnson, 22—Seamus Connelly, 23—Andrew Padula, 24—Jon Hurvitz, 25—Andrew Baker, 26—Joe Guilfoile, 27—Ben Clark, 28—Wes Quinzani, 32—Jim Chappuis, 33—Henry Narlee, 34—Henry Buonagurio (C), 35—Kyle Macleod, 36—Mike Kozmiski, 38—JP O'Neil, 40—Marshall McCarthy.

41—Steven Bouchie, 42—Sean Casey, 43—Chris Haney, 47—Brody Zisko, 49—Martin Moxter, 50—Drew Lawrence, 51—Kevin DiBona, 52—Rick Lippard, 53—Kasey Stefanski, 54—Chris Bertoni, 55—Marcus Urann, 56—Owen Grey, 57—Cam Schofield, 58—Luke Glathorn, 59—Chris Cote, 60—Bill Weld, 61—Cj Loconte, 62—Dave Creed, 63—Mark Trudeau, 64—Bobby Boyle, 65—Sean Gleason, 66—Mike Klein, 67—Theodore Holland, 69—Gordon Acha, 70—Grant Kramer, 71—Brendan Connolly, 72—Rob Kosharek, 73—Carter Bulman, 74—Pat Blair, 75—Winston Schromm, 76—Kevin Lema, 77—Johnny Congdon, 78—Jack Herlihy, 79—Dylan Buckley, 80—Tommy Sarles, 86—Alden Fontana, Coach: Dave Maimaron.

**SENATE—Tuesday, December 20, 2011**

The Senate met at 11 and 3 seconds a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 20, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL FRIDAY,  
DECEMBER 23, 2011 AT 9:30 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 9:30 a.m. on Friday, December 23, 2011.

Thereupon, the Senate, at 11 and 38 seconds a.m., adjourned until Friday, December 23, 2011, at 9:30 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, December 20, 2011

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. WOMACK).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 20, 2011.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear God, we give You thanks for giving us another day. Bless the Members of the people's House as they depart the Nation's capital to return to their homes. May they find rest and renewal during their time with family and friends.

Bless our Nation as the year comes to a close. Help us to look to the future with hope and committed to a renewed effort to work together as citizens of a united America.

Help us all to be truly grateful for the blessings of this past year. May this holy season of hope for so many people prove to be a healing balm for our Nation.

Bless, also, as this session comes to a close, the absent Member of this assembly, GABBY GIFFORDS. Speed her recovery. May she be always reminded of our prayers and best wishes for her. Thank You for the remarkable progress she has already made.

And as always, we pray that all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 493, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. CARTER) come forward and lead the House in the Pledge of Allegiance.

Mr. CARTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### THE WORST CASUALTY OF WAR

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, just about sunrise in the desert of the sun and the valley of the gun, the last American troops left Iraq. It was this past Sunday, December 18, 2011. It has been 8 years, 7 months, and 24 days since the war began. The Americans are coming home by Christmas. Mission accomplished.

4,474 Americans gave their lives, and thousands of others were wounded. The last American casualty was Army Specialist David Emanuel Hickman from North Carolina, killed on November 14. These Americans died in a land they had never been for a people they had never known.

The Americans have liberated Iraq from a dictatorship. To apply Ben Franklin's statement on the founding of America: We have given the Iraqis a free country; let's see if they can keep it or not.

The choice and responsibility for Iraq is now with Iraq, but we here in America shall remember those who served and returned, those who served and did not return, and those who served and returned with the wounds of war. As one wounded trooper said yesterday: "The worst casualty of war is to be forgotten."

And that's just the way it is.

### CONGRATULATING SAINT XAVIER UNIVERSITY COUGARS ON WINNING THE NAIA NATIONAL FOOTBALL CHAMPIONSHIP

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate the Saint Xavier University Cougars on winning the NAIA National Football Championship on Saturday.

It was another thrilling game and a fitting way for Saint Xavier to bring home its first national championship in any sport to the school. From the freshmen to the seniors, from the top-ranked offense to the defense and the special teams, everyone played a part in the victory and the Cougars' amazing season.

This is the first time since 1913 that a college football team from Chicago has won a national championship, and the Cougars did it with a lot of homegrown talent. Chicago, Lemont, Joliet, Tinley Park, Oak Lawn, Palos Heights, Park Ridge, Rockford, Frankfort—these and many other towns are well represented on this historic team.

The players, Coach Mike Feminis and his staff, Saint Xavier, the city of Chicago, and the State of Illinois should all be proud. Congratulations to the Cougars, the NAIA national football champions.

### WE NEED 1-YEAR EXTENSION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, Peter Isberg, president of the National Payroll Reporting Consortium, Inc., expressed concern over the Senate-proposed payroll tax plan which offers only a 2-month extension instead of the yearlong extension passed last week by the House. In a letter written to several Members of Congress on both sides of the aisle, Isberg stated that, "insufficient lead time could create substantial problems, confusion, and costs affecting a significant percentage of U.S. employers and employees."

House Republicans are willing to work for a yearlong extension now instead of passing a 2-month fix that will confuse American taxpayers, medical providers, and small business owners. It is necessary for both Houses of Congress to work together to extend the payroll tax cut for a full year. At a time of continued record unemployment, we should be working to help small businesses create jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. We are grateful for our servicemembers, military families, and veterans who were successful in Iraq.

### STUDENT LOAN DEBT

(Mr. CLARKE of Michigan asked and was given permission to address the



House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Mr. Speaker, student loan debt is too high and I'm asking this Congress—I'm demanding that this Congress—cut it down.

Student loan debt will soon approach \$1 trillion; and as our graduates are struggling to pay off this debt, this debt is robbing them of their future, and it's costing this country jobs. That's why I will soon introduce this bill to responsibly reduce student loan debt, to make repayment simpler and fairer, and to give our graduates a chance that they deserve—a chance to enjoy the American Dream.

#### CONGRATULATING ROBERT GRIFFIN III ON WINNING THE HEISMAN TROPHY

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, last week, I dropped a resolution commending Robert Griffin III for winning the 2011 Heisman Trophy.

Robert Griffin, a student of Baylor University, is one of the outstanding Americans in this country, an amazing young man who graduated from high school at Copperas Cove, Texas, in my district.

He graduated in 2008, went off to Baylor University to play football and to go to school. He graduated from Baylor University in 2010. I think that alone is pretty fantastic. He went on to be the quarterback of the Baylor football team, leading them to the best season that they've had in generations. They are ranked number 12 in the Bowl Championship Series.

This is a young man whose mother and father are sergeants in the Army. He was born overseas while they were serving. He now is the Heisman Trophy winner, has been named the outstanding player in the country, and he is not only outstanding as a student but he is outstanding as a player and as a human being.

He chose Baylor University because he wanted to go to a good Christian school. This young man won the Davey O'Brien Award. He is the kind of role model that we want our children to aspire to be. He is hardworking, with a good work ethic. He believes in his fellow players. He cares, he leads, and he wins. This young man should be commended. Within 2 years from now, he will have a master's degree and a law degree in addition to his bachelor's degree, and he still has one more year of eligibility. I would say this is the kind of kid we all wish our kid could grow up to be.

I want to commend his parents, the people of Copperas Cove, and the State of Texas for producing this fine young football player. We call him RG3.

□ 0910

#### TODAY IS AN OUTRAGE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, it is outrageous that the House Republicans will not allow the Senate bill to come up today that would extend the payroll tax cut, that would provide unemployment benefits for so many million Americans that are out of work, and also allow seniors to have their Medicaid reimbursement paid to their doctors so the doctors will accept Medicare.

I cannot believe that, at the end of the year now, is this the Christmas present? Is this the New Year's gift that we're going to give to the American people, that their taxes are going to be raised, that they're not going to be able to have unemployment insurance if they're unemployed?

And what does this mean for the economy, Mr. Speaker? Do the House Republicans want to send a message to the President right now when the economy is actually starting to improve slightly? This could easily send us back and make the economy go back into a tailspin. Do they dislike the President so much that they would risk the economy for that?

I cannot believe that we're not going to have an opportunity today to vote on the Senate bill and to make sure that these things are extended, particularly the payroll tax cut, because that is very important for the economy. It's very important for small businesses. It is an outrage, Mr. Speaker.

#### MAKE THE RIGHT CHOICE

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. It's amazing, Mr. Speaker. Those that now claim that we're opposed to increasing the sales tax holiday for 1 year actually voted against it just a few weeks ago, but we're here today to make sure that taxes on 160 million Americans don't go up on January 1. We're here to stop politics as usual in Washington. President Obama called for a 1-year extension of the payroll tax holiday, and we're here to do exactly that.

Job creators need economic certainty to create jobs, and to do that, we must extend the payroll tax holiday for 1 year. Kicking the can down the road only introduces more uncertainty into our economy. Payroll experts say that this is going to hurt small businesses.

Enough of these Washington gimmicks. The House already voted to extend the payroll tax holiday for a full year for all hardworking Americans, but the Senate Democrats opposed our bipartisan bill.

Senate Democrats have a clear choice to make: continue the game of Washington politics as usual or join with House Republicans to stop a tax increase on 160 million Americans. I urge them to make the right choice.

#### ANYTHING LESS THAN CERTAINTY IS UNACCEPTABLE

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK. Mr. Speaker, I rise this morning in support of a long-term extension for an important middle class tax cut for American families that are struggling in these difficult economic times to make ends meet.

We've been elected by the people to do their work and provide the conditions for the private sector to get this economy back on track and put Americans back to work. This work includes stable, predictable policy from Washington, and that includes tax policy. A 2-month extension does not provide any certainty to families or to small business job creators.

The House and President Obama agree that a 12-month extension of the payroll tax cut must be enacted. Therefore, I ask that Leader REID and the Senate come back to town and join us in passing a long-term extension of the payroll tax cut. Anything less is unacceptable.

#### SUPPORT SENATE SOLUTION

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, it is so unfortunate that today we find ourselves continuing to argue over whether or not an extension of the middle class tax cut should take place now as opposed to continuing to try to load the bill up with poison pills, cutting off people's unemployment insurance, and getting into an argument with the Senate.

The proposal after a year of deliberations that the Republicans came up with was rejected in the Senate on a bipartisan basis. Another bill was passed overwhelmingly to give us a 2-month extension so that we can continue to try to work out a long-term solution to a middle class tax cut without accepting poison pills.

But now what we see is the Republicans choose to turn down that compromise that brought the Senate together, that can bring this House together, to refuse to let us have a vote on that measure because they know there will be bipartisan support for that measure in this House.

We can come together and, in this holiday season, give American middle class families the security that they

will have a continuation of the tax cut on January 1, but that's not what the Republicans are going to do. They're going to throw families and our economy into chaos for the sake of trying to make political points.

**PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011; PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 501, SENSE OF HOUSE REGARDING ANY FINAL MEASURE TO EXTEND CERTAIN EXPIRING PROVISIONS; AND FOR OTHER PURPOSES**

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 502 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

**H. RES. 502**

*Resolved*, That upon adoption of this resolution it shall be in order, without intervention of any point of order or question of consideration, to take from the Speaker's table the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes, with the Senate amendments thereto, and to consider in the House a motion offered by the chair of the Committee on Ways and Means or his designee that the House disagree to the Senate amendments and request a conference with the Senate thereon. The Senate amendments and the motion shall be considered as read. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

SEC. 2. Upon adoption of this resolution it shall be in order, without intervention of any point of order or question of consideration, to consider in the House the resolution (H. Res. 501) expressing the sense of the House of Representatives regarding any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to Medicare beneficiaries. The resolution shall be considered as read. All points of order against provisions in the resolution are waived. The previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

SEC. 3. During consideration of a motion to instruct conferees pending their appointment to a conference on H.R. 3630, the previous question shall be considered as ordered to its adoption without intervening motion except one hour of debate under clause 7(b) of rule XXII. Such motion shall be considered as read and shall not be subject to any question of consideration.

SEC. 4. During consideration of a motion specified in the first section of this resolution or section 3 of this resolution, the chair may—

(a) notwithstanding the operation of the previous question, postpone further consideration of the motion to such time as may be designated by the Speaker as though under clause 1(c) of rule XIX; and

(b) postpone the question of adoption of the motion as though under clause 8 of rule XX.

SEC. 5. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of January 17, 2012.

SEC. 6. It shall be in order at any time through the calendar day of January 15, 2012, for the Speaker to entertain motions that the House suspend the rules as though under clause 1(c) of rule XV.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 1 hour.

Mr. SCOTT of South Carolina. Thank you, Mr. Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself as much time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

**GENERAL LEAVE**

Mr. SCOTT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 502 provides for a motion to go to conference on H.R. 3630 and for a closed ruled on H. Res. 501.

Mr. Speaker, I rise today in support of this rule and the underlying bill.

□ 0920

To be honest, Mr. Speaker, being here today is almost ridiculous because last week the House passed a very good bill, and the three major components of it are very simple:

Payroll tax extension, a holiday—not a 60-day holiday, but a 1-year payroll tax extension that is paid for;

Unemployment insurance; we addressed unemployment insurance in a very compassionate way, working as the President has suggested. We need to cut it by 20 weeks over time. So our House, in a bipartisan fashion, is working to take it from 99 weeks to 59 weeks, holding in truth the spirit of our President;

Finally, the doc fix. If we're going to keep Medicare and the recipients of Medicare whole, we have to address the reimbursement rates of the doctors. This doc fix stops an almost 30 percent cut in the reimbursement rate.

But beyond that, we decided that it is time to create American jobs. So the Keystone pipeline that creates more than 20,000 jobs is in this bill. But not

only do we want to create jobs, we want to save jobs, and so you think of the Boiler MACT that saves more jobs than the pipeline creates. Unfortunately, Mr. Speaker, our friends on the left want to continue to hold the middle class hostage because they have a plan to continue to raise taxes as they have over the last year.

As a matter of fact, in 2010, in one bill only, Mr. Speaker, they raised taxes on the middle class, and this year, because we're moving into an election year, they decided it's time to remember the American middle class. Last year, they were taxing that middle class and taxing that middle class and taxing that middle class.

Let me give you a few examples:

A new \$123 billion of taxes on the middle class in investment income; a hike in Medicare payroll taxes with \$86 billion passed through to the middle class.

I don't know why this year all of a sudden they want to talk about tax breaks for the middle class and only give them 60 days, Mr. Speaker. I believe that the middle class deserves certainty, and our bill gives them certainty. We say for 1 year we need to extend to the middle class, people who are struggling every day to make their ends meet.

Our friends on the left are getting ready for campaign season, so what they're really concerned about is themselves. But what we've said is, when you take into consideration that a person who needs a medical device must now pay a pass-through tax upwards of \$20 billion, that's not compassionate. That's not fair, Mr. Speaker.

When you think about tanning services, a \$2.7 billion pass-through tax to the middle class on tanning services. Now, I'm not quite sure what tanning services has to do with health care, but we find ourselves in the midst, sir, of another backdoor tax increase on the middle class.

Or if we need drugs in the future, let's go ahead and tax the innovating companies \$22 billion and pass it to the middle class.

Or if you don't like those taxes, we've got another one on health insurers. Let's take \$60 billion out of the pockets of the middle class by making the insurers pay more, which they know they will pass it through to the middle class.

But since that may not be enough, they decided that they would actually tax the health plans of the middle class, \$32 billion on the plans of the middle class.

I just don't understand it, Mr. Speaker. We must not only extend this tax cut for the middle class; we must also pay for it.

As I was talking to one of my constituents, a 57-year-old who makes \$650 every 2 weeks, every 2 weeks she brings home \$650, and she needs her \$600 tax

cut. But she's very close to Social Security so she says to me: TIM, please, as you provide an extension of the tax cut, please don't raid the Social Security funds.

So we on the right have decided, in a bipartisan way, to work with the President. Our offsets include 90 percent offsets that the President, himself, has agreed to. In a bipartisan way, we address the payroll tax extension. We keep Social Security as solvent as it can be today, and we continue to make sure that senior citizens have doctors who will see them because we fixed the problem of reimbursement rates. And unemployment is now a greater incentive for work than it has been in more than 2 years or so because we're taking 99 weeks and we're working in a bipartisan fashion with the President and taking it down to 59 weeks for some States.

Once again, Mr. Speaker, I rise in support of this rule, and I reserve the balance of my time.

Ms. SLAUGHTER. Good morning, Mr. Speaker.

I want to thank my friend, Mr. SCOTT from South Carolina, for yielding me the customary 30 minutes and yield myself such time as I may consume.

A lot of verbiage is going on here this morning, but Mr. and Ms. America, let me tell you what we're doing here—nothing. We were promised that we could have a vote to concur in what the Senate did, 89-10, give it to the President and make sure that the payroll tax continues, but that's not what we're doing here today.

What they changed that to is to reject what the Senate did and ask for a conference, which the other side, the leader of the Senate says he is not going to do. We could have done all of this last week, but instead, 435 of us have been flown back here this week to do absolutely nothing.

At the end of the day here, we will not have accomplished a thing. There will be no payroll tax; there will be no unemployment insurance; there will be no doc fix. It just simply says we reject what they did, 89-10, which is a miracle in itself, but we're not going to do anything here. We're just going to kick it over to the other side.

In addition to this, the President has not signed the omnibus bill. I think he was going to wait for this one, which means that come Friday the Government could shut down. We have once again this brinksmanship of hanging by our thumbs.

So if I can make any point today for America: Don't pay any attention to that man behind the curtain here. We are not doing anything. We could have but we are not.

And after that great expense of shuttling us all back and forth last weekend, we come here today, and we really had a rare opportunity to truly come together and provide the vital assist-

ance to Americans in need. The Senate certainly answered the call in a bipartisan bill, which was really quite wonderful. It made us all feel really good about the Congress. It may have even made us go up from 9 to 10 points for all I know.

But they passed a bill with support of 89 Senators, and 80 percent of the Republican Senators, and I'm very proud of them. Not only did they vote for that, but they are signaling their great displeasure that the House can't do the same. And until Saturday night, this bill had the blessings of the Speaker of this House.

After a year of bitter battles in Washington, we stood on the brink of a bipartisan agreement to lower taxes and provide much-needed assistance to those who are struggling to get through the holiday season through no fault of their own, having lost their employment, that is, until a small army of ideologues said "no" and demanded that a truly bipartisan bill be tossed out in the cold. What a shame.

So we meet today at the height of the Christmas season as the timeworn tales of Tiny Tim and Mr. Scrooge are playing out in theaters across the country and here in the House. Will we come together to provide a gift for the American people or will a small group of ideologues let taxes rise and the unemployed go without housing and food as we ring in the new year?

It is my belief, and certainly borne out, I think, by not a shortage of media this morning, that one of the reasons that the vote today is to reject the Senate bill was had we had a vote to concur in it instead and say that we agreed with what the Senate had done, then it would have passed.

Now, I spoke about this game of brinksmanship last week, and certainly, you know, we've gone the whole year hoping that there would be no payroll tax on the other side. They didn't believe in that and certainly did not believe in the extension of unemployment. Now, suddenly today, we can't just have two months; we've got to have a year.

□ 0930

The reason they couldn't get a year in the Senate was the difference of opinion on how to pay for it. It was decided that, with the 2-month extension, we would keep it, that we would not lose it after 2 months. During those 2 months, the House and Senate, we would hope, would be working out ways we could continue it for a year. There is not going to be that great hardship of bookkeeping that everybody is talking about. We were going to take our time to fix it during those 2 months, but the 2 months is basically an emergency measure which is being turned down by the House of Representatives.

We'd love to live in a world where every single principle we believe in

could be made true, where those who disagree with us would bend to our wishes and support our views, but quite simply, we don't live in that world. After the majority spent the entire year ignoring the need for an extended tax break and renewed insurance for the unemployed, I've heard frequent refrain in the last 24 hours that the policies we are considering today should not be implemented for 2 months but, rather, for a year. That is pretty recent.

The majority should be heartened to know that hardly a soul in the body disagrees with it. We all wanted a year, as did the President of the United States. As I've said before, we know that we will get that year and that we will have the 2 months to work on getting that extension. However, after weeks of negotiation, 435 legislators can't agree on an equally important point: How to pay for the tax cuts for a year.

The Democrats have said that millionaires and those who have benefited the most in the past decade should pay for this tax break. The majority has said that seniors receiving Medicare should pay instead, which was, indeed, in the bill passed here last week. This simple but profound disagreement is part of what has led us here today.

The other part of the equation is that the majority needed to design a vote by which, no matter the vote totals, they would never lose. Isn't that clever? If we had another month to work on resolving our disagreement, we could continue to debate without pause. However, the clock is about to hit midnight, and the taxes of millions of Americans and the unemployment insurance of millions more are about to be harmed because we won't strike a deal.

By now, it should be obvious why we must pass this Senate agreement. It's time that all of us accept the world as it is. It's time that we came to a compromise, a compromise to benefit millions of Americans in this time of holiday cheer for some. There will be many more debates in the months to come about how to help the American people, but now we must seize our opportunity and provide for the millions of Americans who sent us here in order to make sure the season can be a little better than the last.

So I'm going to urge my colleagues to defeat the previous question when we get to that point, but I want to reiterate again that nothing is happening here today. When we leave here, the tax cut will not be extended; unemployment will not be extended. We will simply go back home to await the consequences of what we're doing here today. I deeply regret that because I would have liked nothing better than the bipartisanship that the Senate showed in this time of need to have been on display here as well in the House of Representatives.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. I yield myself such time as I may consume.

I'm not quite sure if I heard the gentlelady from New York correctly, but she seemed to allude, or to suggest, that the President might not pass the omnibus bill because of this bill, which sounds like a reaffirmation of the fact that they are playing politics on the left while we on the right consistently look for ways to help the middle class.

In addition, when Republican Senator JIM DEMINT and President Obama and Speaker BOEHNER and Democrat Senator MANCHIN are on the same page on the 1-year extension, we ought to act as a sounding board for those four, who are typically in opposite corners.

Mr. Speaker, I yield 3 minutes to the gentleman from the great State of Georgia, Dr. ROB WOODALL.

Mr. WOODALL. I thank my colleague from South Carolina for yielding.

He knows just how excited I am to be down here today. He knows how excited I am because, unlike what my colleague from New York suggests about accepting how the world is, today's a day where we decide: You know what? We can do better. We can do better.

The million folks I represent back home in Georgia don't want to accept the way this body operates today. They want us to do better.

I know, when this body passed this 1-year extension last December, they knew we were going to be back here today. For a year, we've known we were going to be back here today. To suggest if only you'll give us another 60 days we'll do better, that's the way this House has worked in years past. Yet this year—this year—this body has said, if these issues are so important to the American families—and they are—and that if these issues are so critical to the economy—and they are—why do we need another 60 days? Why not do it today? We know that it has to happen. We know that it's coming. Why can't we get together and do it today?

Now, I tell you, I've studied majority politics in this body. Traditionally speaking, the majority, which the Republicans are, would just bring a bill to the floor and jam it through—my way or the highway. You've seen it. You've seen it when Republicans have done it, and you've seen it when Democrats have done it, and it could have happened that way again today.

But what did the Rules Committee do?

The Rules Committee didn't say, My way or the highway. The Rules Committee said, We've got a position here in the House. They have a position. They're in the Senate. Let's do what we've been doing for hundreds of years, and let's come together in a conference to work out our differences.

There are those in this body who would rather work out our differences

on the front pages of newspapers, and there are those in this body who would rather work out our differences on Sunday morning talk show programs, but I don't think that's the best way to get the people's business done, and neither do the million folks back home whom I represent.

It's okay that we disagree about what this policy ought to look like. It's not okay if we let the disagreement put the economy in peril and put the budgets of hardworking American taxpayers at home in peril. We can do better, and we are doing better. We are doing better.

The traditional process would have been to go ahead and put this bill through late last night by calling everybody back. We could have just gone ahead and passed it in the dark of night. But the folks said, You know what? That's not the right way to operate this body. We can do better if we're proud of what we're doing. Let's put it off until tomorrow morning. Let's do it in the light of day, and let's let everybody have their say.

That's what we're doing.

That's why we're here today.

I say to my friend from South Carolina: I am proud that we serve on that Rules Committee together. I am proud of our leadership for giving us this opportunity to be open. I am proud that it is not a small band of rebels in the Republican Conference, as my friend from New York would suggest, who are hijacking this process. Rather, it is a proud band of 240 Republicans who say that regular order has merit. Let's do it in the way that we have done it for hundreds of years—House bill, Senate bill.

Let's come together, Mr. Speaker, and work out those differences.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts and a member of the Committee on Rules, Mr. MCGOVERN.

Mr. MCGOVERN. Mr. Speaker, last night, at the direction of the Republican leadership, the Rules Committee voted out a martial law rule that will deny the House of Representatives an up-or-down vote on the bipartisan Senate compromise. No vote.

We're only days away from seeing 160 million hardworking middle-income Americans see their taxes increase, and there is no vote. We're on the verge of allowing 2 million jobless people to lose their unemployment benefits and 48 million seniors to lose their health care, and the Republicans tell us there can be no vote. Are you kidding me? Last night, my friends defended their delaying tactics by saying all they wanted was to protect regular order when it comes to legislation. Since when? Regular order? Please.

The Rules Committee is becoming a place where democracy and fairness go to die. This process is shameful. We

have a habit in this House in which we like to point fingers and blame at the Senate for its dysfunction, but we can't do that today because the Senate actually functioned and gave us a bipartisan compromise. It's not perfect, and we all want a 1-year extension of the payroll tax cut. Yet, as we struggle to find acceptable pay-fors, which up to this point we have not been able to do, the U.S. Senate has provided us with a bridge to get there.

This compromise includes a short-term extension of the payroll tax cut, unemployment insurance, and the doc fix. The package also includes a requirement that President Obama make a decision on the Keystone XL pipeline, which many of us find hard to swallow. Democrats get something they want, and Republicans get something they want, but that's not good enough for House Republicans.

At a time when the American people want Democrats and Republicans to work together, the Senate actually did. That politicians can come to agreement on important matters I believe is a good thing. But what's a bad thing is what we're doing here in the House today—trying to scuttle this deal by denying us a vote.

□ 0940

In today's Washington Post, a Republican Member is quoted as saying, "It's high-stakes poker." Well, Mr. Speaker, this is not a card game. In fact, this is not a game of any kind. Let me inform my Republican colleagues that this is real life, with real people and real consequences. I would say to the Republican leaders of this House, Show us that you can govern. This is time for an adult moment. It's time to tell your Tea Party wing that the American people come first. It's time to put country ahead of political party.

We're less than 12 days away from a tax increase on middle class Americans; and instead of doing what's right for 160 million Americans, the Republican leadership is playing politics, denying us a vote, and ensuring that today, when all is said and done, we will accomplish absolutely nothing for the American people.

I urge my colleagues on both sides of the aisle, vote down this rule. Don't leave town until we have a chance to vote on the Senate compromise so that we can ensure that millions of our fellow citizens don't see their taxes going up during these difficult economic times. Give us a vote. Why won't you give us a vote? We demand a vote. Let us have a vote so we can do what's right for the American people.

Mr. SCOTT of South Carolina. Mr. Speaker, I will just simply say that if you are looking for a bipartisan approach to legislation, if you are looking for someone who wants to work with the White House, 90 percent of our offsets have been agreed to by the President.

And I will simply say that when the President is right—and I don't agree with him very often—he is right. The President said that Congress should not go home for vacation until it finds a way to avoid hitting 160 million Americans with a tax hike on January 1. It would be inexcusable for Congress not to extend this tax holiday for an entire year.

I think a bipartisan approach has been taken. I am assured by that fact because the President and I are on the same page, and that doesn't happen but once every year. It must be Christmas.

I yield 3 minutes to the gentleman from Texas, Chairman JEB HENSARLING.

Mr. HENSARLING. The American people know why we are here today. We are here today because the President's economic policies have failed. Since the President was elected, unemployment has been at, near, or above 9 percent, one in seven on food stamps, small business startups at about a 17-year low. That's the Obama economy.

And because of that, Mr. Speaker, almost every single Member of the House and Senate agree that we should extend the payroll tax holiday for another year. What is so confusing to many of us is that, as my friends on the other side of the aisle say, yes, we need to do this for a year, like the President said, like the American people expect, and yet they all want to vote against it.

So the disagreement we have here is: Do you want to punt the ball down the field, do you want to do this for 60 days and do it again in 60 days for another 60 days, or do you want to solve the problem? That's the first debate. And it really begs the question: Why? Why do we have so many people saying they want to do this for a year and yet they're only willing to vote for 60 days? Are people more interested in making a law that will benefit the American people or are they more interested in making a campaign issue that may benefit their own reelection campaigns? That's the question.

The second point of debate is: The American people, many of whom are suffering because of this economy, they're willing to work over the holidays. Are we willing to work over the holidays? The House is willing to work. The question is: Where is the Senate; okay?

Since the dawn of the Republic, we've had this thing called a conference committee. You know, if you took Civics 101, you will remember it. The House passes a bill; the Senate passes a bill; they come together in a conference committee and they work out their differences. We stand ready to work over the holidays.

And here's the third point: Do you want to pass a bill for messaging purposes or do you want to pass a bill that works? ABC reported last night, "Two-

Month Payroll Tax Holiday Passed by Senate, Pushed by President, Cannot Be Implemented Properly, Experts Say."

The National Payroll Reporting Consortium—this is the group that handles all the payroll issues for practically a third of all of the private sector workers in the country—said that it "could create substantial problems, confusion, and costs affecting a significant percentage of U.S. employers and employees."

And, in fact, the Associated Builders & Contractors have said: This sort of temporary fix underscores Congress's uneven ad hoc approach toward the economy and causes more harm than good for America's job creators.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of South Carolina. I yield the gentleman an additional 30 seconds.

Mr. HENSARLING. So, Mr. Speaker, it really comes down to this: If you say you want to do this for a year, put your vote where your rhetoric is. If you are not willing to work over the holidays, admit to the American people you're not willing to work over the holidays. And if you want to support a bill that actually works, talk to the job creators in America.

That's the problem in Washington—people get isolated. Talk to the people who are absolutely responsible for this, and they will tell you this 60-day ad hoc approach doesn't work. That's why we need a rule to go to conference and put forth something the American people want and need.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Colorado (Mr. POLIS), a member of the Rules Committee.

Mr. POLIS. I thank the gentlelady from New York for the time.

These last 2 weeks have really shown us the tax-and-spend Republican Party up close. First we passed a defense authorization with over \$800 million in earmarks, according to a study by CLAIRE MCCASKILL. Then we passed a huge omnibus spending bill that spent over \$900 billion, actually increasing defense spending, all deficit spending, spending, spending, spending. But, oh, now it gets worse. Republicans are poised today to raise taxes by tens of billions of dollars. Worse yet, they are not even allowing a vote to keep taxes where they are.

Whether this bill passes or not, make no mistake, it's purely symbolic as it advances no bill to President Obama to keep taxes where they are. And so they will go up on January 1 by \$1,000 for the average American family, costing American taxpayers tens of billions of dollars without even helping reduce the deficit, since this Republican tax increase is money the Republicans already spent last week in the omnibus \$900 billion spending spree.

Spending, spending, spending. Taxes, taxes, taxes. The deficit goes up, up, up. You can't tax your way out of this budget problem this country is in, but the Republicans have been trying to do just that for these last few weeks.

To solve our budget problem, we need to cut spending. Now, there are some balanced plans out there; and most experts agree that as part of a balanced plan with spending cuts, some revenues are necessary.

In fact, President Obama put together the Simpson-Bowles bipartisan plan. The Republican leadership didn't allow a vote.

The "Gang of Six" in the Senate put together a bipartisan proposal to cut spending and balance the budget. The Republican leadership didn't allow a vote.

The supercommittee was supposed to come out with a budget fix that includes everything we're talking about here today—the SGR fix, the payroll tax, unemployment insurance—but it failed. The Republicans walked away.

Now, President Obama and a bipartisan group of 90 percent of the Senate proposed not increasing taxes, and yet the Republicans are refusing to bring it to the floor. So, instead of a balanced plan with spending cuts, here we are on the heels of a huge Republican omnibus spending bill with record deficit spending and tax increases, raising taxes, and raising taxes on the middle class. The tax-and-spend Republican Party is here today and here to stay.

Not only that, but while the people of the country are waking up, Congress is going to sleep. With 10 days left and so much work to do, Republicans took the evening off rather than working through the night to try to get something as quickly as possible so the Senate might be able to reconvene. They gave themselves the night off. Congress didn't even debate this topic or have a single vote yesterday night with 10 days to go.

I urge a "no" vote on the rule, a "no" vote on the bill, and urge the Speaker and the tax-and-spend Republican leadership to let us vote now on preventing a huge tax increase on January 1.

Mr. SCOTT of South Carolina. Mr. Speaker, I enjoy listening to my friends on the left talk about how they need to get on our side and stop the tax increases. But the funny problem is that the American people may like what they say, but they don't like what they do. I would only suggest and ask people to check the voting record on the tax increases.

I would also say that our bill, our payroll tax extension bill, reduces the deficit, the debt by \$953 million, a \$953 million reduction.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida, Sheriff NUGENT.

□ 0950

Mr. NUGENT. I would like to thank the gentleman from South Carolina for yielding me this time.

Mr. Speaker, just think about this. Three days ago, Saturday, President Obama said: "It would be inexcusable for Congress not to further extend this middle class tax cut for the rest of the year."

The same day, House Minority Leader NANCY PELOSI said: "House Democrats will return to Washington to take up this legislation without delay, and we will keep up the fight to extend these provisions for a full year."

And on Saturday, Minority Whip HOYER said he was disappointed that the Senate would not agree to a longer-term extension.

Mr. Speaker, what the Senate has done—and we've heard this term so many times before—it's about business as usual. Let's not make a decision we can put off for another 2 months. This House, in a bipartisan way last week, came up with a 1-year extension and a 2-year doc fix extension that will help those individuals provide medical services to our seniors, that gives them a sustainable way to look forward on our docs and a doc fix for 2 years, not 2 months.

When you hear from other individuals in the real world, those that have to implement a policy that was designed by those in the Senate for 2 months, think about it. When you have to report that tax to the Federal Government, it's quarterly, not 2 months. How are they supposed to do that? How do you reconcile that difference? Once again, the Senate refused to take action that the House did. Everybody talks about what the Senate has done. The House passed a bipartisan bill and moved it forward in regards to a 1-year extension on unemployment benefits, 1-year extension in regards to the payroll tax, and a 2-year doc fix. That's what the House did.

Now all we're asking is that we go to regular order, just like they have done for hundreds of years when the two bodies can't agree. When the two bodies can't agree, they go to conference, where conferees from both sides sit down and hash it out and come up with a resolution to bring back to both bodies. That's what you're supposed to do. That's what our Founding Fathers envisioned; not backroom deals, not things cut in the dead of night. It's not about us voting—and thank God that our Speaker saw the light in regards to not voting in the dead of night. He believes in regular order. He believes that we should move forward as a body and go to conference with our Senate brothers and sisters to decide the course that we need to make.

I can't believe, I can't believe that there aren't folks in the Senate that couldn't get this done with our Members in this House and get it done in 2 weeks.

Mr. Speaker, I support the rule, and I wholeheartedly support the underlying legislation.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California, the distinguished ranking member of the Committee on Education and the Workforce, Mr. MILLER.

Mr. GEORGE MILLER of California. Mr. Speaker, unfortunately with the procedure that the Republicans are using today, we miss an opportunity for the House and the Senate, Republicans and Democrats, to come together around an extension of the middle class tax cut for the next 2 months. It's unfortunate that it's for 2 months, but the Republicans in this House sent to the Senate a very extreme bill for 1 year by slashing people's unemployment benefits, ruining those families' ability to survive this period of economic downturn. And the Senate rejected that on a bipartisan basis.

The Senate was then encouraged by the Speaker of the House to negotiate a deal. HARRY REID and MCCONNELL negotiated a deal, and the Speaker of the House said he thought it was a good deal. In fact, he used the word "victory."

Then when the suggestion was why didn't we vote last week, it was, well maybe when it came back from the Senate we could do it on some sort of unanimous consent procedure.

Then there were rumbles in the House that there were going to be Republicans in the Republican caucus that wanted to join the 39 Republicans in the Senate that voted for this procedure. And all of a sudden what we see is the emergence of the Tea Party Republicans slapping down that idea, slapping down the idea that there'd be independent judgments made in the Republican caucus, and they pulled it to a grinding halt. We will not be allowed to vote on that bipartisan agreement. We will not be allowed to vote on an agreement that brought the Republicans and the Democrats together in the Senate. We will not be able to vote on a bipartisan agreement that has the opportunity to bring Democrats and Republicans together in the House. That's because the Tea Party insists upon this radical agenda where they're going to throw millions of people off of unemployment insurance who've lost their job through no fault of their own, and that's how they'll pay for the middle class tax cut, by injuring middle class families who've been thrown into economic chaos because of the economic downturn caused by their friends on Wall Street and the scandals that they've perpetrated on the American people.

Let's bring people together. Let's pass the Senate bill, and let's get on with taking care of the problems of this Nation.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gen-

tleman from Pennsylvania (Mr. MEEHAN).

Mr. MEEHAN. I rise in support of this motion this morning, but for a very important reason. The politics here is thicker than Maine molasses, but if you take time and you go back and you talk to the real job creators in your district, you'll see the common-sense approach that's being detailed right here to look for a solution.

The House has already voted. We have supported the idea of passing the payroll tax. We've passed that bill. We supported the reimbursement for the doctors so we can continue to create certainty in the relationships between doctors and their patients. We've passed that bill. Now we've got to come back and work out the differences. But when the difference becomes a 2-month extension, it defies common sense.

I sat this morning and spoke with one of the individuals who is a tax accountant in my district. The quarterly tax return is the way so many small businesses do their work. The quarterly tax return, a 3-month situation. This bill would require us to go and just change these forms all over the country. Let me just close my comments with the words of the NFIB.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of South Carolina. I yield the gentleman an additional 15 seconds.

Mr. MEEHAN. Employers who don't have correct withholding calculations will have to collect more from employees and amend their employment tax returns later next year, which may increase their chances for an audit.

This is the kind of insanity that we're looking at: small businesses being audited because Congress can't do their work.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 1 minute.

I would like to include in the RECORD the comments of Republican Senators begging the House to take their bill.

Sen. Scott Brown (R-MA): "The House Republicans' plan to scuttle the deal to help middle families is irresponsible and wrong. I appreciate their effort to extend these measures for a full year, but a two-month extension is a good deal when it means we avoid jeopardizing the livelihoods of millions of American families. The refusal to compromise now threatens to increase taxes on hard-working Americans and stop unemployment benefits for those out of work. During this time of divided government, both parties need to be reasonable and come to the negotiating table in good faith. We cannot allow rigid partisan ideology and unwillingness to compromise stand in the way of working together for the good of the American people."

Sen. Scott Brown, Press Release: "Sen. Brown Blasts House For Jeopardizing Tax Relief, Unemployment Benefits", Dec 19, 2011.

Sen. Olympia Snowe (R-Maine): "I spoke out against this unprecedented two-month policymaking experiment on Saturday. That said, there wasn't an indication that the



House would be in disagreement with the Senate's action. Nonetheless, what is paramount at this point is that this tax benefit for hardworking Americans not be allowed to lapse."

Seung Min Kim and Jonathan Allen, "New GOP split over payroll bill", Politico, 12/19/11.

Sen. Dean Heller (R-Nev.): "there is no reason to hold up the short-term extension while a more comprehensive deal is being worked out."

Seung Min Kim and Jonathan Allen, "New GOP split over payroll bill", Politico, 12/19/11.

Sen. Susan Collins (R-Maine): "at this point, we must act, as the Senate has done, to prevent a tax increase that will otherwise occur on Jan. 1."

Seung Min Kim and Jonathan Allen, "New GOP split over payroll bill", Politico, 12/19/11.

Sen. Dick Lugar (R-Ind.): "I'm hopeful there are a majority of Republicans and Democrats today who will proceed, because it seems to me this is best for the country, as well as for all the individuals who are affected."

Daniel Strauss, "GOP's Lugar: House should pass tax bill for the good of the country", The Hill, 12/19/11.

I want to put into the RECORD the key dates in the Boehner payroll tax cut debacle:

Last Wednesday, Speaker BOEHNER sat at a meeting in Senator MCCONNELL's office with REID and MCCONNELL. Speaker BOEHNER said the two Senate leaders should negotiate a deal and that Senator MCCONNELL has his proxy.

Thursday, Speaker BOEHNER made public comments promising to live by whatever agreement the Senate reached. He said: "If the Senate acts, I'm committed to bringing the House back—we can do it within 24 hours—to deal with whatever the Senate does."

On Friday, Speaker BOEHNER reacted to reports that we may have to settle on a 2-month extension by saying if the Senate passed that, he would take it, add the Keystone pipeline provision to it, and send it back to the Senate. So we added the pipeline into the deal in the Senate because that's what Speaker BOEHNER said he needed to get the measure through the House.

Friday night after Senator MCCONNELL presents the payroll tax deal to his caucus, he's captured in a video leaving the caucus high-fiving Senator BARRASSO. Later, Senator MCCONNELL tells reporters: "Obviously, I keep the Speaker informed as to what I'm doing."

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield myself an additional 30 seconds.

Saturday, MCCONNELL calls the payroll tax cut compromise a bill designed to pass. MCCONNELL said: "I thank my friend, the majority leader, for the opportunity to work together with him on something that could actually pass the Senate and be signed by the President."

Saturday, Speaker BOEHNER called the deal a "good deal" and a "victory," and according to reports, urged his caucus to declare victory and pass it, on a conference call.

Saturday afternoon, Senator MCCONNELL gave his consent to allow the Senate to adjourn for the year.

On Sunday, once the Tea Party Republicans in the caucus rebelled, Speaker BOEHNER reversed course and is now disowning the deal he supported 24 hours earlier.

I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, in just over 2 weeks, Americans who are fortunate enough to have work will get their first paycheck of 2012, and the paycheck will be lower because there's a tax increase. The question before the country today is: Should we stop that, yes or no?

In 11 or 12 days, a senior will go to see her doctor, and there's a very high risk that the doctor will not see that Medicare patient because the doctor has seen a 27 percent cut in what the doctor has been paid.

□ 1000

The question before the country is: Should we stop that, yes or no? In just over 11 days, over 2 million Americans will see their unemployment benefits expire and they will have virtually no income to pay any of their bills. The answer is: Should we stop that, yes or no?

Now, the other body has taken up a bill that gives us the answer. The taxes would not go up on the middle class, the senior would be able to see their doctor, and the unemployment benefits would not expire. Eighty-nine Members of the Senate voted for this. The President of the United States said he'd sign this. Virtually every Member of the Democratic side of the House is prepared to vote for this. But this is not on the House floor today. Now it's just fine for a Member to say, yes, I support this compromise or, no, I don't support this compromise, but it is an abrogation of the basic duty of this House not to take a vote on it.

The choices ought to be, yes, we support the bill, or, no, we don't support the bill. It shouldn't be we don't want to take a vote on the bill; we want to duck the question. We are compensated to cast votes and explain our votes to the American people. By refusing to let this bill come to the floor today, the majority is abrogating its responsibility to the country. We should oppose this rule.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentlelady from North Carolina, Dr. FOXX.

Ms. FOXX. I thank my colleague from South Carolina for handling the rule and for yielding 2 minutes.

I want to say, first off, that we should all vote for this rule, and we

should vote for the resolution that's going to come up later.

I want to point out to my colleagues, again, that you are entitled to your opinion, but you're not entitled to rewrite history. The House passed a bill last week, a bipartisan bill.

There's been so much touting of the Senate bipartisan bill, but not one mention by our colleagues on the other side of the aisle of the fact that we passed a bipartisan bill last week which did exactly what the President, Ms. PELOSI, and Mr. HOYER—all those in charge of the Democrat Party—said they wanted, a 1-year extension of the policy that was passed last year. It also stopped raises for Congress and Federal employees and cut spending.

What our colleagues on the other side of the aisle cannot do, and what the President seems incapable of doing, is cutting Federal spending, which is desperately what we need in this country.

And I want to point out to my colleague from New York who says that we're doing nothing here today—we're not doing anything I believe is her comment. I want to point out that the Constitution, in Article I, section 1, divides the Congress of the United States, and in section 2 it talks about the House of Representatives. Well, if the Founders thought that the House is irrelevant—and obviously my colleague thinks that the House is irrelevant—then maybe some people should go home. I don't think the House is irrelevant.

Mr. REID has said the House of Representatives must pass their bill. Well, nobody made Mr. REID the king, and I don't think that we have to do what Mr. REID says. He has a very high opinion of himself. I think we do what the Constitution tells us to do. When there's a difference of opinion, then we go to conference. A "no" vote to our colleagues means they don't want to follow regular order and want to continue the uncertainty.

What has the Senate done this year? The Senate has passed approximately 10 substantive bills. It's my opinion that the Senate is out of touch. A 2-month bill is not appropriate. Instead of being in "Alice in Wonderland," like my colleague said last night, we are in "1984."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the Senate or its Members.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado, a member of the Committee on Energy and Commerce, Ms. DEGETTE.

Ms. DEGETTE. Mr. Speaker, I'm mad, too. I'm mad at the Senate. I'm mad this is a short-term extension. I'm mad that this allows this pipeline that I object to to be built, and I, too, am mad at the way it's paid for.

But then, Mr. Speaker, I think about the six constituents that I met with a couple of weeks ago in Denver. All six of them are unemployed and have been for over 2 years. Every morning these six folks wake up with hope. They send out resumes. They make phone calls. They visit offices. They do everything they can think of to get a job. By the end of the day, they're dispirited.

By the end of the week, on Sunday, now we want to remove all hope that they will have to subsist in any way. This is going to happen in 12 days. There's almost 36,000 people like this in my district. There's 2.2 million of them around the country.

Or I think about the hundreds of thousands of families who do have jobs. Now, these folks, as of January 1, are all going to lose \$1,000 in their paychecks in 12 days. These people have planned their Christmas budgets around that money. Now, either they'll have to charge it on their credit cards, racking up more debt, or maybe they just won't buy those toys to put under the tree because of Congress. Merry Christmas.

Don't fool yourselves. I've been in Congress 15 years now. The Senate is not coming back. There won't be a conference committee. This motion effectively kills the bill. Let's stop arguing about process. Let's stop arguing about what we want to see. Let's stop demagoguing this issue. Let's start talking, for once, about the people that we represent and who will lose hope this holiday season because of us.

Let's defeat this motion. Let's adopt the bipartisan Senate bill. Let's come back in January and work together in a bipartisan and a bicameral way to actually fix this bill.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Georgia, my cousin, AUSTIN SCOTT.

Mr. AUSTIN SCOTT of Georgia. Good morning. I appreciate the opportunity to speak on this issue.

I, as most Americans, love this time of year. It's Christmastime where we celebrate the birth of Christ and spend time with our family and friends and at church. I sent a quick message to my wife last night, and I said: Honey, I may be here for a while.

And she said: We have 5 days until Christmas. Stay in the fight. Americans need you.

I know a lot of people on the other side of the aisle want to use that as an excuse to go home, but America needs us to be up here and work. A lot has been said today, but the fact is simple: The Senate put a bad amendment on a good bill, a bill that passed this House with almost as many Democrats voting for it as Republicans who voted against it, a bipartisan bill that does what the President asked us to do, which is to extend the payroll tax cut for 12 months. Twelve months is what the

President asked for; 12 months is what we did.

Now, the Senate, in their haste to get out of town—the Senate, in their haste to get out of town—passed it for 60 days. I would respectfully submit that if they had done any consideration at all, they would have made it at least 90 days. I'm one of those who signed a quarterly wage and tax return like many of my freshman colleagues.

I, again, want to ask the President to stand with the Republican House. Let's pass this tax cut for a year and do what the Americans need us to do.

Ms. SLAUGHTER. Mr. Speaker, I yield a minute and a half to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. You know, I love Christmas, too, but when the gentleman on the other side of the aisle suggests that somehow they are going to stay around here after today, I don't believe that for 1 minute. I guarantee you that at the end of the day, the Republicans are going to go home. The difference is they're going to go home without passing the Senate bill that allows people to get their payroll tax cut, their unemployment insurance, and the seniors to go out and be able to access Medicare. If you really cared about these issues, then you would pass the Senate bill. You wouldn't put up a vote that rejects the Senate bill and doesn't allow us to consider it at all.

Don't kid anybody here. At the end of the day, the Republicans are going to go home, but the consequence for the American people is that the economy is in a very perilous situation right now. If you take this tax cut and you don't extend it, then it's very possible that people won't have money to spend, the economy won't grow, and this teetering economy could easily fall back into a recession again.

So I don't know what's going on here. All I can think of is that the Tea Party Republicans—the extremists on the Republican side—are wagging the Republican dog and saying to your leadership: We don't want to do this.

They don't want the payroll tax extension. They don't want the unemployment extension. I don't know why they don't care about the American people, but that's the bottom line here. You're going to go home at the end of the day, there isn't going to be any bill passed here, the deadline is going to be reached on January 1, people are going to be without their unemployment insurance, and they're going to have a tax increase. That's the consequence of this.

I've been hearing the Republicans for years saying they don't want a tax increase. Well, they don't care if the tax increase is on the middle class. If it's on the wealthy, oh, they don't want that, but it's okay to increase taxes on the middle class.

□ 1010

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from New York, Mr. TOM REED.

Mr. REED. I rise in support of this rule and the underlying legislation. Why? Because enough is enough. The arrogance of this place is outstanding. It's unbelievable. You have to look at what we're talking about from the eyes of our constituents and the people back home.

Two months of certainty for people when it comes to their payroll, to their paychecks? Two months for how our doctors are going to get paid for caring for our sick and our old? That's ridiculous.

I will tell my colleagues on the other side of the aisle, there's a new dawn that has emerged in this Chamber. We are no longer going to run from our responsibility to govern. We are going to do it in the open, we are going to do it honestly, and we're going to do it in a way that provides certainty to these problems, because God knows we can no longer afford Band-Aids. We need real solutions, long-term solutions.

I plead with my colleagues on the other side of the aisle to join us and reach a resolution to bring certainty for a longer period of time than 2 months.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield a minute and a half to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, we are here basically because the Joker has taken control of the Congress. Everyone knows that this is a procedural calamity that will not work. The House bill was dead on arrival in the other body because it raised the premiums of Medicare on seniors.

Let me tell you what we're doing today. The Washington Republicans are taking a high-risk gamble. This is gambling. This is throwing the dice. DEAN HELLER, a Senator, said, It is important that we extend the short term to get to the long term on payroll tax. RICHARD LUGAR said, We must do what is best for the American people.

My voice may be a little raspy, but I am watching the trees and the lights in people's homes. As we go through the house, you can see those lights brightly shining, and then you get closer to that tree, and you see them beginning to pop and burn as the Christmas tree burns. And then those who have lights in their homes, candles, you see them burning to the very end. It is extinguished.

They're putting the American people in darkness. That's what this joke is doing, not even allowing us to be able to have an up-or-down vote on the Senate bill that gives us 2 months to help out seniors, to have their doctors, and to be able to have the Medicare reimbursement for our doctors fixed.



I submit into the RECORD the Rules Committee agenda, which showed at 7:05 p.m. on Monday night that the House would vote on the Senate compromise to extend the payroll tax cut and unemployment insurance extension. At 9:15 p.m. the Tea Party Republicans said no—and the American people now have lost their holiday season. Millions will now suffer.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. JACKSON LEE of Texas. This is a joke. Vote against this rule.

AGENDA—EMERGENCY MEETING, MONDAY,  
DECEMBER 19, 2011, 7:05 P.M.

A motion to concur with the Senate amendment to H.R. 3630 (Middle Class Tax Relief & Job Creation Act of 2011).

A motion to go to conference on H.R. 3630 (Middle Class Tax Relief & Job Creation Act of 2011).

H. Res. 501—Ways & Means Energy & Commerce House Administration Transportation & Infrastructure—Expressing the sense of the House of Representatives regarding any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to Medicare beneficiaries.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana, Mr. JEFF LANDRY.

Mr. LANDRY. Mr. Speaker, I rise to call out hypocrisy because it is amazing that the same level of uncertainty that my colleagues from across the aisle have injected into our economy today, which is failing our economy, they now want to inject that type of uncertainty into the American family's budget.

Two months? One of the pillars of the President's jobs bill was the extension of the payroll tax for 1 year, and Republicans agreed with him and sent over to the Senate a bill which extends that payroll tax holiday for 1 year, and yet, the Senate can only give us a sixth of that.

Where is the compromise? Where is the agreement? Where have the Senate majority leader and the President missed each other? The President wanted a 1-year extension, and that is what we stand for today, a 1-year extension of the payroll tax holiday to give certainty to American families at a time when they need it the most.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from South Carolina, the assistant Democratic leader, Mr. CLYBURN.

Mr. CLYBURN. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today to thank the 89 Senators—50 Democrats and 39 Republicans—for their bipartisan agreement to extend the current payroll tax cut, unemployment insurance benefits, and Medicare doctors' payments for another 60 days while we continue to seek common ground for a full 12-month extension.

Let there be no mistake: The only way for the Members of this body to prevent a tax increase on 160 million working Americans is to pass the bipartisan agreement.

Let me be crystal clear: The only way to prevent cutting off unemployment insurance from 2.2 million Americans who are currently unemployed and looking for work is to pass the bipartisan agreement.

The only way to prevent cutting funds to pay doctors who care for Medicare patients is to pass the bipartisan agreement.

Now, a good thing happened last weekend. The Senate majority leader and the Senate minority leader demonstrated to the American people that Democrats and Republicans can work together. They hammered out a compromise on this important legislation.

Mr. Speaker, I'm sure that my colleagues on both sides of the aisle have heard their constituents ask, as I've heard mine ask, time and time again: Why can't you guys work together to get things done for the American people? It's a good question. It's a fair question. The Senate has answered in the affirmative by passing this legislation, and it's my fervent hope that we will do so, also.

Mr. Speaker, I urge my colleagues to put partisanship aside and join our colleagues in the other body to do the right thing for the American people. Bring the bipartisan agreement to the floor, and let's have a vote.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 4 minutes to the gentleman from California, the great chairman of the Rules Committee, DAVID DREIER.

Mr. DREIER. Mr. Speaker, I thank my good friend from North Charleston for his superb management of this rule.

Mr. Speaker, we regularly point to the fact that uncertainty is the enemy of prosperity and economic growth, and we know that extending this package for a year will, in fact, be doing exactly what President Obama has said is necessary for us to do. He said it's inexcusable for us not to extend this for a year, and so we've got a great chance to do this.

The other issue that I think is important to note, Mr. Speaker, is that uncertainty is now posing a national security threat to the United States of America. I say that because last night Stephen Harper, the prime minister of Canada, had an interview on Canadian television in which he made it very clear that he had been told that there would be approval of the Keystone XL pipeline that would have allowed for the flow of Canadian energy to come into the United States, and obviously, uncertainty exists. And so he made it very clear. He said he is very serious about selling that energy, moving that energy to Asia, and we know that that means to China.

Now, I'm not an opponent of China's economic growth, but I do believe that the potential for us to work with our close ally to the north is a very, very important part of our economic growth. Job creation here would be enhanced by it, and we know it would help us have access to lower cost energy.

And so, Mr. Speaker, not only is uncertainty the enemy of economic growth and prosperity, but uncertainty is now jeopardizing our national security.

Now, Mr. Speaker, some have tried to make the claim that we're not going to have an up-or-down vote on the Senate measure. Let me explain to our colleagues what, in fact, is going to happen.

The distinguished chairman of the Committee on Ways and Means, Mr. CAMP, is going to move to disagree with the Senate amendments and request a conference. That's the motion that the chairman of the Ways and Means Committee will have. What that means, Mr. Speaker, is that any Member who believes that we should accept the Senate temporary 2-month extension, that proposal that the National Payroll Reporting Consortium has said is unworkable and that Bloomberg News has said is unworkable and other independent analyses have said is unworkable, if a Member supports that measure, they should vote "no" to the motion that will be offered by the gentleman from Michigan (Mr. CAMP) which says, I move to disagree to the Senate amendments and request a conference.

□ 1020

And so I think it's very clear: We have a responsibility, a responsibility to do the people's business.

It's true, our Senate colleagues have gone home. Our Senate colleagues have gone home, and they say they don't want to act. We need to request this conference so that the Speaker of the House can appoint conferees and work can begin immediately.

Why is it that one would believe that creating this uncertainty in a temporary 2-month extension will allow us to get the work done next year? It needs to be done now. We have a December 31 deadline. We're going to see a tax increase go into effect if we don't act because, while the Senate measure provides a \$166 tax benefit on the payroll issue, ours would provide \$1,000.

Mr. Speaker, we need to make sure that we get this work done as quickly as possible, and we are here prepared to do it.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York, a member of the Committee on Energy and Commerce and my colleague from New York, Mr. ENGEL.

Mr. ENGEL. I thank the gentlewoman for yielding to me, and I rise in opposition to this rule.

I have a challenge to my Republican colleagues who claim to want to extend the payroll tax for a year. Give us a clean vote on extending the payroll tax for a year. Give it to us today, and we will pass it.

You talk about the bill that was passed in the House. That bill had poison pills in it. It mixed apples with oranges. It had a vote on the Keystone pipeline. It was designed to kill it.

If you're serious and you really want a middle class tax extension, payroll tax cut, give us a clean vote. That's all we're asking for.

The truth is that my friends on the other side of the aisle are interested in tax cuts for millionaires and billionaires, but they're not interested in tax cuts for the middle class, as the Democrats are.

So give us a clean bill, and then we'll call the Senate back to pass it. What the Senate has done is given us a 2-month breather. Let's take their 2-month breather and then pass a clean—a clean—doc fix, a clean extension of unemployment benefits, a clean payroll tax cut, not with any poison pills or extraneous materials destined to kill it.

Give us a clean bill, and we'll pass it. I challenge my Republican colleagues who control this House.

Mr. SCOTT of South Carolina. Mr. Speaker, I am prepared to close, so I will reserve the balance of my time.

Ms. SLAUGHTER. If my colleague is prepared to close, I have one more speaker.

I would like to yield 1 minute to the gentlewoman from California, our Democrat leader, Ms. PELOSI.

Ms. PELOSI. I thank the gentlelady for yielding. I thank her for her leadership and fighting the good fight at the Rules Committee. I commend her for her patience and also for her great knowledge that she brings to this debate.

But this is a pretty simple matter. The fact is what we're debating here today is of the utmost importance to the American people, to America's working families, and they know it. So much of what we debate on the floor may appear irrelevant to meeting their needs. This has a direct connection.

The debate that we have around our table of discussion here relates directly to discussions that are happening at kitchen tables across the country, as people prepare for the holidays, to see if they're going to be able to have a holiday and if they're going to be able to pay the bills come January.

Last night, the leadership of the Republican Party announced that the procedure today would be that we would be able to vote up or down on the Senate bill. In a matter of minutes, by the time it went to the Rules Committee, they changed that and said we wouldn't have a chance to vote up or down on the Senate bill.

This isn't, though, about process. It's about why is this happening, and why can't we get the job done for the American people.

What is at stake is the following: Given the chance to have an up-or-down vote on the Senate bill will probably attract some Republican support. When passed, it could go directly to the President, be signed into law today, removing all doubt in the minds of the American people as to whether the following will occur:

They will get up to a \$1,500 tax cut, middle income families; 160 million American workers will get the tax cut. It will mean 48 million seniors will have access to their doctors under Medicare. It will mean up to 2 million people will be receiving unemployment insurance in the next 2 months. For some of those people, losing that unemployment insurance cuts off any means of support for them.

Is that what we are here to do?

I thought we were here to do what the American people want us to do. What they have said they want us to do is to work together to get the job done. Why can't we work together, A.

B, they want jobs, and they want this tax cut. Democrats, Independents, Republicans want this tax cut. In fact, Republicans, at 50-something to 30-something support the payroll tax cut. That is Republicans across the country. Republicans in the Senate voted for this tax cut, 39 of them did. Ninety percent of the Senate, in a bipartisan way, voted for this tax cut. It is just the extreme Tea Party element of the Republicans in the House of Representatives who are standing in the way of a tax cut for 160 million Americans, unemployment benefits for millions of Americans, and Medicare opportunity for 48 million seniors.

Republicans say this is too short. It reminds me of a Yogi Berra story. He said: I don't like the food at that restaurant. Besides, the servings are too small.

Well, that's just what they're saying here. They've never wanted a tax cut, and now they're saying the tax cut for middle income people is too small. So what is it?

The record shows that, in the beginning of the summer, Speaker BOEHNER said that the tax cut, even the 1-year tax cut, was a short-term gimmick and he opposed it. It wasn't until President Obama went across the country with the American Jobs Act to persuade the American people to support the job creation that he was advocating, one part of that was a payroll tax cut. The American people overwhelmingly support that. They want us to get that job done.

So the only reason the Republicans are using the subterfuge, these excuses, is because they never wanted the tax cut to begin with. Our distinguished Mr. HOYER said it very well. The bill

they put forth is designed to fail, designed to fail because they didn't want it to begin with.

But this is deadly serious to the American people. The Senate Republicans opposed bringing up the House bill, the Republican House bill, in the Senate because they knew it would fail. The Republicans in the House—let's repeat that. The Republicans in the Senate refused to allow a vote on the House Republican bill because they knew it would fail. The Republicans in the House refused to bring up the Senate bill here because they are afraid it will pass, and it will pass and give the tax cut, take us down a path where we can go forward to make plans for how we extend it for one solid year.

But how do you explain this to the American people? Ninety percent of the Senate has voted in a bipartisan way—that's what the American people want us to do, to work together—for a tax cut that the American people want in overwhelming numbers and that we have the opportunity to do right here and now today.

President Thomas Jefferson said very wisely that every difference of opinion is not a difference of principle. And so let's see what this is today. Is this a difference of opinion of the path we can go down to have tax relief for the American people which, economists say, this tax cut will create jobs? If we don't pass it, as many as 600,000 jobs can be affected, either lost or not continued or not added, 600,000 jobs because of the demand injected into the economy by putting money into the pockets of the American people, by providing unemployment benefits, which are spent immediately and inject demand into the economy, therefore creating jobs.

□ 1030

This is dangerous business not only for how it impacts individual families and their survival. It's about the success of our economy, and not passing this bill today can hurt our economic recovery.

So let's really be clear. Republicans said we were going to have a vote on the Senate bill. They were afraid it would win; they pulled that. So now we have to be engaged in these process maneuvers. That's only an excuse. It's not a reason to reject the tax cut. It's an excuse because they never wanted the tax cut from the beginning.

So let's understand what we're here about.

Getting back to President Jefferson, every difference of opinion is not a difference of principle. But maybe here it is. Maybe the principle at stake here is the anti-government, ideological warfare that the Tea Party Republicans in the extreme have taken us to. They, alone, are standing in the way of a tax cut for the middle class. Republicans across the country support it, Republicans in the Senate support it, some

Republicans in the House support it. That's why we're not getting a chance to vote on it.

So let's understand that this is a pattern of House Republicans isolating themselves from the mainstream of even their own party across the country and their colleagues in the Senate who may or may not like this bill. It isn't the bill most of us would write, but that's what a compromise is. So it's not as if this is a mad, wild embrace of this. It's facing the reality of a two-party system of needing 60 votes in the Senate and the Republican majority in the House.

I thought the Speaker said that this was a victory after it passed in the Senate. He was the one who instructed HARRY REID—insisted that Senator REID have a discussion with MITCH MCCONNELL. Was that just a farce, too?

Is this all just a delaying, stalling tactic that says we were never going to do it before? Remember Yogi Berra: I don't like the food at that restaurant, and the servings are too small. They don't like the tax cut, and now they're claiming that it is too small. Yet when it was a 1-year tax cut, it was called a gimmick by the Speaker of the House.

So I urge my colleagues to certainly vote "no" on the rule. The Speaker is proud of saying, The House will work its will. Well, it won't if we don't have the opportunity under the rules of the House that are put on this floor in opposition to the wishes of the American people to take a simple vote on a bill that comes in with the strength of a 90 percent bipartisan vote in the Senate of the United States.

So it's clear: they never wanted a tax cut. Anything they put forth is designed to fail because that is what they want to do.

I tell my caucus—and they may be tired of hearing it from me—that it is like a gentleman who is wooing his potential fiancée and keeps asking her to marry him. And she says, Of course I'll marry you. I can only do it on February 30. Well, that day is never coming. Nor is the day coming when the Republicans will wholeheartedly support a tax cut for the middle class. Their focus has been on tax cuts for the wealthiest people in our country, and those wealthy people want a tax cut for the middle class.

Let's see what the American people want.

Let's vote "no" on this rule so that we have an opportunity to vote "yes" on the Senate bill that can be sent to the President this very day so that we can truly wish people a happy holiday season.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

I want to reiterate the way I started today that what we're doing here today is killing the tax cut by not voting anything here except that we do not concur with the Senate and that we

will hope some conference will come from someplace. That means there will be no tax cut; that means there will be no extension of unemployment benefits.

Now, last night at 7 o'clock when the Rules Committee was supposed to meet, the agenda called for a vote to concur in the Senate bill. But after the stormy 2-hour Tea Party conference, they reversed their course. And now we have a process where no tax cut can pass today, no matter who wins what vote.

If every Member of the House supported the bipartisan proposal, it still does not go to the President, and it does not become law. We have one chance, Mr. Speaker, of being able to vote on the Senate bill and one chance of winning that, and that will be on the previous question.

If we are able to defeat the previous question, we can have what I will construe as an up-or-down vote on the Senate bill. I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question, but we want an up-or-down vote on the previous question.

Let me repeat that because it's terribly important. I urge all of my colleagues in the House on both sides of the aisle, if you wish an up-or-down vote on what the Senate has done so that we can actually get some legislation done here and get it sent to and signed by the President of the United States, you must vote "no" on the previous question so that we will have that opportunity, which we have absolutely been denied.

Let me repeat, again, what we're doing here is absolutely nothing. It's simply a stalling tactic, I believe, to kill the tax cut and to kill the unemployment benefits.

I urge my colleagues to vote "no" to defeat the previous question so we can do the compromise today. I urge a "no" vote also on the rule, and I yield back the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, there is no doubt the American people are afraid. They're afraid of the party on the left. They're afraid because the party on the left raided \$500 billion out of Medicare to pay for a national health care Ponzi scheme. They're afraid because that same party who talks about tax cuts for the middle class raised taxes by a half a trillion dollars on the middle class.

After being held hostage, the middle class now hears from the party on the left, Trust me with a 60-day extension. No planning time, no time to figure it out. Trust me after I raised taxes on you in the last 12 months by more than a half a trillion dollars.

Mr. Speaker, regular order suggests for the last 200 years that when the House and the Senate don't agree, they

go to conference so that the folks on the left and those fighting for freedom on the right have an opportunity to come together in a conference. So to Mr. WAXMAN and Mr. LEVIN and others on the left who want a seat at the table, conference is the way you get a seat at the table. What we're asking for is common sense, something America has not seen from Congress in the last several years.

Mr. Speaker, I ask my colleagues to vote "yes" on the rule and "yes" on the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 502 OFFERED BY MS. SLAUGHTER OF NEW YORK

Strike all after the resolved clause and insert in lieu thereof the following:

That upon adoption of this resolution it shall be in order, without intervention of any point of order or question of consideration, to take from the Speaker's table the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes, with the Senate amendments thereto, and to consider in the House a single motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendments. The Senate amendments shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the

vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SCOTT of South Carolina. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 233, nays 187, answered "present" 1, not voting 12, as follows:

[Roll No. 944]

YEAS—233

Adams	Bass (NH)	Boustany
Aderholt	Benishak	Brady (TX)
Akin	Berg	Brooks
Alexander	Biggart	Brown (GA)
Amash	Bilbray	Bucshon
Amodel	Bilirakis	Buerkle
Austria	Bishop (UT)	Burgess
Bachus	Black	Burton (IN)
Barletta	Blackburn	Calvert
Bartlett	Bonner	Camp
Barton (TX)	Bono Mack	Campbell

Canseco	Huizenga (MI)	Quayle
Cantor	Hultgren	Reed
Capito	Hunter	Rehberg
Carter	Hurt	Reichert
Cassidy	Issa	Renacci
Chabot	Jenkins	Ribble
Chaffetz	Johnson (OH)	Rigell
Coffman (CO)	Johnson, Sam	Rivera
Cole	Jordan	Roby
Conaway	Kelly	Roe (TN)
Cravaack	King (IA)	Rogers (AL)
Crawford	King (NY)	Rogers (KY)
Crenshaw	Kingston	Rogers (MI)
Culberson	Kinzingler (IL)	Rohrabacher
Davis (KY)	Kline	Rokita
Denham	Labrador	Rooney
Dent	Lamborn	Ros-Lehtinen
DesJarlais	Lance	Roskam
Dold	Landry	Ross (FL)
Dreier	Lankford	Royce
Duffy	Latham	Runyan
Duncan (SC)	LaTourette	Ryan (WI)
Duncan (TN)	Latta	Scalise
Ellmers	Lewis (CA)	Schilling
Emerson	LoBiondo	Schmidt
Farenthold	Long	Schock
Fincher	Lucas	Schweikert
Fitzpatrick	Luetkemeyer	Scott (SC)
Flake	Lummis	Scott, Austin
Fleischmann	Lungren, Daniel	Sensenbrenner
Fleming	E.	Sessions
Flores	Mack	Shimkus
Forbes	Manzullo	Shuster
Fortenberry	Marchant	Simpson
Fox	Marino	Smith (NE)
Franks (AZ)	McCarthy (CA)	Smith (NJ)
Frelinghuysen	McCauley	Smith (TX)
Galleghy	McClintock	Smith (TX)
Gardner	McCotter	Southerland
Garrett	McHenry	Stearns
Gerlach	McKeon	Stivers
Gibbs	McKinley	Stutzman
Gibson	McMorris	Sullivan
Gingrey (GA)	Rodgers	Terry
Gohmert	Meehan	Thompson (PA)
Goodlatte	Mica	Thornberry
Gosar	Miller (FL)	Tiberi
Gowdy	Miller (MI)	Tipton
Granger	Miller, Gary	Turner (NY)
Graves (GA)	Mulvaney	Turner (OH)
Graves (MO)	Murphy (PA)	Upton
Griffin (AR)	Myrick	Walberg
Griffith (VA)	Neugebauer	Walden
Grimm	Noem	Walsh (IL)
Guinta	Nugent	Webster
Guthrie	Nunes	West
Hall	Nunnelee	Westmoreland
Hanna	Olson	Whitfield
Harper	Palazzo	Wilson (SC)
Harris	Paulsen	Wittman
Hartzler	Pearce	Wolf
Hastings (WA)	Pence	Womack
Hayworth	Petri	Woodall
Heck	Pitts	Yoder
Hensarling	Poe (TX)	Young (AK)
Herger	Pompeo	Young (FL)
Herrera Beutler	Posey	Young (IN)
Huelskamp	Price (GA)	

NAYS—187

Ackerman	Castor (FL)	Deutch
Altmire	Chandler	Dicks
Andrews	Chu	Dingell
Baca	Cielline	Doggett
Baldwin	Clarke (MI)	Donnelly (IN)
Barrow	Clarke (NY)	Doyle
Bass (CA)	Clay	Edwards
Becerra	Cleaver	Ellison
Berkley	Clyburn	Engel
Berman	Cohen	Eshoo
Bishop (GA)	Connolly (VA)	Farr
Bishop (NY)	Conyers	Fattah
Blumenauer	Cooper	Frank (MA)
Boren	Costa	Fudge
Boswell	Costello	Garamendi
Brady (PA)	Courtney	Gonzalez
Braley (IA)	Critz	Green, Al
Brown (FL)	Crowley	Green, Gene
Butterfield	Cuellar	Grijalva
Capps	Cummings	Gutierrez
Capuano	Davis (CA)	Hahn
Cardoza	Davis (IL)	Hanabusa
Carnahan	DeFazio	Hastings (FL)
Carney	DeGette	Heinrich
Carson (IN)	DeLauro	Higgins

Himes	McCollum	Sánchez, Linda
Hinchey	McDermott	T.
Hinojosa	McGovern	Sanchez, Loretta
Hirono	McIntyre	Sarbanes
Hochul	McNerney	Schakowsky
Holden	Meeks	Schiff
Holt	Michaud	Schwartz
Honda	Miller (NC)	Scott (VA)
Hoyer	Miller, George	Scott, David
Inlee	Moore	Serrano
Israel	Moran	Sewell
Jackson (IL)	Murphy (CT)	Sherman
Jackson Lee	Nadler	Shuler
(TX)	Napolitano	Sires
Johnson (GA)	Neal	Slaughter
Jones	Owens	Smith (WA)
Kaptur	Pallone	Speier
Keating	Pascarella	Stark
Kildee	Pastor (AZ)	Sutton
Kind	Payne	Thompson (CA)
Kissell	Pelosi	Thompson (MS)
Kucinich	Perlmutter	Tierney
Langevin	Peters	Peterson
Larsen (WA)	Peterson	Pingree (ME)
Larson (CT)	Pingree (ME)	Polis
Lee (CA)	Price (NC)	Quigley
Levin	Price (NC)	Rahall
Lewis (GA)	Quigley	Rangel
Lipinski	Rahall	Reyes
Loeb	Rangel	Richardson
Loeb	Reyes	Richmond
Lofgren, Zoe	Richardson	Ross (AR)
Lowe	Richmond	Rothman (NJ)
Lujan	Ross (AR)	Roybal-Allard
Lynch	Rothman (NJ)	Ruppersberger
Maloney	Roybal-Allard	Rush
Markey	Ruppersberger	Ryan (OH)
Matheson	Rush	
Matsui	Ryan (OH)	
McCarthy (NY)		

ANSWERED "PRESENT"—1

Johnson (IL)

NOT VOTING—12

Bachmann	Filner	Paul
Buchanan	Giffords	Platts
Coble	Johnson, E. B.	Schrader
Diaz-Balart	Oliver	Woolsey

□ 1103

Messrs. LUJÁN and GARAMENDI changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 944, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 187, answered "present" 1, not voting 14, as follows:

[Roll No. 945]

YEAS—231

Adams	Bartlett	Black
Aderholt	Barton (TX)	Blackburn
Akin	Bass (NH)	Bonner
Alexander	Benishak	Bono Mack
Amash	Berg	Boustany
Amodel	Biggart	Brady (TX)
Austria	Bilbray	Brooks
Bachus	Bilirakis	Brown (GA)
Barletta	Bishop (UT)	Bucshon

Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coffman (CO)  
Cole  
Conaway  
Cravack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foss  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling

NAYS—187

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney

Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Duffy  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Poe (TX)  
Pompeo

Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Hastings (FL)  
Hastings  
Higgin  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matheson

ANSWERED "PRESENT"—1

Johnson (IL)

NOT VOTING—14

Bachmann  
Buchanan  
Coble  
Diaz-Balart  
Filner

Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Paul  
Platts  
Schrader  
Woolsey

□ 1110

So the resolution was agreed to.  
The result of the vote was announced  
as above recorded.

A motion to reconsider was laid on  
the table.

Stated for:

Mr. GINGREY of Georgia. Mr. Speaker, on  
rollcall No. 945 on adoption of H. Res. 502, I  
am not recorded because I was unavoidably  
detained. Had I been present, I would have  
voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 945, I  
was away from the Capitol due to prior com-  
mitments to my constituents. Had I been  
present, I would have voted "nay."

# MOTION TO GO TO CONFERENCE ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

Mr. CAMP. Mr. Speaker, pursuant to  
House Resolution 502, I call up the bill  
(H.R. 3630) to provide incentives for the  
creation of jobs, and for other pur-  
poses, with the Senate amendments  
thereto, and I have a motion at the  
desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The  
Clerk will designate the Senate amend-  
ments.

The text of the Senate amendments  
is as follows:

Senate amendments:  
Strike all after the enacting clause and in-  
sert the following:

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as  
the "Temporary Payroll Tax Cut Continuation  
Act of 2011".

(b) *TABLE OF CONTENTS*.—The table of con-  
tents of this Act is as follows:

Sec. 1. *Short title; table of contents.*

## TITLE I—TEMPORARY PAYROLL TAX RELIEF

Sec. 101. *Extension of payroll tax holiday.*

## TITLE II—TEMPORARY EXTENSION OF UN- EMPLOYMENT COMPENSATION PROVI- SIONS

Sec. 201. *Temporary extension of unemployment  
compensation provisions.*

Sec. 202. *Extended unemployment benefits  
under the Railroad Unemploy-  
ment Insurance Act.*

## TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

Sec. 301. *Medicare physician payment update.*

Sec. 302. *2-month extension of MMA section 508  
reclassifications.*

Sec. 303. *Extension of Medicare work geo-  
graphic adjustment floor.*

Sec. 304. *Extension of exceptions process for  
Medicare therapy caps.*

Sec. 305. *Extension of payment for technical  
component of certain physician  
pathology services.*

Sec. 306. *Extension of ambulance add-ons.*

Sec. 307. *Extension of physician fee schedule  
mental health add-on payment.*

Sec. 308. *Extension of outpatient hold harmless  
provision.*

Sec. 309. *Extending minimum payment for bone  
mass measurement.*

Sec. 310. *Extension of the qualifying individual  
(QI) program.*

Sec. 311. *Extension of Transitional Medical As-  
sistance (TMA).*

Sec. 312. *Extension of the temporary assistance  
for needy families program.*

## TITLE IV—MORTGAGE FEES AND PREMIUMS

Sec. 401. *Guarantee Fees.*

Sec. 402. *FHA guarantee fees.*

## TITLE V—OTHER PROVISIONS

Subtitle A—Keystone XL Pipeline

Sec. 501. *Permit for Keystone XL pipeline.*

Subtitle B—Budgetary Provisions

Sec. 511. *Senate point of order against an emer-  
gency designation.*

Sec. 512. *PAYGO scorecard estimates.*

## TITLE I—TEMPORARY PAYROLL TAX RELIEF

### SEC. 101. EXTENSION OF PAYROLL TAX HOLIDAY.

(a) *IN GENERAL*.—Subsection (c) of section 601  
of the Tax Relief, Unemployment Insurance Re-  
authorization, and Job Creation Act of 2010 (26  
U.S.C. 1401 note) is amended to read as follows:

"(c) *PAYROLL TAX HOLIDAY PERIOD*.—The  
term 'payroll tax holiday period' means—

"(1) in the case of the tax described in sub-  
section (a)(1), calendar years 2011 and 2012, and  
"(2) in the case of the taxes described in sub-  
section (a)(2), the period beginning January 1,  
2011, and ending February 29, 2012."

(b) *SPECIAL RULES FOR 2012*.—Section 601 of  
such Act (26 U.S.C. 1401 note) is amended by  
adding at the end the following new subsection:

"(f) *SPECIAL RULES FOR 2012*.—

"(1) *LIMITATION ON WAGES AND SELF-EMPLOY-  
MENT INCOME*.—In the case of—

"(A) any taxable year beginning in 2012, sub-  
section (a)(1) shall only apply with respect to so  
much of the taxpayer's self-employment income

(as defined in section 1402(b) of the Internal Revenue Code of 1986) as does not exceed the excess (if any) of—

“(i) \$18,350, over  
“(ii) the amount of wages and compensation taken into account under subparagraph (B), and

“(B) any remuneration received during the portion of the payroll tax holiday period occurring during 2012, subsection (a)(2) shall only apply to so much of the sum of the taxpayer’s wages (as defined in section 3121(a) of such Code) and compensation (as defined section 3231(e) of such Code) as does not exceed \$18,350.

“(2) COORDINATION WITH DEDUCTION FOR EMPLOYMENT TAXES.—In the case of a taxable year beginning in 2012, subparagraph (A) of subsection (b)(2) shall be applied as if it read as follows:

“(A) The sum of—

“(i) 59.6 percent of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined after the application of this section) on so much of self-employment income (as defined in section 1402(b) of such Code) as does not exceed the amount of self-employment income described in paragraph (1)(A), plus

“(ii) one-half of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined without regard to this section) on self-employment income (as so defined) in excess of such amount, plus.”

(c) TECHNICAL AMENDMENTS.—Paragraph (2) of section 601(b) of such Act (26 U.S.C. 1401 note) is amended—

(1) by inserting “of such Code” after “164(f)”,  
(2) by inserting “of such Code” after “1401(a)” in subparagraph (A), and

(3) by inserting “of such Code” after “1401(b)” in subparagraph (B).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to remuneration received, and taxable years beginning, after December 31, 2011.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (c) shall take effect as if included in the enactment of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

## **TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS**

### **SEC. 201. TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS.**

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking “January 3, 2012” each place it appears and inserting “March 6, 2012”;

(B) in the heading for subsection (b)(2), by striking “JANUARY 3, 2012” and inserting “MARCH 6, 2012”; and

(C) in subsection (b)(3), by striking “June 9, 2012” and inserting “August 15, 2012”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “January 4, 2012” each place it appears and inserting “March 7, 2012”; and

(B) in subsection (c), by striking “June 11, 2012” and inserting “August 15, 2012”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “June 10, 2012” and inserting “August 15, 2012”.

(4) Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(A) in subsection (d), in the second sentence of the flush matter following paragraph (2), by

striking “December 31, 2011” and inserting “February 29, 2012”; and

(B) in subsection (f)(2), by striking “December 31, 2011” and inserting “February 29, 2012”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking “and” at the end; and

(2) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 201(a)(1) of the Temporary Payroll Tax Cut Continuation Act of 2011; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312).

### **SEC. 202. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.**

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(1) by striking “June 30, 2011” and inserting “August 31, 2011”; and

(2) by striking “December 31, 2011” and inserting “February 29, 2012”.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

## **TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS**

### **SEC. 301. MEDICARE PHYSICIAN PAYMENT UPDATE.**

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

“(13) UPDATE FOR FIRST TWO MONTHS OF 2012.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), and (12)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for the period beginning on January 1, 2012, and ending on February 29, 2012, the update to the single conversion factor shall be zero percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on March 1, 2012, and ending on December 31, 2012, and for 2013 and subsequent years as if subparagraph (A) had never applied.”.

### **SEC. 302. 2-MONTH EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.**

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111–148), and section 102(a) of the Medicare and

Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking “September 30, 2011” and inserting “November 30, 2011”.

(b) SPECIAL RULE FOR OCTOBER AND NOVEMBER 2011.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), for the period beginning on October 1, 2011, and ending on November 30, 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) EXCEPTION.—In determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall, for the period beginning on October 1, 2011, and ending on November 30, 2011, include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subsections (a) and (b) by not later than December 31, 2012.

### **SEC. 303. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.**

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking “before January 1, 2012” and inserting “before March 1, 2012”.

### **SEC. 304. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.**

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

### **SEC. 305. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.**

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111–148), and section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309), is amended by striking “and 2011” and inserting “2011, and the first two months of 2012”.

### **SEC. 306. EXTENSION OF AMBULANCE ADD-ONS.**

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “January 1, 2012” and inserting “March 1, 2012”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2012” and inserting “March 1, 2012” each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by sections 3105(b) and 10311(b) of Public Law 111–148 and section 106(b) of the Medicare and Medicaid Extenders Act of 2010



(Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

(c) **SUPER RURAL AMBULANCE.**—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking “January 1, 2012” and inserting “March 1, 2012”.

**SEC. 307. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.**

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 107 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

**SEC. 308. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.**

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 108 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “January 1, 2012” and inserting “March 1, 2012”; and

(B) in the second sentence, by striking “or 2011” and inserting “2011, or the first two months of 2012”; and

(2) in subclause (III)—

(A) in the first sentence, by striking “2009, and” and all that follows through “for which” and inserting “2009, and before March 1, 2012, for which”; and

(B) in the second sentence, by striking “2010, and” and all that follows through “the preceding” and inserting “2010, and before March 1, 2012, the preceding”.

**SEC. 309. EXTENDING MINIMUM PAYMENT FOR BONE MASS MEASUREMENT.**

Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b)—

(A) in paragraph (4)(B), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(ii) in subparagraph (C), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(2) in subsection (c)(2)(B)(iv)(IV), by striking “or 2011” and inserting “, 2011, or the first 2 months of 2012”.

**SEC. 310. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.**

(a) **EXTENSION.**—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2011” and inserting “February 2012”.

(b) **EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.**—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (O);

(B) in subparagraph (P), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraphs:

“(Q) for the period that begins on January 1, 2012, and ends on February 29, 2012, the total allocation amount is \$150,000,000.”.

**SEC. 311. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).**

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-

6(f)) are each amended by striking “December 31, 2011” and inserting “February 29, 2012”.

**SEC. 312. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.**

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than under subsections (a)(3) and (b) of section 403 of such Act) shall continue through February 29, 2012, in the manner authorized for fiscal year 2011, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the second quarter of fiscal year 2012 at the pro rata portion of the level provided for such activities through the second quarter of fiscal year 2011.

**TITLE IV—MORTGAGE FEES AND PREMIUMS**

**SEC. 401. GUARANTEE FEES.**

Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by adding after section 1326 (12 U.S.C. 4546) the following new section:

**“SEC. 1327. ENTERPRISE GUARANTEE FEES.**

“(a) **DEFINITIONS.**—For purposes of this section, the following definitions shall apply:

“(1) **GUARANTEE FEE.**—The term ‘guarantee fee’—

“(A) means a fee described in subsection (b); and

“(B) includes—

“(i) the guaranty fee charged by the Federal National Mortgage Association with respect to mortgage-backed securities; and

“(ii) the management and guarantee fee charged by the Federal Home Loan Mortgage Corporation with respect to participation certificates.

“(2) **AVERAGE FEES.**—The term ‘average fees’ means the average contractual fee rate of single-family guaranty arrangements by an enterprise entered into during 2011, plus the recognition of any up-front cash payments over an estimated average life, expressed in terms of basis points. Such definition shall be interpreted in a manner consistent with the annual report on guarantee fees by the Federal Housing Finance Agency.

“(b) **INCREASE.**—

“(1) **IN GENERAL.**—

“(A) **PHASED INCREASE REQUIRED.**—Subject to subsection (c), the Director shall require each enterprise to charge a guarantee fee in connection with any guarantee of the timely payment of principal and interest on securities, notes, and other obligations based on or backed by mortgages on residential real properties designed principally for occupancy of from 1 to 4 families, consummated after the date of enactment of this section.

“(B) **AMOUNT.**—The amount of the increase required under this section shall be determined by the Director to appropriately reflect the risk of loss, as well the cost of capital allocated to similar assets held by other fully private regulated financial institutions, but such amount shall be not less than an average increase of 10 basis points for each origination year or book year above the average fees imposed in 2011 for such guarantees. The Director shall prohibit an enterprise from offsetting the cost of the fee to mortgage originators, borrowers, and investors by decreasing other charges, fees, or premiums, or in any other manner.

“(2) **AUTHORITY TO LIMIT OFFER OF GUARANTEE.**—The Director shall prohibit an enterprise from consummating any offer for a guarantee to a lender for mortgage-backed securities, if—

“(A) the guarantee is inconsistent with the requirements of this section; or

“(B) the risk of loss is allowed to increase, through lowering of the underwriting standards or other means, for the primary purpose of meeting the requirements of this section.

“(3) **DEPOSIT IN TREASURY.**—Amounts received from fee increases imposed under this section shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. The fees charged pursuant to this section shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise.

“(c) **PHASE-IN.**—

“(1) **IN GENERAL.**—The Director may provide for compliance with subsection (b) by allowing each enterprise to increase the guarantee fee charged by the enterprise gradually over the 2-year period beginning on the date of enactment of this section, in a manner sufficient to comply with this section. In determining a schedule for such increases, the Director shall—

“(A) provide for uniform pricing among lenders;

“(B) provide for adjustments in pricing based on risk levels; and

“(C) take into consideration conditions in financial markets.

“(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be interpreted to undermine the minimum increase required by subsection (b).

“(d) **INFORMATION COLLECTION AND ANNUAL ANALYSIS.**—The Director shall require each enterprise to provide to the Director, as part of its annual report submitted to Congress—

“(1) a description of—

“(A) changes made to up-front fees and annual fees as part of the guarantee fees negotiated with lenders;

“(B) changes to the riskiness of the new borrowers compared to previous origination years or book years; and

“(C) any adjustments required to improve for future origination years or book years, in order to be in complete compliance with subsection (b); and

“(2) an assessment of how the changes in the guarantee fees described in paragraph (1) met the requirements of subsection (b).

“(e) **ENFORCEMENT.**—

“(1) **REQUIRED ADJUSTMENTS.**—Based on the information from subsection (d) and any other information the Director deems necessary, the Director shall require an enterprise to make adjustments in its guarantee fee in order to be in compliance with subsection (b).

“(2) **NONCOMPLIANCE PENALTY.**—An enterprise that has been found to be out of compliance with subsection (b) for any 2 consecutive years shall be precluded from providing any guarantee for a period, determined by rule of the Director, but in no case less than 1 year.

“(3) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be interpreted as preventing the Director from initiating and implementing an enforcement action against an enterprise, at a time the Director deems necessary, under other existing enforcement authority.

“(f) **EXPIRATION.**—The provisions of this section shall expire on October 1, 2021.”.

**SEC. 402. FHA GUARANTEE FEES.**

(a) **AMENDMENT.**—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by adding at the end the following:

“(C)(i) In addition to the premiums under subparagraphs (A) and (B), the Secretary shall establish and collect annual premium payments for any mortgage for which the Secretary collects an annual premium payment under subparagraph (B), in an amount described in clause (ii).

“(ii)(I) Subject to subclause (II), with respect to a mortgage, the amount described in this clause is 10 basis points of the remaining insured principal balance (excluding the portion

of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

“(1) During the 2-year period beginning on the date of enactment of this subparagraph, the Secretary shall increase the number of basis points of the annual premium payment collected under this subparagraph incrementally, as determined appropriate by the Secretary, until the number of basis points of the annual premium payment collected under this subparagraph is equal to the number described in subclause (I).”.

(b) **PROSPECTIVE REPEAL.**—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by striking subparagraph (C), as added by subsection (a), effective on October 1, 2021.

(c) **REPORT REQUIRED.**—Not later than 30 days before the date on which the Secretary of Housing and Urban Development makes a determination under subsection (b)(2), the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(1) explains the basis for the determination; and

(2) identifies the date on which the Secretary plans to make the determination.

## TITLE V—OTHER PROVISIONS

### Subtitle A—Keystone XL Pipeline

#### SEC. 501. PERMIT FOR KEYSTONE XL PIPELINE.

(a) **IN GENERAL.**—Except as provided in subsection (b), not later than 60 days after the date of enactment of this Act, the President, acting through the Secretary of State, shall grant a permit under Executive Order 13337 (3 U.S.C. 301 note; relating to issuance of permits with respect to certain energy-related facilities and land transportation crossings on the international boundaries of the United States) for the Keystone XL pipeline project application filed on September 19, 2008 (including amendments).

(b) **EXCEPTION.**—

(1) **IN GENERAL.**—The President shall not be required to grant the permit under subsection (a) if the President determines that the Keystone XL pipeline would not serve the national interest.

(2) **REPORT.**—If the President determines that the Keystone XL pipeline is not in the national interest under paragraph (1), the President shall, not later than 15 days after the date of the determination, submit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives a report that provides a justification for determination, including consideration of economic, employment, energy security, foreign policy, trade, and environmental factors.

(3) **EFFECT OF NO FINDING OR ACTION.**—If a determination is not made under paragraph (1) and no action is taken by the President under subsection (a) not later than 60 days after the date of enactment of this Act, the permit for the Keystone XL pipeline described in subsection (a) that meets the requirements of subsections (c) and (d) shall be in effect by operation of law.

(c) **REQUIREMENTS.**—The permit granted under subsection (a) shall require the following:

(1) The permittee shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the United States facilities.

(2) The permittee shall obtain all requisite permits from Canadian authorities and relevant Federal, State, and local governmental agencies.

(3) The permittee shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, operation, and maintenance of the United States facilities.

(4) For the purpose of the permit issued under subsection (a) (regardless of any modifications under subsection (d))—

(A) the final environmental impact statement issued by the Secretary of State on August 26, 2011, satisfies all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

(B) any modification required by the Secretary of State to the Plan described in paragraph (5)(A) shall not require supplementation of the final environmental impact statement described in that paragraph; and

(C) no further Federal environmental review shall be required.

(5) The construction, operation, and maintenance of the facilities shall be in all material respects similar to that described in the application described in subsection (a) and in accordance with—

(A) the construction, mitigation, and reclamation measures agreed to by the permittee in the Construction Mitigation and Reclamation Plan found in appendix B of the final environmental impact statement issued by the Secretary of State on August 26, 2011, subject to the modification described in subsection (d);

(B) the special conditions agreed to between the permittee and the Administrator of the Pipeline Hazardous Materials Safety Administration of the Department of Transportation found in appendix U of the final environmental impact statement described in subparagraph (A);

(C) if the modified route submitted by the Governor of Nebraska under subsection (d)(3)(B) crosses the Sand Hills region, the measures agreed to by the permittee for the Sand Hills region found in appendix H of the final environmental impact statement described in subparagraph (A); and

(D) the stipulations identified in appendix S of the final environmental impact statement described in subparagraph (A).

(6) Other requirements that are standard industry practice or commonly included in Federal permits that are similar to a permit issued under subsection (a).

(d) **MODIFICATION.**—The permit issued under subsection (a) shall require—

(1) the reconsideration of routing of the Keystone XL pipeline within the State of Nebraska;

(2) a review period during which routing within the State of Nebraska may be reconsidered and the route of the Keystone XL pipeline through the State altered with any accompanying modification to the Plan described in subsection (c)(5)(A); and

(3) the President—

(A) to coordinate review with the State of Nebraska and provide any necessary data and reasonable technical assistance material to the review process required under this subsection; and

(B) to approve the route within the State of Nebraska that has been submitted to the Secretary of State by the Governor of Nebraska.

(e) **EFFECT OF NO APPROVAL.**—If the President does not approve the route within the State of Nebraska submitted by the Governor of Nebraska under subsection (d)(3)(B) not later than 10 days after the date of submission, the route submitted by the Governor of Nebraska under subsection (d)(3)(B) shall be considered approved, pursuant to the terms of the permit described in subsection (a) that meets the requirements of subsection (c) and this subsection, by operation of law.

(f) **PRIVATE PROPERTY SAVINGS CLAUSE.**—Nothing in this section alters the Federal, State,

or local processes or conditions in effect on the date of enactment of this Act that are necessary to secure access from private property owners to construct the Keystone XL pipeline.

### Subtitle B—Budgetary Provisions

#### SEC. 511. SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.

Section 314 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following: “(e) **SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.**—

“(1) **IN GENERAL.**—When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(2) **SUPERMAJORITY WAIVER AND APPEALS.**—

“(A) **WAIVER.**—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(B) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

“(3) **DEFINITION OF AN EMERGENCY DESIGNATION.**—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(4) **FORM OF THE POINT OF ORDER.**—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(5) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.”.

#### SEC. 512. PAYGO SCORECARD ESTIMATES.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

Amend the title so as to read: “An Act A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes”.

The **SPEAKER pro tempore**. The Clerk will designate the motion.



The text of the motion is as follows:

Mr. Camp moves that the House disagree to the Senate amendments to H.R. 3630 and request a conference with the Senate.

The SPEAKER pro tempore. Pursuant to House Resolution 502, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

#### GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

The differences between the bipartisan, House-passed Middle Class Tax Relief and Job Creation Act and what the Senate did so it could go on vacation could not be clearer. The House bill puts the American people first. It provided certainty for middle class families struggling to make ends meet by extending the middle class holiday; it provided certainty for those left behind in this economy by extending not only unemployment benefits for 1 year but also the Nation's welfare program; it provided certainty to seniors by ensuring their doctors would not see reimbursement rates slashed by nearly 30 percent; and it provided incentives for job creators looking for ways to hire more workers by extending tax relief.

The Senate decided not to do any of this. Worse yet, in a rush to get home for the holidays, the Senate passed something that is totally unworkable. Yesterday, the Congress received a letter from the National Payroll Reporting Consortium, a nonprofit trading association whose members cover more than one-third of the private-sector workforce. Their letter says the Senate bill "could create substantial problems, confusion, and costs affecting a significant percentage of U.S. employers and employees."

The National Federation of Independent Business, the largest small business advocacy group in the Nation, representing 350,000 small business owners nationwide and in every State, has issued a statement on the Senate bill. They say:

"The 2-month payroll tax holiday would present a number of complications and costs that would disproportionately affect small businesses. In addition, many small employers do payroll processing in-house by hand, and this would require them to spend time to make these changes."

With more than 5 million people working in the construction industry, this is what the Associated General Contractors have said about the Senate bill:

"This legislation will extend the payroll tax holiday in the most complex way possible, at the busiest time possible, provide little benefit to taxpayers and unfairly hit the small member companies of the Associated General Contractors of America the hardest."

As the Associated General Contractors say, this legislation will provide little benefit to taxpayers and unfairly hit the small member companies of the organization the hardest. This legislation will add more uncertainty, more confusion for employers and employees, and more complexity, especially for small employers.

"Any economic benefit derived from the law would likely be eaten up by the inefficiency and confusion surrounding the bill's implementation."

Mr. Speaker, I ask unanimous consent that these letters, along with letters in opposition to the Senate bill from the National Roofing Contractors Association, which has over 4,000 members and is represented in every State; the Associated Builders and Contractors, which represent over 2 million American workers; and the Small Business Entrepreneurship Council, with over 100,000 members, be entered into the RECORD.

The SPEAKER pro tempore (Mr. YODER). Is there objection to the request of the gentleman from Michigan?

Mr. RANGEL. Reserving the right to object, and I probably won't object, but if the chairman is asking to put in the RECORD the people that support the awkward position that the majority has taken, my question would be, would we be allowed to put in the RECORD those people who are going through such economic pain and who so badly want to make certain that they don't get a raise in their taxes, would we be able to insert the letters that we get saying please don't come home unless you give us a tax break? I'm asking, maybe, the Parliamentarian whether or not I would be in order if I asked that.

I certainly think the chairman is in order, but then we all have received so many letters from our constituents, it's painful, and I just wanted some equality in terms of how the RECORD would look years from now as to how we treated those people who are the most vulnerable. And I know we all are concerned about that, even though the 2 months may be inconvenient for the electronic way they do these things, but I think the pain will be far more severe for those people who would have a tax increase.

Mr. CAMP. Regular order, Mr. Speaker.

□ 1120

The SPEAKER pro tempore (Mr. YODER). Regular order has been demanded.

Does the gentleman from New York object to the request?

Mr. RANGEL. I said I reserved it. Maybe I didn't make it clear what my position was. I was reserving the right to object.

The SPEAKER pro tempore. Regular order has been demanded. Unless the unanimous-consent request is withdrawn, the gentleman from New York must either object or withdraw his reservation.

Mr. RANGEL. Well, with all respect to my chairman, I withdraw my reservation.

The SPEAKER pro tempore. The gentleman from New York withdraws his reservation of objection.

Without objection, the request is granted.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. CAMP. I thank the gentleman from New York for withdrawing.

These letters, many of them were written to both parties, both leaders. I think Mr. LEVIN and I both received these letters. They were written to the Congress. It's routine that we do these. And on his own time the gentleman may do as he wishes.

I would say, Mr. Speaker, our economy is too weak and the American people have been struggling for far too long for Congress not to work out our differences. America is not on vacation, nor should the Senate be. We have 2 weeks to find a solution and send something to the President for his signature. That is what House Republicans are proposing today.

Let's look at the differences between the House and the Senate.

The House extended unemployment for 13 months. The Senate bill extended unemployment benefits for only 2 months, meaning an estimated 4 million Americans could lose the extended unemployment benefits next year they would get under the House bill.

The House reformed the unemployment program to focus it more on getting people the training and education they need to get back to work, not just handing out checks. The Senate did not.

The House protected seniors' health care for the next 2 years by ensuring doctors in the Medicare program don't have their reimbursements cut by more than 27 percent. The Senate did this for only 2 months.

The House provided a 1-year extension of the payroll tax holiday, ensuring a worker earning \$50,000 next year has \$1,000 more in their pocket. The Senate did this for only 2 months, meaning that same worker would have less than \$200 in their pocket, or \$800

less in take-home pay than under the House-passed bill.

The House included a pay freeze for Members of Congress and civilian Federal workers. The Senate did not.

The House put an end to welfare benefits being accessed at ATMs located in casinos, liquor stores, and strip clubs. The Senate did not.

The House protected Social Security by reducing overpayments. The Senate did not.

The House included a provision that saves taxpayers \$9 billion by cracking down on fraud and abuse that is known to exist in a refundable tax credit program. The Senate did not.

The House provided for economic growth and job creation in the high-tech industry through spectrum auctions. The Senate did not.

The House cut taxes to promote business investment and hiring. The Senate did not.

Mr. Speaker, while it may sound like there are great differences between the House and Senate bill, it's not a difference over policy. It's simply a difference between the House deciding to act and the Senate deciding not to act on so many items.

The House bill includes commonsense reforms the American people want, and it adopts a number of the President's legislative initiatives which represent the bipartisan cooperation the American people are demanding. All told, 90 percent of the House bill is paid for with policies the President has endorsed in one form or another.

So what's really standing in our way? I've heard the President's people say that this breaks the agreement over the discretionary caps in the Budget Control Act, but look at that talking point. Those caps are adjusted only because we are proposing, as the President has before, to freeze the pay of Members of Congress and other Federal workers. Do the President and the Senate really want to risk unemployment benefits, a middle class tax cut, and reimbursement to doctors treating seniors and those with disabilities because they don't want to freeze the pay for Members of Congress and Federal workers?

Mr. Speaker, it's not too late. I urge all of my colleagues to support a 1-year extension of the payroll tax holiday, 1 year of unemployment benefits with critical reforms, and a 2-year extension of reimbursements for Medicare doctors.

I urge my Democrat colleagues to name conference committee members to resolve the differences between the two bills. Conference committees are a Jeffersonian concept, and we would be wise to follow the model laid out by our Founding Fathers. If the Senate agrees to work together, we will help get the American people back to work and get those struggling in this economy the help they need.

ASSOCIATED BUILDERS

AND CONTRACTORS, INC.,

Arlington, VA, December 19, 2011.

Hon. JOHN BOEHNER,

Speaker, U.S. House of Representatives, Washington, DC.

Hon. HARRY REID,

Majority Leader, U.S. Senate, Washington, DC.

DEAR LEADERS: On behalf of Associated Builders and Contractors (ABC), a national association with 75 chapters representing more than 23,000 merit shop construction and construction-related firms with nearly two million employees, I am writing to express our opposition to H.R. 3630 as amended by the Senate last week.

Whether Congress ultimately chooses to extend these various provisions, the proposed two month stop-gap measure merely serves to delay the inevitable tough decisions, compounding the climate of uncertainty that continues to impact small businesses. This sort of temporary fix underscores Congress' uneven, ad hoc approach toward the economy and causes more harm than good for America's job creators.

Moreover, a two month extension of the payroll tax holiday creates an untenable administrative burden for employers in the construction industry and beyond. In a letter sent today to leaders of the tax writing committees, the National Payroll Reporting Consortium warned of "substantial problems, confusion and costs" associated with the extension's implementation.

America's small businesses should not be punished for Congress' inability to do its job. Instead of passing the buck for another two months, the House and Senate must work together to determine their policies for the full year and provide some semblance of certainty for the companies driving our economy.

Sincerely,

GEOFFREY BURR,

Vice President, Federal Affairs.

THE ASSOCIATED GENERAL

CONTRACTORS OF AMERICA,

Arlington, VA, December 19, 2011.

Re Oppose the two-month payroll tax holiday provision in H.R. 3630

Hon. DAVE CAMP,

House of Representatives, Washington, DC.

DEAR REPRESENTATIVE CAMP: Please oppose the two-month payroll tax holiday provision in H.R. 3630. This legislation will extend the payroll tax holiday in the most complex way possible, at the busiest time possible, provide little benefit to taxpayers and unfairly hit the small member companies of the Associated General Contractors of America (AGC) the hardest. This legislation will add more uncertainty, more confusion (for employers and employees), more complexity (especially for small employers) and provide a maximum tax reduction of only \$367. Any economic benefit derived from the law would likely be eaten up by the inefficiency and confusion surrounding the bill's implementation.

There are more than five million people employed in the construction industry. Members of the AGC tend to be small businesses. Many of them prepare their own payroll using programs that will need to be modified by the software vendors and then updated software must be installed on the contractors systems to ensure proper withholding is taken. If they are lucky enough to have a payroll company that handles their payroll processing, then the payroll companies will have to modify their programs to

account for the new changes. Construction companies and payroll companies are not idle this time of year. They are doing year-end financials and producing the W-2 forms that construction employees rely on to file their tax returns. If companies are not lucky enough, big enough or profitable enough to have a payroll company, they will be forced to manually modify payroll for all employees, check their work and remit the appropriate amount to the IRS, which can impose hefty penalties for errors in withholding. Again, this is during the holidays, while finalizing their financials and preparing W-2s for their employees.

The IRS will have to issue guidance on this change. That guidance will lead to delays in implementing the law and could add additional complexity above and beyond what is in the statute. The taxable wage limit of \$18,350 and a two-month payroll tax holiday appears needlessly arbitrary. It will complicate coordination of the IRS Form 941 that employers have to file quarterly and will likely require that it be redesigned in the first quarter of the year.

Congress had a full year to reach agreement on whether to extend the payroll tax holiday. Congress seems to be ready to extend the holiday for a full year. The two-month extension is an arbitrary and complicated, half-baked, solution to the problem of Congress not getting its act together in a timely fashion. If everyone agrees that the economy needs rational and decisive decision-making to revive it, why would you deliver just the opposite in H.R. 3630? Please oppose the two-month payroll tax holiday. Give employers and employees the certainty they need to make sound personal and business decisions for the entire year.

Sincerely,

JEFFREY D. SHOAF,

Senior Executive Director Government Affairs.

NATIONAL FEDERATION OF  
INDEPENDENT BUSINESS,

Washington, DC, Dec. 19, 2011.

NFIB EXPRESSES SIGNIFICANT CONCERN ABOUT  
PAYROLL TAX IMPACT ON SMALL BUSINESS

"The two month payroll tax holiday would present a number of complications and costs that would disproportionately affect small businesses," said Brad Close, NFIB Vice President for Public Policy. "Programming and software to support the new taxable wage limit may not be available for small businesses at the beginning of the year and could present challenges for payroll processors. In addition, many small employers do payroll processing in-house by hand, and this would require them to spend time to make these changes. Employers that do not have correct withholding calculations would need to figure out how much more to collect from employees and amend employment tax returns later in the year, which may also increase their chances for an audit."

The cost of tax compliance falls heavily on small business. On average, small businesses spend more than \$74 per hour on meeting their compliance obligations, which represents the most expensive paperwork burden that the federal government imposes on small business owners."

NATIONAL ROOFING  
CONTRACTORS ASSOCIATION  
*Washington, DC, Dec. 19, 2011.*

Hon. JOHN BOEHNER,  
*Speaker, U.S. House of Representatives, Wash-  
ington, DC.*

Hon. HARRY REID,  
*Majority Leader, U.S. Senate, Washington, DC.*

DEAR SPEAKER BOEHNER AND LEADER REID: The National Roofing Contractors Association (NRCA) strongly urges the House and Senate to work together to enact a full one-year extension of the payroll tax rate reduction, like that originally passed by the House on December 13, 2011 (H.R. 3630). The much-needed reforms and short-term tax relief provided in that legislation is important to employees and employers during these tough economic times.

As was asserted in the letter sent today to the House Ways and Means and Senate Finance Committees by the National Payroll Reporting Consortium (NPRC), NRCA is concerned that the proposed two-month extension would cause "substantial problems, confusion and costs" for employers. As the NPRC states, many payroll systems would simply not be able to make the programming changes that the proposed two-month extension would require. This would impose an undue burden on employers in the form of logistical difficulties and costs.

Rather than enacting a two-month extension, NRCA urges Congress to instead follow the traditional and appropriate procedures and allow the House and Senate to enact policies that will last the full year so that businesses have predictable, certain policies with which to deal.

NRCA commends you for your leadership and continued efforts on this important issue. Thank you for your consideration.

Sincerely,

KENT TOLLEY,  
*Quality Tile Roofing, Inc.,  
President, NRCA.*

SMALL BUSINESS &  
ENTREPRENEURSHIP COUNCIL,  
*Oakton, VA, Dec. 19, 2011.*

Hon. JOHN BOEHNER,  
*Speaker, United States House of Representa-  
tives, Washington, DC.*

Hon. HARRY REID,  
*Majority Leader, U.S. Senate, Washington, DC.*

DEAR SPEAKER BOEHNER AND MAJORITY LEADER REID: politically expedient solutions that address legislative emergencies often end up having unintended or costly consequences. Such is the case with the proposed two-month extension of the reduced payroll tax rate and its potential impact on America's small employers and the economy at large.

On behalf of the Small Business & Entrepreneurship Council (SBE Council) and its 100,000 members, we urge the House and Senate to agree on a full year extension of the payroll tax reduction. While SBE Council believes that the payroll tax cut itself is doing very little to stimulate the economy and supports solutions that permanently reform the tax system through lower rates on entrepreneurs and investment, we need to proactively protect our members against potentially higher payroll costs and the uncertainty that the two-month extension would generate.

In a letter to the House Ways and Means and Senate Finance Committees, the National Payroll Reporting Consortium wrote that "insufficient lead time" to implement changes mandated by H.R. 3630 "could create substantial problems, confusion and costs af-

fecting a significant percentage of U.S. employers and employees." SBE Council agrees with this assessment. Unfortunately, small businesses would bear the costs of the uncertainties and complex changes that face payroll processors given a two-month extension. Small businesses that don't use payroll companies also face complexity and a significant cost burden.

The confusion that the two-month extension would impose on employers or their payroll providers will inevitably divert resources away from productive activities. Indeed, the uncertainty regarding what happens next following the two-month expiration date will serve as additional fuel to currently low business confidence levels.

Already, small business owners are frustrated by one and two-year extensions of various tax measures. Individual Americans and entrepreneurs need to plan, and they are tired of these short-term fixes. The two-month extension is unacceptable. SBE Council urges the House and Senate to enact a solution that will allow businesses and individuals to properly plan.

Sincerely,

KAREN KERRIGAN,  
*President & CEO.*

NATIONAL PAYROLL  
REPORTING CONSORTIUM,  
*Henrietta, NY, Dec. 19, 2011.*

*Re. H.R. 3630 Payroll Tax Relief Proposals*

Representative DAVE CAMP,  
*Chairman, Committee on Ways and Means,  
United States House of Representatives,  
Longworth House Office Building, Wash-  
ington, DC.*

Senator MAX BAUCUS,  
*Chairman, Senate Finance Committee, Dirksen  
Senate Office Building, Washington, DC.*

Representative SANDER LEVIN,  
*Ranking Member, Committee on Ways and  
Means, United States House of Representa-  
tives, Longworth House Office Building,  
Washington, DC.*

DEAR CHAIRMAN CAMP, CHAIRMAN BAUCUS, RANKING MEMBER LEVIN AND RANKING MEMBER HATCH: we are writing to express concerns regarding Section 101 of H.R. 3630, which would establish a new Social Security Taxable Wage limit of \$18,350, to which a reduced 4.2% rate would apply through February 29, 2012. Wages over \$18,350 paid during the first two months of 2012 would be subject to a 6.2% Social Security tax rate.

The National Payroll Reporting Consortium (NPRC) is a non-profit trade association whose member organizations provide payroll processing and related services, including electronic payment and filing of employment taxes, and related information returns, to over 1.5 million employers nationwide, covering over one-third of the private sector work force. Payroll service providers serve an important role in our nation's tax collection system as a conduit between employers and government authorities, improving the efficiency of tax collection through electronic filing and improving compliance.

As mentioned in our correspondence to the tax-writing committees in July, the NPRC is strictly neutral on virtually all policy matters, such as whether a reduced Social Security tax rate is necessary or desirable. The organization serves largely to advise policymakers as to the administrative implications of proposals affecting payroll and payroll tax administration.

NPRC

Accordingly, NPRC advises policymakers that we believe there is insufficient lead time to accommodate the proposal embodied

in H.R. 3630. In our opinion enactment of H.R. 3630 as written could create substantial problems, confusion and costs affecting a significant percentage of U.S. employers and employees.

The difficulty is in establishing a new Social Security Taxable Wage limit of \$18,350 for the two-month extension period. More than ten percent of the workforce is likely to meet that limit, and would be subject to the higher 6.2% tax rate for earnings over that amount. However, many payroll systems are not likely to be able to make such a substantial programming change before January or even February. The systems affected tend to be highly complex, normally requiring at least ninety days for a change of this magnitude for software testing alone; not to mention analysis, design, coding and implementation.

As we commented to the Treasury Department concerning the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312), which was enacted December 17, 2010 and effective on January 1, 2011, payroll service providers are probably the best equipped of those affected to handle last-minute tax law changes. However, programming to support the new taxable wage limit might not be available to employers that do not use a payroll service provider until well after the effective date. Affected employees could be confused by payroll adjustments seeking to collect additional taxes late in the year for wages paid in January or February.

Given a two month extension, policy-makers may feel they have no alternative than to establish a new Social Security Taxable Wage limit of \$18,350; i.e., to do otherwise may invite criticism because highly compensated employees could meet their entire 2012 Social Security obligation at the reduced 4.2% tax rate, whereas others would (assuming the reduced rate is not further extended by subsequent legislation) enjoy the 4.2% rate only in the first two months.

PRC understands Congress' concern that highly compensated employees not enjoy the full benefit of the 2% tax break because of bonuses or other high compensation falling into the first two months of the year. Nevertheless with the first of January now only two weeks away and payroll departments trying to meet year-end compliance mandates and reconciliation, there simply is insufficient time to implement this major change in withholding requirements. It would also be necessary to await IRS regulatory guidance for further details concerning the change.

If the 4.2% rate is later extended for the full year, the \$18,350 taxable limit for the first two months would be unnecessary. However, even if subsequent legislation extends the 4.2% rate for the full year, employers would still have to make costly programming changes to accommodate the 6.2% tax rate on wages in excess of \$18,350 paid prior to March.

#### RECOMMENDATIONS

1. We recommend that Congress omit Section 101 from H.R. 3630 and not prospectively extend the reduced tax rate for the first two months of 2012. Instead, we would suggest that the Congress enact the reduced tax rate at a later date, but make the change retroactive to January 1. For example, a 4.2% employee Social Security tax rate enacted on February 15, 2012 should still be retroactively effective on January 1, 2012. Virtually all payroll systems are built to self-correct Social Security taxes, so employers would automatically accommodate a late

but retroactive change, automatically refunding to each employee any over-withholding from early 2012 payrolls. The same tax rate and taxable wage limit should apply for the full calendar year.

If this is not feasible, we recommend that the Social Security Taxable Wage limit of \$18,350 be removed from H.R. 3630. If the reduced tax rate is later extended through 2012, this would likely avoid the substantial reprogramming of payroll systems that would otherwise be necessary. If the reduced tax rate is not subsequently extended, the proposed taxable wage limit of \$18,350 could be established in later legislation. This would require a recalculation and collection of additional tax later in the year, but given the lack of time permitted for reprogramming systems, most employers will already need to collect any additional tax through adjustments later in the year.

If neither of the options is feasible, it would mitigate the difficulty moderately to apply the reduced rate to the entire calendar quarter; i.e., through March 31. We recognize that this would represent a substantial change, and its impact in facilitating programming would be relatively minor.

A more detailed explanation of the difficulties inherent in the current Section 101 is attached. Please contact me if you have any questions or if we can be of service. We appreciate this opportunity to advise congressional policymakers as to the impact of H.R. 3630.

Sincerely,

PETE ISBERG,  
President

National Payroll Reporting Consortium, Inc.

#### TAXPAYER IMPACT

As a ballpark number, according to IRS Statistics of Income, over 18 million returns were filed for Tax Year 2008 with more than \$100,000 in Adjusted Gross Income, or about 13 percent of all returns. Individuals earning over \$110,100 annually are likely to be affected by the 6.2% Social Security rate for January and February.

Taxpayers who are paid more than \$18,350 in the first two months of the year could be confused or upset by application of the higher tax rate. For example, an individual who is laid off in January may receive a lump-sum severance payout of \$50,000, which may be the bulk of their income in 2012. Nevertheless, they would pay \$633 more in Social Security taxes than had they simply received the same income over a six month period, or later in the year.

If the OASDI rate of 4.2% is ultimately extended through 2012, those who are paid over \$18,350 prior to March will have paid at the higher rate due to the timing of their compensation, whereas someone who earns the same amount for 2012 but receives less than \$18,350 in the first two months of the year would pay at the 4.2% rate through 2012.

#### TIMING OF COMPENSATION

The limitation creates new incentives for employers and employees to shift compensation earlier or later in the year (depending on their guess as to whether the 4.2% OASDI rate may be extended for the full year). Some taxpayers receive significant bonuses, commissions or other lump-sum compensation in January. Some employers and/or employees may have discretion over when such compensation is paid (e.g., exercise of stock options).

If employers and/or taxpayers believe that a reduced OASDI rate of 4.2% will ultimately be extended, they may defer wages over \$18,350 until after February. If the IRS

sought to challenge such a result, they would need to ask the employer for details as to the timing of wages paid.

#### EMPLOYER IMPACT

To accommodate a new Social Security Taxable Wage limit of \$18,350, to which a reduced 4.2% rate would apply through February 29, 2012, payroll systems would need to be modified to calculate, withhold and store separately:

Social Security Wages paid through February 29 up to \$18,350

Social Security Wages paid through February 29 over \$18,350 but less than \$110,100

Social Security Wages paid after February 29 up to \$110,100

Social Security tax on wages paid through February 29 up to \$18,350 ( x 4.2%)

Social Security tax on wages paid through February 29 over \$18,350 but less than \$110,100 ( 6.2%)

Social Security tax on wages paid after February 29 up to \$110,100 ( x TBD%)

#### ISSUES

The separate reporting implied would require businesses to expand payroll databases and modify programs with insufficient lead time. January 2012 payrolls are already being processed in late December. It is likely that many software developers, service providers and employers would not be able to modify payroll software in time for January or February payrolls. This could lead to difficult situations later in the year as employers sort out what should have been collected, and in some cases collect additional taxes, and determine how to amend employment tax returns.

Employers might not be able to collect additional taxes from workers who have subsequently changed jobs, and could also be subject to substantial IRS underpayment penalties if they are unable to calculate, withhold and pay the higher OASDI amounts in January and February.

#### IMPACT TO THE INTERNAL REVENUE SERVICE AND THE SOCIAL SECURITY ADMINISTRATION

The IRS may not be able to quickly produce guidance necessary to enable appropriate design of such systems. Businesses and software developers may have to guess as to what the IRS may require in terms of recordkeeping and reporting. It would be very costly if developers made assumptions as to what reporting the IRS might require, and the IRS announced something different. The IRS would likely need to change Forms 941 and W-2 to require separate reporting of the same information:

Social Security Wages paid through February 29 up to \$18,350

Social Security Wages paid through February 29 over \$18,350 but less than \$110,100

Social Security Wages paid after February 29 up to \$110,100

Social Security tax on wages paid through February 29 up to \$18,350 ( x 4.2%)

Social Security tax on wages paid through February 29 over \$18,350 but less than \$110,100 ( 6.2%)

Social Security tax on wages paid after February 29 up to \$110,100 ( x TBD%)

#### ISSUES

The IRS may not be able to change Form 941 for the quarter ended March 31 in time. If this occurs, businesses may need to amend their returns, or the IRS may need to modify subsequent tax forms to permit adjustments, further complicating tax forms and reconciliation systems.

There is also insufficient space on Form W-2 for such information. Consequently,

Form W-2 would need to be significantly expanded, complicating the 2012 tax season (in 2013) for taxpayers and tax preparers.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Let me put this very simply: this is a dishonest procedure. This is a ruse to avoid a straight up-or-down vote on the Senate bill and the 2-month extension.

Why not hold a straight vote, as indeed called for under regular order? That's the regular order. Because the Republican majority is afraid of a straight vote. They're afraid some Republicans would vote "yes," and the Senate bill would pass and the President would sign it, and it would become law today. And they don't want other Republicans on record voting against a payroll tax cut. That is the epitome of a ruse.

Thirty-nine Republican Senators—39, all but a handful—voted for the bill before us. But what has happened since Saturday's bipartisan Senate bill that Speaker BOEHNER said was a good deal? Well, the sailors staged a mutiny and the captain decided to surrender. He decided to join the mutiny to keep the ship from coming to port. But the problem is that on board are millions of passengers waiting to dock.

This chart shows the number of passengers: 160 million Americans would see their taxes increased; 2.3 million Americans on board looking for work would lose their critical unemployment benefits; and 48 million seniors—Americans on Medicare—will have access to their doctors they know and they trust jeopardized.

So I want it clear for these people, all of these people: the Republican vote today is a vote to nowhere. DICK LUGAR said that. I'm hopeful that there are a majority of Republicans and Democrats today who will proceed because it seems to me it is the best for the country, as well as for all the individuals who are affected.

Another Republican Senator from Massachusetts: "The House Republicans' plan to scuttle"—that's the correct word—"the deal to help middle class families is irresponsible and wrong. The refusal to compromise now threatens to increase taxes on hard-working Americans and stop unemployment benefits for those out of work. We cannot allow rigid partisan ideology and unwillingness to compromise stand in the way of working together for the good of the American people."

And a third Republican Senator, Senator HELLER, a former colleague here of Nevada: "There's no reason to hold up the short-term extension while a more comprehensive deal is worked out."

And I want to quote a statement from Treasury about the notion that the 2-month extension cannot be implemented:

"While any short-term extension is bound to create some administrative complexities, it is feasible to implement the bipartisan Senate bill"—this is Treasury that is in charge of implementation of this—"and the Treasury Department will work with employers to ensure the smoothest possible implementation. In the current economic situation, any such complications will be outweighed by the economic benefits of ensuring that taxes do not go up on 160 million Americans starting on January 1."

I would like to place the entire statement in the RECORD.

Statement from Jenni LeCompte, Assistant Secretary for Public Affairs, United States Treasury Department: "Everyone agrees that a full-year extension of the payroll tax cut would have been preferable, which is why the Administration has long advocated an extension for the entirety of 2012. Unfortunately, in the waning days of this session of Congress, Members were unable to reach agreement on the details of a year-long extension that could generate strong bipartisan support. The best they could do was the two-month extension passed by a vote of 89-10 in the Senate on Saturday."

"While any short-term extension is bound to create some administrative complications, it is feasible to implement the bipartisan Senate bill, and the Treasury Department will work with employers to ensure the smoothest possible implementation. In the current economic situation, any such complications will be outweighed by the economic benefits of ensuring that taxes do not go up on 160 million Americans starting on January 1st."

□ 1130

I want to close with what HARRY REID said. Take it seriously. This is on what 39 Republicans and 50 Democrats voted for, the bill you will not let us vote on:

"I have always sought a yearlong extension. I've been trying to forge one for weeks." He could have said for months. "And I'm happy to continue negotiating one once we have made sure middle class families will not wake up to a tax increase on January 1. So, before we reopen negotiations on a yearlong extension, the House of Representatives must protect middle class families by passing the overwhelmingly bipartisan compromise that Republicans negotiated and was approved by 90 percent of the Senate."

You are snubbing a bipartisan compromise. You are jeopardizing the lives of millions of taxpayers, millions of the unemployed, and millions of seniors. To keep harmony within your ranks, you are creating the possibility of immense discord within the United States of America. We're not going to let you do it.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Health Subcommittee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, taxpayers, small businesses, and health

care providers need certainty and predictability to plan for the future. Unfortunately, the bill that's come back to us from the other Chamber makes our usual habit of only 1-year long extensions look responsible by comparison.

The Senate bill extends a number of key policies, including the patch preventing a steep cut to doctors' Medicare payments, for just 2 months.

Mr. Speaker, we've been down this road before. Last year, under the previous majority, Congress passed five separate extensions of Medicare physician payments, mostly for just a month or two. Several times these patches missed the deadline, meaning payment cuts took effect and then had to be reversed.

The failure to responsibly address the SGR created an unprecedented amount of chaos and confusion, both for doctors and the Medicare agency. House Republicans have been determined not to let this happen again. That's why we passed a fully paid-for 2-year fix.

The American people are tired of Congress wasting time on political stunts and waiting till the last minute to cobble together half measures.

Mr. Speaker, we still have 2 weeks before the end of the year to get this right, and there's no reason to think we'll do better in 2 months. I urge my colleagues to support the motion to go to conference so we can get a responsible solution.

Mr. LEVIN. I yield 2 minutes to a very senior member of our committee, the very distinguished gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I am amazed at the ability of the majority to change its position so fast. Sometimes I wish Democrats had the ability to do this. It wasn't too long ago that there was objection for the taxpayers holiday because of the impact on Social Security. Then there was objection to the unemployment insurance because people on the other side said that people wouldn't go look for a job, that they would just stay home and watch television and receive the check. And of course, no one can deny that the doctors that give care to 48 million people deserve compensation for what they do.

But, being here as long as I have, I can see how, in the majority, a handful of people will try to prove to their constituents that they're not marching in line with regular order; that they didn't come down here just to go along with the Senate or their leadership. And it's kind of rough to be a part of a party that is so widely split.

I had only hoped that they could come up with a better excuse than the fact that 2 months is not enough time to prevent an increase in the taxes of so many, 160 million people. And I know that everyone in this Chamber knows that if the American people that will suffer such a painful, insensitive

act were to be asked, would you want it for 2 months, and then have the Congress to extend it? Would you take that? Or would you want it to be for 1 year and the possibility of getting absolutely nothing?

That is such a fearful, such a cruel thing to do, to gamble with other people's ability to be able to enjoy this holiday season as best they can. And so, I don't think that there will be any winners in what's going on today. But I hope that the regular Republicans would be able to see their way clear.

I thank the gentleman for yielding.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. WEST).

Mr. WEST. Thank you, Mr. Chairman.

You know, last week we voted to have a 1-year extension of a payroll tax holiday. Last week we voted to have a 1-year extension of unemployment insurance with reforms. Last week we voted to have a 2-year extension of the Sustained Growth Rate for Medicare recipients and the doctors that provide that care.

Last week we voted for certainty, and we voted to restore confidence. We voted for a measure that was paid for, that will have no detriment or negative outcomes to Social Security. Last week we voted for job-creating policies and a bill that had 10 to 12 Obama-approved provisions.

We are not afraid to vote. And if you don't want to accept this measure, then continue to vote "no," just the same as our colleagues from across the aisle last week voted "no." They voted "no" against what President Obama wanted; they voted "no" against what Senator HARRY REID said he wanted; they voted "no" against what Senator CHUCK SCHUMER said he wanted.

The Senate sent us back a 2-month extension which is irresponsible and cannot be implemented, and it reflects abject incompetence.

I urge all of my House colleagues to vote "yes" on this motion to disagree with the irresponsible Senate amendment and move to conference. Or do we just want to continue to see the American people suffer?

Mr. LEVIN. I yield a minute and a half to the distinguished gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, a famous speech started, "We will little note or long remember what we say here today." But the Bible says, "By your deeds ye shall know them."

Now, the Republicans have said that it's Christmastime. Kids are hanging their socks all over the world. And they're all getting up and hoping there will be something in that sock on Christmas Day. And the Republicans have something to put in it. They have a lump of coal.

They're going to say to 160 million people, we're going to boost your taxes. Here's your Christmas gift, right?

They're going to say to 2.5 million unemployed people, no unemployment benefits because it's only for 2 months and we can't—there's every excuse in the book you can give, but when they get up on Christmas there's going to be coal in their socks.

The working poor of this country are counting on that tax break. They've gone out and bought gifts for their kids, and they think they're going to pay for them because they have this tax reduction. And you're taking it away from them after they've spent the money on the Christmas gifts. That's your lump of coal to the middle class.

Now, for the seniors, the lump of coal is, we're not going to pay the doctors. We're going to cut the doctors by 25 percent. And doctors are going to say, I'm going to limit the number of seniors.

Remember the lump of coal in November of 2012, folks. They gave it to you.

□ 1140

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Michigan.

Mr. Speaker, tonight's the first night of Chanukah and Christmas is fast approaching for families across America.

And what do families see coming out of Washington? Dysfunction and half of Congress unwilling to do its job. Mr. Speaker, we were elected to work for the best interests of the American people. In this tough economy, middle class Americans and working families need to know that their taxes won't be going up at any point next year.

So far the House has passed a bipartisan year-long plan to ensure that taxes do not go up. The Senate, on the other hand, has passed a 2-month plan. According to experts, the 2-month plan is simply unworkable. Families, employers, and workers can't live their lives month-to-month. Washington needs to stop adding confusion and more uncertainty to people's lives.

I think we can all agree that the 2-month concept doesn't make a whole lot of sense. Mr. Speaker, bottom line, a 2-month patch is irresponsible. That's why the House is taking a stand. We believe all Americans deserve certainty. We want a year-long extension of the payroll tax cut which will prevent a tax increase on every American with a job.

Luckily, Mr. Speaker, everyone claims to agree. In fact, the President himself said it would be inexcusable not to extend the payroll tax cut for a year. The leader of the Senate says that we should be working on extending the payroll tax for a year, but only after the new year.

Mr. Speaker, a great Virginian once said, "Never put off to tomorrow what

you can do today." That man was Thomas Jefferson.

Let us dedicate ourselves to that spirit. People across our great country are tired of hearing why Washington cannot do things. They're seeing day in and day out that Washington is not working together, but we have the ability to give them some hope. Let's show the American people that there's a reason to believe that we can work together and deliver results.

Truth is, we're not far apart on this issue. The negotiators got extremely close. We owe some stability and good tax policy to the hardworking people of this country, not more gimmicks and political games.

Today, this House will vote to go to conference and work these differences out in regular order. We need to come together in a responsible manner to find common ground where we can accomplish everyone's goal of a year-long payroll tax extension.

Mr. Speaker, there is no reason why the House, the Senate, and the President cannot spend the next 2 weeks working to get that done. America will be waiting.

Mr. LEVIN. I yield 2 minutes to another distinguished member of our committee, the gentleman from the great State of Massachusetts (Mr. NEAL).

Mr. NEAL. Mr. Speaker, we would be very happy in this institution if just the Speaker of the House and the majority leader could work together.

There was a deal over the weekend. The Speaker of the House accepted the Senate's version of that agreement only to discover in a conference call that he had to back down. The chairman of the Ways and Means Committee, my friend, he doesn't believe what they're doing here for one moment. They're courting disaster.

This is the season of Advent and Christmas for Christians. Chanukah begins today. It is the quest for light in our lives, to enlighten the American people as to what is taking place here today; 160 million Americans are going to lose this tax cut. Organized labor and management, they do this all the time. You have a cooling-off period. You get to a more benign time, and you negotiate in good faith.

You've seen what's happened here. A radical element has seized the Republican Party. The Senator from Massachusetts, Senator BROWN, is on the front page of the Boston Globe today criticizing his own party. DEAN HELLER criticizing his own party. RICHARD LUGAR criticizing his own party.

We're arguing today about unemployment benefits in this season for members of the American family who are going to lose those benefits. We're arguing about a tax cut for middle-income Americans today, 160 million strong; for doctors who care for the most vulnerable amongst us, the Medi-

care patients over their reimbursement rates.

When you consider what Republicans did during the Bush years with those tax cuts for wealthy people, they never flinched for one moment. The rich were rich, and they weren't going to take it anymore. And they were going to reinforce that idea—cut taxes 10 times in 10 years for the wealthiest among us. We should be voting on what the Senate did. No chicanery.

Put that motion in front of us today, and let's have an up-or-down vote and then explain it to the American people.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. President, Senate Democrat leaders, don't vacation until you finish your job. Families and small businesses need tax relief for a full year, not just for 2 months.

The House, we've already done our job. We've already passed a full 1-year extension of the payroll tax holiday. We've included unemployment reforms for those who are out of work, paying our local doctors fairly in Medicare for a full 2 years, unlocking the Keystone pipeline, and cutting spending to completely pay for it.

We've done our job.

But the Democrat-led Senate shortchanged the American public by rushing through a partial 2-month extension and then hurrying home for their Christmas vacations. That's irresponsible. Families and small businesses need to be able to plan with confidence for a full year, not just 2 measly months.

You said, Mr. President, just last week, that the American people deserve a 1-year bill. Our Democratic friends said a 1-year bill. The Democrats in the Senate said a 1-year bill. Well, House Republicans are going to hold you to your word by moving forward today to a conference committee to work out the differences. We're going to work it out—not next year, not when you get around to it, but now. That's the next step in the constitutional process, and we House Republicans are willing to work through the holidays to make sure we get the job done for the American public.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

Mr. LEVIN. I yield 1 minute to the gentleman from Georgia, a very distinguished member of our committee, Mr. LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and my colleague, Mr. LEVIN, for yielding.

If we go home without passing the bipartisan Senate bill, we disgrace ourselves and this Congress. We are out of



time. We cannot go into this holiday season without helping our unemployed brothers and sisters. We cannot keep our seniors from seeing their doctors. We cannot allow taxes to go up for millions of Americans.

What is happening here today is shameful, it is a disgrace, it is unreal, it is unbelievable. We can do better.

If we fail today, how will you face your neighbor, your family, who are suffering? Where is your compassion? Where is your heart? Where is your soul? I, sir, vote "no" on this motion and pass the Senate bipartisan bill.

□ 1150

Mr. CAMP. I yield 4 minutes to the distinguished Conference chairman, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, we all need to be reminded of why we're here in the first place.

We're here because the President's economic policies have failed. They've failed this Nation. Ever since he was elected, unemployment has been at, near, or above 9 percent. And the people suffer. So that's why I believe almost every Member of this body believes that we must extend the payroll tax holiday.

That's not the debate, Mr. Speaker.

What is most curious, though, is our President. Our President has said it would be inexcusable for Congress not to further extend this middle class tax cut for the rest of the year. He didn't say 60 days. He said the rest of the year. The Democratic leader has said that she intends to fight to extend these provisions for a full year.

So, Mr. Speaker, I guess I'm confused.

I hear my friends on the other side of the aisle say they want to do this for a year. They say they want to do it for a year, but they're just not willing to vote to do it for a year. That's most curious, Mr. Speaker. I don't think I understand it. That's what the President asked for. It's what the American people deserve. They don't want us to punt the ball. They want us to do our job. So there is no point of contention on whether or not this should be extended.

But the question is: Are we going to do it for a full year, or are we going to punt the ball down the field and, once again, disappoint the American people?

Here is the next point of contention:

We stand ready to work over the holidays to get this done. That's the question. Are you willing to work over the holidays, or are you not willing to work over the holidays? The American people, most of them, are going to have to work over the holidays. Why shouldn't we be willing to do this?

Mr. Speaker, I guess it's just curious how many people seem to be unaware that there is this thing called a "con-

ference committee." Since the dawn of the Republic, these are how differences are settled between the House and the Senate. If you don't remember your Civics 101, and maybe if you have small children like I do, you can go back and watch the Schoolhouse Rock video. It's very clear. All we're asking is that the Democrats appoint conferees and negotiate in good faith—except the Senate Democrat leader said he wouldn't do it, and the House Democrat leader said she wouldn't do it.

So it kind of begs the question, Mr. Speaker: Do they want to make laws that benefit the American people in a time of need, or do they want to perpetuate a campaign issue that maybe they believe helps their campaigns? That's really the question.

Then last but not least, we ought to pass laws that actually work around here. ABC News reported last night: "Holiday Passed by Senate, Pushed by President, Cannot Be Implemented Properly, Experts Say."

Well, isn't that interesting.

The National Payroll Reporting Consortium that handles payroll for about a third of the private economy said that this "could create substantial problems, confusion and cost, affecting a significant percentage of U.S. employers and employees."

The Associated Builders and Contractors, the people who actually go out and build things in America, have said: "This sort of temporary fix underscores Congress' uneven, ad hoc approach toward the economy, and causes more harm than good for America's job creators." The leading building trade association in the Nation said the Senate's 60-day plan will cause more harm than good.

Mr. Speaker, House Republicans have passed a good and reasonable bill. It's for 1 year. It does what the President asks us to do. It does what the American people ask us to do. It's actually paid for. It doesn't increase the deficit, and it blocks tax increases. I don't know how my friends on the other side of the aisle think we're going to create jobs with temporary tax increases with permanent tax increases. It doesn't happen.

Mr. LEVIN. It is now my privilege to yield 2 minutes to another member of our committee, the distinguished gentleman from California, XAVIER BECERRA.

Mr. BECERRA. I thank the gentleman for yielding.

My friends, we've seen this movie before. House Republicans, once again, are driving our government and our economy to the edge of the cliff, and this time they've placed 160 million workers and 48 million seniors in the front seat of that car.

House Republican leaders are refusing to allow 435 Members of this House to vote on a bipartisan proposal that was passed by 89 out of 100 Senators

next door. My Republican colleagues know that this bipartisan bill passed by the Senate would pass on this floor and that it would save working Americans from having their taxes increased during the holidays.

The truth is the Republicans are feuding amongst themselves. House Republicans are fighting with Senate Republicans, and quite frankly, they're fighting with Republicans throughout this country, because a majority of them supports the President's payroll tax cut.

Mr. Speaker, once again, the people—Republicans and Democrats alike—are way ahead of the politicians. They want us to get our work done and get it done now. Let's stop showing the American people B-rated movies on the floor of the House, and let's pass the Senate bipartisan legislation.

Mr. CAMP. I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. I thank Chairman CAMP for yielding time to me.

Mr. Speaker, before I came to Congress, I was a practicing cardiovascular surgeon with many years of experience, and it was not unusual to get called out in the middle of the night or on a holiday to an emergency. Just like doctors all over this country, we're there 24/7 to deal with problems.

Now, I remember distinctly one night—Christmas Eve, in fact. I was getting ready to sit down for dinner with my family when I got called to see an 85-year-old Cajun gentleman, with a very large family, who had a ruptured aneurysm, and he was in shock. I spent the entire night operating on this man. We saved his life, long story short.

We have a duty, an obligation, to our patients. By God, to put physicians in a position of seeing a 27, 28 percent cut in reimbursement is just untenable. Why? It's not because of the physicians. It's because of patients who are going to lose access. Medicare beneficiaries, seniors, those with disabilities will lose access to care during a situation in which we're already seeing eroding access. We have an obligation to act because the consequences are not good with regard to all of these provisions we're trying to extend.

This House passed a bill last week. It was a very responsible bill with good reforms, and it gave a 2-year stability period for physicians and for those patients who desperately need this care. And what did the Senate do? The Senate capitulated. The Senate caved. The Senate basically just gave up with contempt for the American people.

That's what it comes down to.

They're basically content with allowing confusion and disruption and chaos and uncertainty for patients who deserve good, high-quality care. They did the same thing to those who depend on these unemployment benefits, and they

did the same for those who depend on this payroll tax cut during this holiday season.

We're going to pass a bill today that basically says we want to go to conference to resolve these differences, and the Senate has an obligation to the American people to stand with us and to follow its constitutional duty to go to conference in order to resolve these disputes, these differences, in a time-honored way.

Mr. Speaker, the Senate has an obligation to the American people. The Senate has an obligation to carry out its duty to the American people. We can get this right. Let's do it and be done with it, but let's get it done and let's get it done right.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 10½ minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 15½ minutes remaining.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to another distinguished member of our committee, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for yielding.

Some say that the House Republican leadership pulled the plug on the Senate bipartisan bill because they were afraid of their Republican Tea Party freshmen.

Perhaps.

But what is clear is that we're not being allowed by the Republican leadership to vote on the Senate bill because the Republicans are afraid of their moderates, of their independents, of their reasonable "unhardliners."

□ 1200

The measure of this Congress is that the House Republicans won't act until they are forced to as a result of self-imposed, crisis-inducing deadlines. Then if they can't get their own way on an agenda that could never be passed through regular order in both Chambers and signed by the President, they throw a tantrum. And what we're dealing with today: a legislative tantrum.

Now, I don't like the 2-month extension. It has some difficulties and uncertainties. But there would be far more uncertainty and difficulty if there were a 2-week gap or a 2-month gap where 700,000 people in early January will lose their unemployment benefits, 2 million in the next 2 months. If we simply would follow regular order, allow a vote on the Senate amendment, we could build on this glimmer of bipartisanship from the other body. Allow your Members to vote. Who knows where it could lead? We actually may be able to solve some of these long-term problems.

Mr. CAMP. I would ask if the gentleman from Michigan would like to yield again so that we can even up the time.

Mr. LEVIN. I thank the gentleman.

I now yield 2 minutes to another distinguished member of our committee, the gentleman from the great State of New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Good afternoon, Mr. Speaker.

This is not a fraternity house. This is the House of Representatives. Yet what have we wrought? I heard someone, two people say on this floor, quoting the President of the United States—they should apologize to him immediately—that the President was urging us to vote a 1-year plan. He wasn't asking us to vote on your plan for a year. You know what he thinks about what you proposed. And it didn't even come up in the Senate. In fact, 39 Republicans—that's 82 percent of the entire delegation of a Republican Senate—and 89 percent of the total Senate voted for this compromise.

I know you hate the word. "Compromise" does not mean that you surrender your values or your principles. Compromise is what was the basis of the Founding Fathers. That's how we got a Constitution. Nobody was happy with that Constitution. They didn't get everything they wanted, and you're not going to get everything you want. So you'd better get it out of your head right now.

The majority leader—wonderful clichés—he forgets that only 2 years ago a Republican Member of the House sponsored a 2-month payroll tax holiday and had 59 cosponsors. We have amnesia, selective amnesia. He changed his tune this Saturday. He was against the idea of a short-term gimmick. This Saturday he said it's a good deal. "It's a victory," he said. He claimed victory. That reminds me of another victory I heard a couple of years ago. Once the same Members of this party, in this caucus rebelled, the Speaker reversed his course.

Keeping the payroll tax cut in place as we figure out a way to extend it for the year reduces uncertainty among employers, workers, and families in my district. And I ask that we reconsider what we're doing today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding.

Mr. Speaker, folks are mad out there. They're mad because what Congress is doing—or not doing, in many cases—makes absolutely no sense.

As a CPA, I'll tell you that handling tax policy on a month-to-month basis isn't just irresponsible; it's downright crazy. According to the nonpartisan

National Payroll Reporting Consortium, the cost of complying with the 2-month extension proposed by the Senate may actually harm many small businesses. In fact, implementing the cuts on this short timeline may not even be possible.

In addition to being a CPA, I'm also a mom, and I would do just about anything to be working out of our Topeka office at this time of year so that I could spend evenings with my kids. But agreeing to a tax policy that is so short-lived that it costs not just our government but also our small businesses big bucks is not one of them.

The American people are exhausted. They are sick and tired of Congress kicking the can down the road on hard decisions. So I ask our leaders in the Senate, Are your vacation plans more important than good policy? Why will it be easier to negotiate a deal in February than it is today? Come back. We still have time. Work with us to do the job we were elected to do. Let's make the hard decisions today. Let's extend the payroll tax cuts for the entire year, and let's not do it on the backs of a generation more focused on Santa right now than they are on tax policy.

Mr. LEVIN. I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN) who is the ranking member on the Budget Committee.

Mr. VAN HOLLEN. I thank the gentleman from Michigan.

The American people should understand very clearly what's going on here right now, and that is that the Republican majority in this House of Representatives is refusing to allow a vote in this House on the Senate bipartisan compromise. They are refusing to even allow a vote on a bill that received 89 of 100 votes in the Senate, including 85 percent of the Senate Republicans. What are they so afraid of? It's very clear that the Republican leadership is afraid that that same bipartisanship that took place in the Senate will take place right here in the House because they don't want a bipartisan bill; otherwise, we would have a vote on it.

What we are witnessing today, Mr. Speaker, is the triumph of Tea Party extremism over the good of the country. The sad part is, we probably shouldn't be surprised because it was just a few months ago that the Republican leadership was opposed to extending the payroll tax cut at all. They originally said that raising taxes on 160 million Americans would be okay, no problem. I have a long list of statements from Republican House leaders to that effect.

Then two things happened: A whole lot of economists told us what was common sense; that, in fact, if you raise taxes on 160 million Americans, it will hurt the economy. And it also began to sound a little strange for our Republican colleagues to be zealously protecting tax breaks for special interests and for millionaires while allowing



tax increases on 160 million Americans. So they changed their story. Then it was, We couldn't do this because it was going to hurt the Social Security trust fund—that coming from the party that wanted to privatize Social Security. And then the Social Security actuary told us and the country that it wouldn't take 1 cent from the Social Security trust fund. So now we have a whole different story today. Now the same folks who were opposed to any continuation of the payroll tax cut say they oppose the bipartisan Senate bill because it is only for 2 months, and now they are preventing a vote on that bill.

The consequence is going to be very clear: On January 1, 160 million Americans are going to see their payroll taxes increased. At the end of the day, the Republican majority here in the House is going to go home. They're going to go home. But you know what will remain here? The Senate bipartisan bill, because we will never have voted on it. So, at any time in the next several weeks, we can all come right back here and in a matter of 5 minutes, send that bill to the President's desk, which he said he will sign, and make sure that we avoid a payroll tax increase on 160 million Americans. Make sure that folks who are unemployed through no fault of their own get unemployment compensation; make sure that doctors will continue to be paid when they treat Medicare patients, so they can serve those patients. It will be sitting right here for 3 weeks. Why? Because the Republican majority won't let us vote on it.

I would be happy to yield 30 seconds to my friend, the chairman of the Ways and Means Committee, to tell us why you refuse to allow a vote on the Senate bipartisan bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I would just say that if Minority Leader PELOSI and Senator REID appoint conferees, there's no reason for taxes to go up.

With that, I would yield—

Mr. VAN HOLLEN. You didn't answer my question. The question is, Why can't we have a vote?

Mr. CAMP. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan controls the time. The gentleman from Maryland is not recognized. The gentleman from Maryland shall suspend.

The Chair recognizes the gentleman from Michigan.

Mr. CAMP. I can see why the gentleman is a little bit defensive about that.

With that, I would yield 2 minutes to the distinguished member of the Ways and Means Committee, the gentleman from Tennessee (Mrs. BLACK).

□ 1210

Mrs. BLACK. Fixing something for 2 months is not fixing something. It's a Band-Aid and it's bad policy. I've been a nurse for over 40 years, and I'm going to use a medical analogy to illustrate this point.

If someone were to come into the emergency room where I'm working with a medical issue and I said to them: I'll give you a choice; we can either fix your problem for 2 months or we can fix your problem for a year, I have no doubt that the patient would choose certainty of 1 year over 2 months.

For the past 10 months, I have been visiting individuals and businesses in my district, and what I continually hear from them is uncertainty is hurting them and it's hurting our economy. Now, the House sent a bill to the Senate that contains some certainty, and we get back a 2-month Band-Aid.

In this bill, we have certainty for businesses, certainty for doctors, certainty for individual taxpayers, and certainty for our seniors. There is a need for a 2-year extension on the Medicare reimbursement for our doctors to ensure that seniors receive access to care. There is a need for a 1-year payroll holiday for individuals and businesses.

As has already been said, the National Payroll Reporting Consortium, which is a nonpartisan group, has expressed concerns to Members of Congress that the 2-month payroll tax holiday passed by the Senate and supported by the President cannot be implemented properly. We also need a 2-year extension or a fix for our unemployment benefits to give certainty to businesses and also to individuals.

Mr. Speaker, I am frustrated that the Senate kicked the can down the road one more time for only 2 months after we sent them a bill that was not only bipartisan—yes, a bipartisan bill passed by this House—but also had good job policies. I came back to D.C. yesterday to do something better, a package that creates certainty rather than a 2-month patch.

Mr. LEVIN. I yield 2 minutes to a very distinguished Member, the gentleman from Illinois, JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

Don't blame Congress for not working together; blame the House Republicans who can't even work with each other. The one and only reason this House of Representatives is not voting for the bipartisan Senate bill to provide relief to middle class taxpayers, seniors, and disabled people on Medicare and jobless Americans is because it would pass. That's right. The Republican scam was to bring up the bill supported by 90 percent of the Senate and then kill it. But on the way to this slaughter, a funny thing happened. Sensible Republicans basically said:

You want me to vote to abandon millions of middle class Americans without the help they need this holiday season? No way.

So the sanctimonious rhetoric you hear today from the Republicans is nothing but talk, baby talk. If they don't get their way exactly, then they won't play.

What they're saying to millions of Americans, saying, Happy Hanukkah to middle class Americans who are lighting the first candle tonight and won't get their \$1,000 tax break; Happy New Year to our seniors and people with disabilities who may lose their doctor; Merry Christmas to the jobless Americans desperate for work, looking for work, who barely survive on their unemployment checks.

The House Republicans are the grinch who stole your Christmas.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from New York (Mr. REED).

Mr. REED. To my colleagues on the other side of the aisle, it's not a \$1,000 payroll tax reduction, just as was quoted by my colleague who just spoke. The Senate bill is 2 months. It is \$160. So let's be clear and honest with the American people.

What we're talking about here in the House of Representatives on our side of the aisle today is that we want to do our work. Yes, we want to be with our families for Christmas and we want to be home ringing in the new year with our family and friends. But you know what, the American people deserve better. We are willing to stay here and do the work, not do Band-Aid type of policy. Tax policy on a 2-month basis, are you kidding me? That is ridiculous.

We need long-term solutions to our problems in America. We need to put the political bickering aside. Two months is not a solution. It's dodging responsibility in the Senate.

And so where I'm at today is I support the underlying bill that we stand and rise to support today, and it is a vote. We will have a vote to reject the Senate's position with its amendments and its Band-Aid policy, and we will send a clear message to the American people that we in the House of Representatives are about finding solutions long term—1, 2 years at a minimum—and we're willing to do the work.

I call on the Senate to come back to DC and finish the job. Hardworking taxpayers of America deserve no less than for us to honor our oath and our responsibility to govern through solutions, not political games.

Mr. LEVIN. Could the Speaker please verify how much time each side has.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 7½ minutes, and the gentleman from Michigan (Mr. CAMP) has 5 minutes remaining.

Mr. LEVIN. I now yield 2½ minutes to the very distinguished colleague from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in firm opposition to this motion to go to conference without a vote on the Senate bill to extend the payroll tax cut and unemployment benefits. It is deeply disappointing and troubling that we'll be denied the opportunity to vote on the Senate's overwhelmingly bipartisan compromise that would bring relief to millions of America's working families.

Now, my Republican colleagues have said: Pass the 1-year bill that passed the House last week.

Well, talk to your Republican colleagues in the Senate. Four times the Senate Democrats tried to bring up your bill, and four times a Senate Republican objected. Facts are hard.

If we do not pass this bill, 160 million Americans will face a \$1,000 tax increase as we go into the new year. If we do not act, in my home State, 9 million Floridians will see this tax increase next year. If we do not act, 2.2 million unemployed Americans will lose their unemployment benefits. And if we do not act, 48 million seniors will face the specter of having to find new doctors due to cuts to Medicare reimbursement rates.

Like many of my colleagues, I have received countless constituent calls, letters, and emails, many of them very personal and emotional.

Just this morning, I was especially moved by a note from a single mom, Christine, with a 3-year-old daughter, from my congressional district. She wrote: I am pleading my case to you out of desperation to extend unemployment insurance.

These benefits help her provide food and necessities for her daughter. Too many of my colleagues like to paint unemployment beneficiaries with one insensitive and cruel brush. This young woman is not someone sitting around just collecting Government checks. She was laid off from her job this fall and has only been on unemployment for a couple of months while she looks for another job.

My constituent's story, while personal and moving, is, unfortunately, not a unique one. My Republican colleagues who callously ignore the needs of middle class Americans by refusing to vote on the payroll tax extension and unemployment benefits are sending the message to millions of working families that, despite their efforts to look for and find work in this delicate economy, they simply don't care.

The House Republican leadership needs to allow a straight up-or-down vote on the Senate bill which passed 89-10 with strong bipartisan support. Clearly, they are afraid it might pass.

I urge you to listen to the plight of constituents like Christine who said:

I'm asking that they give people more time to find work by pushing these dates back further. I'm having a very hard time trying to find work that will accommodate my living expenses for myself and 3-year-old daughter.

Christine has only been on unemployment since September. She needs our help. Millions of Americans need our help. Pass this bill and stop playing politics with people's lives.

Mr. CAMP. Mr. Speaker, I yield a minute and a half to the distinguished gentleman from Louisiana (Mr. SCALISE).

□ 1220

Mr. SCALISE. I thank the gentleman from Michigan for yielding.

What we're talking about here today, Mr. Speaker, is the difference between passing a tax policy that would only last 2 months or passing a tax policy that lasts the entire year. During this next week and a half, while families are sitting at home doing their budget for next year, they're going to be making their budget for the entire year 2012, not for just 2 months. And yet what the Senate sent over is a plan that only kicks the can down road, and we'd be right back here again having this same debate in 2 months.

People are sick and tired of this kind of absurd action from Congress. If you look at early civics courses, anybody that takes their first civics course knows that when there's a difference between the House and the Senate—as there is here—then the two sides appoint conferees, they get together and they work out those differences. That's what the legislative process is about. And clearly we have a difference.

We think the policy should be for an entire year, as even the President has said, and the Senate sent us over a 2-month patch that doesn't even fix the problem. In fact, outside groups like the National Federation of Independent Businesses said this would hurt small businesses. And yet what do we get from the other side? Minority Leader PELOSI, Mr. Speaker, said she will not appoint any House Democrats to participate in the negotiations. She just said this last night. So in the spirit of Christmas, you've got the minority leader saying she's just going to take her toys and go home. That's not the responsible thing to do.

Let's stay here, let's get the policy right, let's do our work, and let's have the Senate do their work, too, for the American people.

Mr. LEVIN. I yield 1 minute to the distinguished gentleman from Georgia, Mr. DAVID SCOTT.

Mr. DAVID SCOTT of Georgia. Thank you very much, and I appreciate the opportunity to come down and to say a few words on this.

Ladies and gentlemen, I'm so glad that the people of this country are tuning into what's happening on the floor

of this House of Representatives. What we are seeing is a great dysfunction in the Republican Party in the House of Representatives.

Here is this situation: The American people are hurting, and 160 million American people do not need their taxes to go up. There are 2.2 million American people who are without unemployment benefits who will have those unemployment benefits not extended. And there are seniors, 48 million of them, who will not be able to go and visit their doctors. America is hurting, and what does the Republican Party in the House of Representatives want to do? They want to hurt them some more by not even allowing a vote on a compromise bill that was passed by the Senate with 89 votes, 39 of them members of the Senate Republican Party.

Ladies and gentlemen, what's at stake here is a failure to compromise. That is the key. When Hamilton and Jefferson failed to compromise, it was John Adams that brought them together. Where would this country be if that had not happened? Ladies and gentlemen of America, wake up and realize that this is not a party just of Tea Party people, or Republicans or Democrats, it's a party of all of us.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman.

The President of the United States has said it would be inexcusable not to extend the payroll tax cut for 1 year. Ms. PELOSI and Mr. HOYER have said the same thing, as have dozens of other leading Democrats. I agree with them and so does a bipartisan majority of the House who last week voted to extend the tax cut for 1 year.

Now why do we support it for 1 year? Because 2 months only gives uncertainty to this fragile economy. Uncertainty. Families can't plan, businesses can't plan, and jobs can't be created. So why do the Democrats want the 2 months? Sadly, because like their Democrat colleagues in the Senate, they want to go home. But do you know what? There is a 200-year-old mechanism for ironing out Senate and House agreements. It's called "conference committee."

Now your leader has decided not to appoint people to this conference committee. You want to compromise, that's what this vote is all about. We want to compromise. We know we can't get everything we want. But unlike the Senate, we're not saying it's our way or the highway. We're saying compromise. Vote "yes" on this vote. Let's compromise, and let's get this done.

Mr. LEVIN. I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, tax cuts delayed are tax cuts denied. Last year,

just before the holidays, the House Republicans extended the Bush tax cuts for millionaires and billionaires, no strings attached. And this year, Republicans won't even allow a vote to extend middle class tax cuts. Republicans want to procrastinate. Democrats want to legislate.

When it comes to millionaires, the Republicans are Santa Claus. For the middle class, they are the Grinch. This isn't "Mission Impossible," Mr. Speaker. We don't need Tom Cruise to save seniors, the middle class and the unemployed. We just need to pass the Senate compromise right now. By not allowing an up-or-down vote on this bipartisan compromise, the Republicans are raising the curtain on their real priorities: Millionaires and billionaires.

Americans don't need any more meetings, and they don't need any more debate. They just need us to make sure their taxes do not go up on New Year's Day. Today, we can protect the middle class, the seniors, and the unemployed by passing this bipartisan compromise right now. Do it now.

Mr. CAMP. I yield 1 minute to the distinguished chairman of the Select Revenue Measures Subcommittee, the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Speaker, this debate is in many ways surreal—surreal. I learned in Civics 101 that the House is a coequal branch to the Senate. Members on the other side say, well, this is a compromise. It's a compromise in the Senate, not the House. The House has spoken. The Senate says, my way or the highway.

Now, I understand that that's how it's kind of become around here, and I know there are friends on the other side of the aisle who are upset with the Senate when they've done it on other bills when they were in the majority.

This is enough. The American people deserve better. We need to get back to regular order. We need to compromise between the House-passed bill and the Senate-passed bill. That's the way the Founding Fathers wanted it: compromise between the House and the Senate, not between the Senate and the Senate. Two months for the American people, that's outrageous. They deserve a year, a full year to have a payroll tax holiday, not 2 months.

Come on, ladies and gentlemen, let's send the Senate a message: come back to Washington and do your work. Give the American people a year, not 2 months.

Mr. CAMP. Mr. Speaker, I would advise my colleague that I have no further speakers and am prepared to close.

Mr. LEVIN. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 3 minutes.

Mr. LEVIN. I remember when I was doing arguments before a court and the judge would ask me a very salient

question that would get to the heart of the matter. And that's where we are today. There's this question to the Republican majority: If you're so sure of your arguments, why not allow a vote on the Senate bill? Otherwise, everything you've said is a smoke screen. It's because you're afraid you'd lose it, or you don't want some people voting "no" on the RECORD. That's really what this is about.

And there's a second question: If you believe in bipartisanship, why not allow a vote on a bipartisan bill in the Senate? I quoted three Senators, and three more now have spoken out, Senators SNOWE, WICKER and GRASSLEY. Senator GRASSLEY says, if it doesn't pass the House today, there's a chance the payroll tax holiday will be lost. And Senator WICKER says, I'm surprised the House isn't willing to take a 2-month time-out to do something more lasting.

So I think the answer is, again, your talk about bipartisanship is totally shallow. The previous speaker said that the Senate said, it's my way or the highway. No, that isn't accurate. The Speaker of the House said to the Senate, get on the road and pass a bill. He never said don't do it. He said do it.

□ 1230

No, the problem is that many people in the House never wanted to extend the payroll tax in the first place. And you sent over a bill that deleted 40 weeks of unemployment insurance for the millions who are looking for work and can't find a job. So today we have no choice but to vote "no" and insist that this obligation be met in this House of Representatives.

Vote. Vote. Vote on the bill that the Senate passed. Your denial of allowing us a vote is a denial to the people of this country who are uninsured as of December 1 for unemployment, who need Medicare, and also those who need the continuation of the payroll tax cut. That's what all of this is about. And anything else is a pure smoke screen that all the American people will see through.

I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 1½ minutes.

Mr. CAMP. What we're voting on today is to disagree with what the Senate did to our bill. We're voting to disagree to the Senate amendments. Once that's adopted, the House message on this bill goes back to the Senate, and the Senate then is the only body in possession of the bill. And we cannot move forward to resolve the differences between the House and the Senate until Leader REID and Representative PELOSI appoint conferees. So we're voting to disagree with the Senate.

And let me just say, 2 months isn't long enough. You've heard a lot of peo-

ple talk today in this debate. It's embarrassing that we're doing tax policy for 2 months. But it's not just House Republicans who think we need a longer term extension, it's supporters, including many of our Nation's Democratic Governors.

I received a letter, a letter that actually went to our leaders last week, from 16 of the Nation's Governors, Democratic Governors, after we approved H.R. 3630. They called for a swift passage of a 1-year extension—not 2 months, 1 year. That's what the House bill does. And what's more, that's what the Senate bill specifically rejects.

I urge that we vote to disagree with the Senate amendments and let's get on to a conference. Let's resolve this this year so we can make certainty in our Code, certainty for all of those people who are out of work, and certainty for those seniors who need to see a physician—for more than 2 months, but for 2 years.

DECEMBER 15, 2011.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

Hon. JOHN BOEHNER,  
Speaker, House of Representatives,  
Washington, DC.

Hon. NANCY PELOSI,  
Minority Leader, House of Representatives,  
Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, SPEAKER BOEHNER, AND REPRESENTATIVE PELOSI: We write to urge you to swiftly pass a one-year extension of the Emergency Unemployment Compensation Program ("EUC") and 100% federal funding of the Extended Benefits ("EB") Program before they expire on December 31.

We are extremely concerned about the potential impact of the expiration of these programs on families and our economic recovery as a whole. Unless Congress extends these programs before adjourning for the holidays, nearly 2 million unemployed workers will lose this critical support in January 2012 alone. Now is not the time to turn our backs on hard-working Americans. Individuals who are laid off through no fault of their own rely on these funds to support their families.

Extending unemployment insurance is a critical part of our ability to speed up the economic recovery process. Unemployment insurance benefits are immediately injected back into the economy. According to the Congressional Budget Office, federally extended unemployment insurance benefits provide one of the best bangs for the buck in terms of stimulating economic growth.

Congress has never failed to act on extending federal unemployment insurance benefits when the unemployment rate has exceeded 7.2%, and we must not fail our citizens now.

We urge immediate action to extend Emergency Unemployment Compensation and 100% federal funds for the Extended Benefits program through the end of 2012.

Sincerely,  
Governor Pat Quinn, Illinois; Governor John Hickenlooper, Colorado; Governor Jack Markell, Delaware; Governor Steven L. Beshear, Kentucky; Governor

Deval Patrick, Massachusetts; Governor Andrew Cuomo, New York; Governor Edmund Gerald Brown, California; Governor Dannel P. Malloy, Connecticut; Governor Neil Abercrombie, Hawaii; Governor Martin O'Malley, Maryland; Governor Mark Dayton, Minnesota; Governor Bev Perdue, North Carolina; Governor John A. Kitzhaber, M.D., Oregon; Governor John deJongh, Jr., Virgin Islands; Governor Peter Shumlin, Vermont; Governor Chris Gregoire, Washington.

Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, I rise today in support of the Senate Amendment to H.R. 3630, the Temporary Payroll Tax Cut Continuation Act of 2011.

Unfortunately, this isn't the legislation we will be voting on today. The Majority has decided to side-step that bill, which passed the Senate this weekend on a bipartisan 89–10 vote.

Instead, the House Majority's aim is to reopen negotiations in an attempt to force the Senate to include in the bill many poison pill provisions, like requiring a high school diploma to receive unemployment benefits.

President Obama has said that the Senate's compromise bill is "the only viable way to prevent a tax hike on January 1."

The legislation the Senate passed this weekend, and that we should be considering today, would provide for a two-month extension of several measures that will help keep our economy moving in the right direction. These include extending unemployment benefits, the payroll tax cut, the temporary assistance for needy families (TANF) program, and preserving the rate of Medicare payments to doctors.

Let me be clear Mr. Speaker, the Senate bill is a modest proposal at best. However, extending these vital measures are necessary to keep our economy moving forward and growing.

Failure to reach agreement is unacceptable. If we fail to pass the Senate bill, 700,000 workers in Hawaii will see their paychecks shrink and taxes increase in January. Nearly 3,000 people in Hawaii will lose their unemployment benefits in January. Some 27,000 Hawaii families will lose access to assistance that helps feed their children while they seek new jobs. And we will unnecessarily be making it harder for doctors to provide the care our seniors deserve.

Failing to extend the payroll tax and unemployment benefits wouldn't just be irresponsible for workers and families—it would actually do serious damage to our nation's economic growth.

In fact, independent economists forecast that failing to extend these two measures could cost 1.3 million jobs.

Of course, the Senate's legislation is far from perfect. I regret that we were unable to reach an agreement that would have extended these measures for the entire year.

I also regret the House Majority's insistence on attempting to tie these vital provisions to unnecessary and controversial ones.

I am glad the Senate has sent us a bill that removes some of the most offensive poison pills—like slashing extended unemployment

benefits to 40 weeks and ridiculous and probably unconstitutional changes to eligibility requirements for those benefits—that passed the House last week.

Despite these changes the Senate bill is very much a compromise. It still includes a provision that would unnecessarily rush the Administration's review and approval of the controversial 1,700 mile long Keystone XL pipeline project.

I fail to see the benefit of rushing this decision. The President has committed to ensuring that the State Department conducts a thorough review of this project in order to determine the economic, environmental, and public health impact it could have on our nation.

This is particularly prudent because the proposed route runs from Canada to the Gulf Coast—directly through the center of our nation. Its proposed route passes through the sensitive Sand Hills in Nebraska and over the Ogallala aquifer. This aquifer provides 30 percent of all groundwater used for irrigation in the U.S., as well as drinking water for millions of Americans.

The State Department has indicated that the earliest these necessary reviews will be completed is 2013. Expediting this review process is short-sighted, unwise, and could have serious negative implications for future generations and media reports indicate that the Administration will not approve the project under this tight timeline.

So despite this troublesome provision, I had intended to support the Senate's bill.

The Majority's attempt to renegotiate this entire package is a waste of time. We should come together to extend the relief that our workers and their families deserve and return next year with a new focus on how to move our economy forward.

With the holidays just days away, we owe families in Hawaii and the American people at least that much.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the Motion to Concur on H.R. 3630 "Middle Class Tax Relief and Job Creation Act of 2011." This legislation sends the right message at a critical time for Americans.

The Senate passed a measure this past Saturday that, while not perfect, will grant the American people the certainty they need as we head into a new year. The Senate Amendment to H.R. 3630 received overwhelming bipartisan support in the Senate. It passed by a margin of 89 to 10.

The Senate version would allow employees to continue to pay a 4.2 percent tax on wages, and the self-employed would only pay 10.4 percent; which represents a 2 percentage point tax cut.

This tax cut would provide a much-needed boost to the economy as these tax savings could be used for investment, savings accounts, and for the purchase of both goods and services. This kind of commercial activity is what will keep the economy moving.

The Senate version would remove provisions in the bill that implies that would stigmatize the unemployed by implying they use illegal substances and penalizes those who must choose between paying rent or taking job training courses. The Senate Amendment removes the onerous unemployment provi-

sions from H.R. 3630. Namely, the provisions that would allow states to test those who apply for unemployment benefits for illegal drugs and one that would require a GED, a high school diploma, or attendance in a course to attain a GED prior to being able to qualify for unemployment benefits.

In addition, the Senate amendment to H.R. 3630 removes a \$300 million on a special interest provision. The provision, which had passed the House, would only help a handful of specialty hospitals while resulting in billions of dollars in cuts from community hospitals. The Senate Amendment removes this poison pill. In effect, the Senate rejected this assault on the elderly, the unemployed, and the middle class.

#### RULES COMMITTEE'S LAST MINUTE CHANGE TO THEIR AGENDA

Last evening the Rules Committee was originally scheduled to convene an emergency meeting at 7:05 p.m. The purpose of their meeting was to discuss a motion to concur with the Senate amendment to H.R. 3630. I arrived at the Rules Committee prepared to give testimony to buttress my two amendments to the measure and to give my support to the Senate Amendment to H.R. 3630.

The Committee would not accept my amendments and refused to accept testimony; to add insult to injury they delayed the meeting from 7:05 p.m. to 9:15 p.m. Again, I was prepared to speak on the measure and my amendments. To my surprise, the Rules Committee failed to discuss or bring up the motion to concur with the Senate Amendment to H.R. 3630.

It is my belief that something must have occurred prior to and immediately after the 7:05 p.m. meeting that would drastically change Republicans' agenda. Because at 9:15 p.m. they brought up a completely different agenda. I am both surprised and disappointed that the Committee failed to address this issue head on and rather bent to whatever pressures they received prior to meeting on the Senate amendment.

My amendments would have made it clear that hedge fund managers would finally be required to pay their due share of carried interest; they would be required at minimum to pay the same amount in taxes, as their house keepers.

In addition my second amendment would have ensured that millionaires would also pay their fair share of taxes. Because of the actions of the Rules Committee I never got the opportunity to express my support for these important amendments, nor did I have the opportunity to support the Senate amendment because of the drastic changes made to the Rules Committee Agenda.

#### CERTAIN REPUBLICANS NEVER INTENDED TO SUPPORT A PAYROLL TAX CUT

There is little doubt that there have been factions within the Republican party who have never intended to support a payroll tax cut for middle class Americans. When the idea of a payroll tax cut began to surface there was an instantaneous reaction against the idea among certain conservative Republicans. The behavior of the Rules Committee, which changed the agenda at the last minute, is a probable example of these internal disagreements.

Less than two weeks ago a Tea Party Republican made it clear that he did not support

a payroll tax cut. In order to convince him to support H.R. 3630 it seems that other provisions had to be added, provisions like the key-stone pipeline. This Tea Party Republican made it clear “[Republican Leadership] certainly seems to be dragging me kicking and screaming to the ‘yes’ line”. Such is the comment of a Member of Congress who wants us all to believe that he was undecided on a payroll tax cut. I wonder how many promises had to be given before the American middle class could be cut a break.

This position was also shared by a Senator, who is part of Senate Republican Leadership. He voted four times against proposals to keep the tax holiday. According to this Republican Leader “We get paid to vote . . .” and he certainly did his duty and voted, he voted against payroll tax cuts for the middle class. This would not be an example of a person who was less than two weeks ago ready to be swayed.

Washington Republicans in general found themselves in a quandary. Should they support a measure that would have protected provisions in Medicare, extended unemployment, and provided a payroll tax cut or stick to partisan politics. Washington Republicans apparently did not believe that a break, which would have lowered the payroll tax from 6.2 percent to 4.3 percent would help job growth next year. Then there are those who are more concerned with not giving the President a victory. The victory would not be for the President, the victory who would be for the American people. For the moms and dads who as a result of the payroll cut would be able to buy their child a new pair of shoes, place an additional meal on the table, or pay their rent.

It is not a surprise that those Republicans, who dug their heels into the ground, long before today, are the very Republicans who are allowing the American people to bear the brunt of this stalemate.

As passed in the House, H.R. 3630 had a list of poison pills which would have harmed not only the health of Americans but the health of the American economy.

#### UNEMPLOYMENT

Republicans had targeted the unemployed by slashing 40 weeks of unemployment insurance. Such an action would have negatively impacted the lives of millions of families. These are the very families who are still struggling under the weight of the worst economic downturn since the Great Depression. The Senate rejected this assault on the elderly too.

Our failure to act on the Senate amendment to H.R. 3630 would result in twenty-two jurisdictions with the highest unemployment rates being the hardest hit these states are: My home state of Texas, Alabama, California, Connecticut, DC, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee and Washington.

According to a report released by the Department of Labor just two weeks ago, 3.3 million Americans would lose unemployment benefits as a result of H.R. 3630 compared to a continuation of current law. In my home state of Texas alone, 227,381 people will lose their sole source of income by the end of January.

There is nothing normal about this recession. Republicans seem to want to blame the

unemployed for unemployment. But the truth is there are over four unemployed workers for every available job, and there are nearly 1 million fewer jobs in the economy today compared to when the recession started in December 2007. In our nation's history there has never been so many unemployed Americans without work for such a long period of time. Republicans are clearly out of touch.

We must act now to extend unemployment insurance and remove dastardly provisions related to drugs and education that do nothing more than insult the integrity of the jobless. Currently, 9.8 million people are receiving unemployment insurance in some form. We have 11 days to act. On Dec. 31, federal unemployment insurance benefits are set to expire, which means nearly 2 million will be cut off from unemployment insurance early next year if Congress doesn't act now. Congress has never allowed emergency unemployment benefits to expire when the unemployment rate is anywhere close to its current level of 9.1 percent.

For every dollar spent on unemployment insurance, a study found an increase in economic activity of two dollars. According to the Economic Policy Institute that extending unemployment benefits could prevent the loss of over 500,000 jobs. Further, a study by IMP AQ International and the Urban Institute found unemployment insurance benefits reduced the fall in GDP by 18.3%. This resulted in nominal GDP being \$175 billion higher in 2009 than it would have been without unemployment insurance benefits.

If Congress fails to act before the end of the year, Americans who have lost their jobs through no fault of their own will begin losing their unemployment benefits in January. By mid-February, 2.1 million will have their benefits cut off, and by the end of 2012 over 6 million will lose their unemployment benefits.

#### THE IMPACT ON AMERICANS POISON PILLS IN H.R. 3630

The reforms to unemployment and other provisions that we sent over to the Senate, sweeping as they were, may have been lost amid other features of the Republican package.

#### DRUG TESTING

Under current law, states are not allowed to deny workers unemployment insurance for reasons other than on-the-job misconduct, fraud or earning too much money from part-time work. The drug testing requirement in H.R. 3630 is burdensome and onerous. Unemployment is at its highest in twenty-five years, the economy is in a downward spiral, millions of people are just getting by and government wants to further degrade them.

A worker advocacy group recently described the drug testing Element in the House-passed bill, the “most disturbing” part of the Republican unemployment reforms. “Devising new ways to insult the unemployed only distracts from the current debate over how to best restore the nation's economy to strong footing and the discussion over how to best support the unemployed and get them back to work”

There is no evidence to support that the average person who applies for unemployment insurance is an illegal drug user. The inference that those who need this benefit must be screened for drugs is offensive. Hardworking Americans are depending on a benefit they

worked to attain. The Senate amendment to H.R. 3630 removes this offensive provision.

#### GED/HIGH SCHOOL DIPLOMA REQUIREMENT

In addition, the Senate amendment does not blame the unemployed for being unemployed. By this I mean, the version of H.R. 3630 which passed the House would deny unemployment benefits to individuals who did not have or were not attempting to attain a high school diploma or a GED.

As supported by House Republicans, H.R. 3630 denies unemployment insurance benefits to the most vulnerable workers, those without a high school diploma or GEDs, if they can't demonstrate they are enrolled in a program leading to a credential. Workers with less than a high school diploma are unemployed at significantly higher rates than workers with a bachelor's degree (13.2 percent v. 4.4 percent).

I understand the rationale behind wanting to advance the skills of our nation's work force. Believe me the hardships faced by those who have not attained a GED or high school diploma are indisputable. The labor force participation rate for persons without a high school diploma is 20 percentages points lower than the labor force participation rate for high school graduates.

Nationally, approximately 70 percent of all students graduate from high school, but African-American and Hispanic students have a 55 percent or less chance of graduating from high school.

If this measure passes as written, African-Americans and Hispanics who are already the hardest hit by this economic downturn will now lose access to employment benefits at a greater rate, solely based upon their educational attainment. This just does not seem fair.

Only 52 percent of students in the 50 largest cities in the United States graduate from high school. That rate is below the national high school graduation rate of 70 percent, and also falls short of the 60 percent average for urban districts across the Nation. Over his or her lifetime, a high school dropout earns, on average, about \$260,000 less than a high school graduate, and about \$1 million less than a college graduate.

I vehemently disagree with how H.R. 3630 chooses to address increasing the skills of our workforce. I do not believe we should blame those who for a variety of reasons were not able to attain a high school diploma or GED. We should not punish them by excluding them from benefits that they have earned! We should be focused on programs to encourage and retrain our workforce. Programs like those offered by organizations like the National Urban League.

#### MEDICAID

My colleagues on the other side in H.R. 3630 had singled out Medicare premium increases that would have permanently increase seniors' costs by \$31 billion. The Senate Amendment addresses the Medicare Sustainable Growth Rate (SGR), extending physician payment rates and preventing a 27.4% cut through February 29th; and it addresses Medicare and Medicaid Extenders policies through February 29th as well. It also includes a simple extension of TANF through February 29th. The Congressional Budget Office estimates

changes to Medicare under the Republican budget plan will triple the cost for new beneficiaries by 2030 and increase costs for current recipients, including the 2.9 million people in Texas who received Medicare in 2010.

H.R. 3630 would result in significant changes to Medicaid, threatening healthcare resources for the 60 million people, half of them children that rely on this program to stay healthy. A block grant for funding or a cap on federal Medicaid spending would increase the cost for states and the low income families who benefit from the program.

Harris County has one of the highest Medicaid enrollment records in Texas. Limits and cuts to Medicaid funds would significantly hurt the citizens of Texas's 18th District. Harris County averages between 500,000 and 600,000 Medicaid recipients monthly, thousands of people who may not have access to healthcare under this budget.

If there is a single federal program that is absolutely critical to people in communities all across this nation at this time, it would be unemployment compensation benefits. Unemployed Americans must have a means to subsist, while continuing to look for work that in many parts of the country is just not there. Families have to feed children.

Personal and family savings have been exhausted and 401(K)s have been tapped, leaving many individuals and families desperate for some type of assistance until the economy improves and additional jobs are created. The extension of unemployment benefits for the long-term unemployed is an emergency. You do not play with people's lives when there is an emergency. We are in a crisis. Just ask someone who has been unemployed and looking for work, and they will tell you the same.

I am committed to producing tangible results in suffering communities through legislation that creates jobs, fosters minority business opportunities, and builds a foundation for the future. We cannot now, or ever, allow partisan politics to keep us from addressing the needs of American families, the unemployed and seniors. I encourage my colleagues on the other side of the aisle to drop these harmful policy riders and support the Senate amendment to H.R. 3630.

Mr. HOLT. Mr. Speaker, just last week I came to the floor and spoke to the need for this body to prevent a tax increase for 160 million American workers. Yet today, the House Majority is actually voting to raise taxes for middle class families. Under their plan taxes go up on January 1, 2012 for 160 million workers, unemployment benefits expire and seniors lose access to their doctors. I am voting to prevent that from happening. They can claim all they want they support tax relief for middle class families, but today they are rejecting the compromise that passed the U.S. Senate with broad bipartisan support and that could be signed into law by President Obama. Instead of helping pass this real bipartisan compromise, the House Majority is claiming they want to help ordinary people even as their actions show otherwise. The American people will pay the price with higher taxes next year. Members of the Majority opposed this tax cut for middle class Americans a year ago and they are even more opposed to its extension now.

Ms. CLARKE of New York. Mr. Speaker, what has happened today would be comical if it weren't so damaging to our nation's middle-class.

Mr. Speaker, the American People need to know the facts:

The fact is, Mr. Speaker is that this body passed a tax cut bill that they knew would not make it through the other body.

The fact is, Mr. Speaker, that the other body, in about as bipartisan a manner as this 112th Congress has ever seen, voted overwhelmingly to pass a two month extension of the payroll tax cut so that taxes would not go up for millions of Americans on the 1st of January.

The fact is, instead of passing this common-sense legislation which would have bought time for a comprehensive full year extension of the payroll tax cut to be negotiated, the GOP-led House would not allow a vote.

Mr. Speaker, the Majority has instead decided to kill the payroll tax cut altogether and not buy Congress time for a comprehensive deal.

Mr. Speaker, I hope that when it's time to let tax cuts for millionaires and billionaires to expire, the Republicans will show the same callous disregard they have shown our nations struggling middle-class.

Mr. COSTELLO. Mr. Speaker, I will vote today against this motion to go to conference with Senate and in support of the two-month payroll tax cut extension. While it is not perfect, it is a reasonable compromise that will help people make ends meet while we continue to work on a longer-term solution.

The fact is that Democrats and Republicans have been working at finding such a solution for several weeks, and this is the best we can do at this time. As we have done at other times this year, notably with the debt limit vote in August, we have an opportunity to do something for the good of the country on a short-term basis. While this is not ideal, I believe approving a two-month extension is better than letting the payroll tax reduction and unemployment benefits expire while Medicare reimbursements to doctors are cut dramatically, which will have negative effects for our fragile economic recovery.

Mr. Speaker, this bipartisan compromise was overwhelmingly approved in the Senate and includes several provisions that Republicans worked hard to include, such as requiring President Obama to make a decision on the Keystone pipeline within 60 days. It will provide relief to individuals and families who need it and support for the overall economy. This is not the time to draw lines in the sand. I urge my Republican colleagues to let the House consider the two-month extension today and to vote in support of it. Then we can continue to work on how to extend this relief through the duration of 2012.

Mr. WOLF. Mr. Speaker, I oppose motions regarding a conference because I do not support any of the costly proposals to extend the temporary payroll "holiday," which destabilizes the Social Security Trust Fund and does nothing to enact the needed long-term structural reforms necessary to right our fiscal state of ship.

Our country is going broke. The national debt is over \$15 trillion. It is projected to reach

\$17 trillion next year and \$21 trillion in 2021. We have annual deficits of approximately \$1 trillion. We have unfunded obligations and liabilities of \$62 trillion.

The Social Security Actuary has said that by 2037 the trust fund will be unable to pay full benefits. This means that everyone will receive an across the board cut of 22 percent, regardless of how much money they paid into the system.

Washington is dysfunctional. After months of passionately debating the importance of reducing the deficit, the President and Congress are now advocating for a policy that's barely, if at all, improved our economic outlook and further contributes to our crushing debt burden.

My floor statement from December 13, which I have reposted on my Web site, further explains my opposition to the underlying legislation.

During his 1796 farewell address, George Washington admonished his fellow countrymen: "We should avoid ungenerously throwing upon posterity the burden of which we ourselves ought to bear." The Congress should heed his advice.

I voted "no" on this policy last December. I voted "no" on this policy last week. And I vote "no" today.

Mr. DINGELL. Mr. Speaker, I rise in support of the Senate amendment to H.R. 3630. Working Americans cannot wait another minute for Congress to make up its mind and act. The country and its people are ill-served by the House leadership's inability to make up its mind. The economy and its future, as well as our credit rating, are being severely impaired by leadership's failure to lead in finding a solution to this problem and Republicans' followership to follow and support such solution.

While the Senate's solution is less than perfect, it's a desperately needed start. Our failure to prevent an increase in payroll taxes and the expiration of unemployment benefits will cut the legs out from under our country's economic recovery.

To be clear, I am not at all comforted by the Senate's compromise on extending unemployment benefits. By not addressing the contentious "look-back" issue, it is all but certain that states with persistently high unemployment rates that have improved very marginally—like my home state of Michigan—will all of a sudden find themselves ineligible for emergency federal benefits. As far as I'm concerned, that's like taking a sick person's medicine away because he's gotten slightly better.

That's not to say the bill is all bad. The Senate amendment to H.R. 3630 also extends for two months the critical section 508 hospital reclassification and will allow us more time to find a workable and sustainable solution to the Medicare Sustainable Growth Rate reimbursement levels.

I urge my colleagues—particularly those on the other side of the aisle—to do the right thing by the American people and vote in favor of the Senate's amendment to H.R. 3630. The House leadership cannot continue to move the goalposts every time Congress appears close to a deal. The GOP strategy of trying to keep America down to win elections endangers the country, our people, and our future.



In short, let's not let the perfect be the enemy of the good and punish hardworking Americans in the process. We cannot in good conscience go home to our districts for the holidays without passing this bill and committing to coming back here in March to enact a full one-year extension of UI benefits, the payroll tax cuts, and Medicare physician reimbursement rates.

The Congress's dithering around has brought us to the brink again, but we have an opportunity to salvage this situation tonight. We will be foolish to let it pass us by.

Ms. WILSON of Florida. Mr. Speaker, today I rise to tell my fellow Americans that House Republicans have declared a war on the holidays. By refusing to allow an up or down vote on the payroll tax cut extension passed by the Senate, my Republican colleagues are putting lumps of coal in everyone's Christmas stockings, and taking away their Hanukkah gelt. We in Congress cannot in good conscience go home for the holidays until we ensure that our constituents can celebrate with their families instead of feeling like the Grinch stole all their presents.

We have a measure in place which nine out of every ten Senators—both Democrats and Republicans—agreed to. We have a measure in place that the President, over his own wishes, has said he will sign into law. We have a measure that the majority of my Caucus is ready to support. Why are we waiting?!

Mr. Speaker, today I urge to my colleagues to join me in support of a true payroll tax cut and unemployment extension. I urge them to join me in supporting the Senate Amendment to H.R. 3630. I urge them to join members of their own Caucus, and most of all I urge them to join the American public.

We've been down this road before. What President Obama is for, the Republicans are against; and whatever the President is against, they are for. The Republicans are not looking out for the American people, Mr. Speaker—they are only looking out for their own selfish interests and for their stated goal of defeating President Obama in 2012.

Let's put an end to these games, Mr. Speaker. Let's not give 160 million Americans a \$1,000 tax hike, let's not take away the unemployment benefits of 2.2 million Americans, and let's not block 48 million seniors' access to their doctors.

Mr. AL GREEN of Texas. Mr. Speaker, I support a one-year extension of the payroll tax holiday, unemployment insurance and protecting seniors' access to their Medicare physician. However, both Democrats and Republicans in the Senate of the United States voted overwhelmingly to extend these expiring provisions for two months, so that Congress might have adequate time to negotiate a longer term extension for the American people. House Republicans' refusal to vote on the Senate compromise puts at risk American middle class families at a time when we must do all that we can do to support them.

Ms. VELÁZQUEZ. Mr. Speaker, in less than two weeks, taxes are set to rise, cuts to Medicare payments will occur, and emergency unemployment will lapse. With the economic security of so many Americans at stake, we cannot allow this to happen. Until an acceptable long-term solution is offered, it would be irre-

sponsible to forego a short-term extension that enables small firms and the American people to move forward with our economic recovery.

Almost 12 million Americans currently rely on unemployment. Without action, nearly 2.5 million of them will lose their benefits in just two months. At a time when we should be providing them a leg-up, this Republican Congress has continually failed to provide middle-class Americans the assistance they require.

And, now, due to the Republican leadership blocking a two month extension, 160 million hardworking taxpayers are faced with a tax increase.

We have a modest, bipartisan solution before us. While it certainly does not address all these problems, it can provide some help at a time when it is desperately needed. The House should consider and pass this extension, immediately.

Mr. VAN HOLLEN. Mr. Speaker, first my Republican colleagues opposed extending the current payroll tax cut for the middle class. Then they decided they would support it after all—but they objected to asking millionaires help pay for it and insisted that a completely unrelated and controversial project called the Keystone XL pipeline be included in the final package.

Now, by a lopsided vote of 89–10, the Senate has sent the House a short term measure negotiated by Democratic Leader REID and Republican Leader MCCONNELL to prevent taxes from going up on 160 million Americans next year, offset with a provision both parties can support—with an accelerated decision on the Keystone XL pipeline due in sixty days.

So what are the House Republicans doing? Trying to kill the bipartisan Senate bill. In fact, they won't even allow a straight up or down vote on it—because if they did, they know it would pass.

Americans need look no further than this reckless year-end gambit by the extreme right wing of the Republican Party to understand why their government has ceased to function.

Like President Obama and virtually every Democrat in this House, I would rather be voting on a year-long extension for the current payroll tax cut, unemployment insurance for those who remain out of work through no fault of their own, and reasonable compensation for physicians who participate in the Medicare program. Additionally, I would prefer a balanced approach to paying for these measures—and I oppose mandating a precipitous decision on the controversial Keystone XL pipeline.

But in order to ensure 160 million Americans don't see a tax increase on January 1, and to give negotiators more time to reach final agreement on a fully paid-for year-long package, I am prepared to support the Senate's bipartisan short term extension.

Mr. Speaker, Senate Democrats have approved this legislation. Senate Republicans have approved this legislation. And House Democrats are prepared to approve this legislation. If House Republicans block it, they will have to explain to the American people why rigid ideology was more important than helping create more jobs and boosting our fragile economy.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 502, the previous question is ordered.

The question is on the motion by the gentleman from Michigan (Mr. CAMP).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 193, not voting 11, as follows:

[Roll No. 946]

YEAS—229

Adams	Gosar	Nunes
Aderholt	Gowdy	Nunnelee
Akin	Granger	Olson
Alexander	Graves (GA)	Palazzo
Amash	Graves (MO)	Paulsen
Amodei	Griffin (AR)	Pearce
Austria	Griffith (VA)	Pence
Bachus	Grimm	Petri
Barletta	Guinta	Pitts
Bartlett	Guthrie	Platts
Barton (TX)	Hall	Poe (TX)
Benishek	Hanna	Pompeo
Berg	Harper	Posey
Biggert	Harris	Price (GA)
Bilbray	Hartzler	Quayle
Bilirakis	Hastings (WA)	Reed
Bishop (UT)	Hayworth	Rehberg
Black	Heck	Reichert
Blackburn	Hensarling	Renacci
Bonner	Herger	Ribble
Bono Mack	Huelskamp	Rigell
Boustany	Huizenga (MI)	Rivera
Brady (TX)	Hultgren	Roby
Brooks	Hunter	Roe (TN)
Broun (GA)	Hurt	Rogers (AL)
Bucshon	Issa	Rogers (KY)
Buerkle	Jenkins	Rogers (MI)
Burgess	Johnson (OH)	Rohrabacher
Burton (IN)	Johnson, Sam	Rokita
Calvert	Jordan	Rooney
Camp	Kelly	Ros-Lehtinen
Campbell	King (IA)	Roskam
Canseco	King (NY)	Ross (FL)
Cantor	Kingston	Royce
Capito	Kinzinger (IL)	Runyan
Carter	Kline	Ryan (WI)
Cassidy	Labrador	Scalise
Chabot	Lamborn	Schilling
Chaffetz	Lance	Schmidt
Coffman (CO)	Landry	Schock
Cole	Lankford	Schweikert
Conaway	Latham	Scott (SC)
Cravaack	LaTourette	Scott, Austin
Crawford	Latta	Sensenbrenner
Crenshaw	Lewis (CA)	Sessions
Culberson	LoBiondo	Shimkus
Davis (KY)	Long	Shuster
Denham	Lucas	Simpson
Dent	Luetkemeyer	Smith (NE)
DesJarlais	Lummis	Smith (NJ)
Dold	Lungren, Daniel	Smith (TX)
Dreier	E.	Southerland
Duffy	Mack	Stearns
Duncan (SC)	Manzullo	Stivers
Duncan (TN)	Marchant	Stutzman
Ellmers	Marino	Sullivan
Emerson	McCarthy (CA)	Terry
Farenthold	McCaul	Thompson (PA)
Fincher	McClintock	Thornberry
Fitzpatrick	McCotter	Tiberi
Fleischmann	McHenry	Tipton
Fleming	McKeon	Turner (NY)
Flores	McKinley	Turner (OH)
Forbes	McMorris	Upton
Fortenberry	Rodgers	Walberg
Fox	Meehan	Walden
Franks (AZ)	Mica	Walsh (IL)
Frelinghuysen	Miller (FL)	Webster
Gallegly	Miller (MI)	West
Gardner	Miller, Gary	Westmoreland
Garrett	Mulvaney	Whitfield
Gerlach	Murphy (PA)	Wilson (SC)
Gibbs	Myrick	Wittman
Gingrey (GA)	Neugebauer	
Gohmert	Noem	
Goodlatte	Nugent	

Womack  
Woodall

Yoder  
Young (AK)

Young (FL)  
Young (IN)

## NAYS—193

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Bass (NH)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Flake  
Frank (MA)  
Fudge

Garamendi  
Gibson  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebsock  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeke  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler

Napolitano  
Neal  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Wolf  
Yarmuth

## NOT VOTING—11

Bachmann  
Buchanan  
Coble  
Diaz-Balart

Filner  
Giffords  
Johnson, E. B.  
Oliver

Paul  
Schrader  
Woolsey

## □ 1256

Mr. DAVIS of Illinois and Ms. HAHN changed their vote from “yea” to “nay.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 946, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

# MOTION TO INSTRUCT CONFEREES ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

Mr. HOYER. Mr. Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. Pursuant to House Resolution 502, the motion is considered read.

The text of the motion is as follows:

Mr. Hoyer moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3630 be instructed to recede from disagreement to the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Maryland (Mr. HOYER) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I yield myself 4 minutes.

It is December 20, and the Republicans are using it as a day to dissemble, pretending to support a tax cut for working Americans while making it uncertain and delayed.

We, of course, as we all know, could pass the Senate bill by 2 o'clock today, send it to the President, and provide certainty to working Americans come January 1 that their taxes will not go up.

The choice, I suggest to all of you, is not between 60 days and 1 year, because at least we all say we're for 1 year—we are for 1 year, we will support a 1-year extension—but we know the Senate has been unable to agree. So they sent us back an agreement that they could agree on to give us 60 days to get to that 1 year.

Instead, House Republicans refuse to even bring the Senate's bipartisan compromise to the floor. Eighty-nine U.S. Senators voted for a compromise, and you will not bring it to the floor. You create uncertainty and anxiety among the public.

## □ 1300

That is shameful and disappointing.

As a result, on January 1, if there is no agreement, those of you who vote to send this to conference today and against this motion to instruct will be responsible for 160 million Americans seeing their taxes increase next year, for 2.3 million people seeking jobs who will lose their unemployment lifeline by mid-February, and for 48 million Americans having their access to doctors placed in jeopardy.

Those are the stakes.

America thought we had an agreement this weekend. JOHN MCCAIN thought we had an agreement this Saturday—and yes, Speaker BOEHNER thought we had an agreement on Sat-

urday. America thought there was reason to hope that middle class Americans would be spared this entirely preventable tax increase.

I tell you, my friends, if this were about the upper income tax increase, it would pass like lightning in your conference—like lightning. But no. This is about putting in jeopardy a middle class tax cut, and we could play political games with that. We're now witnessing the concluding convulsion of confrontation and obstruction in this most unproductive, Tea Party-dominated, partisan session of Congress. As a result, Speaker BOEHNER decided he wasn't for the agreement.

Now let me tell you what Speaker BOEHNER said 6 months ago, because there was a lot of talk about this 1-year extension. He called proposals to extend or expand the payroll tax cut at that point by a year “another little short-term gimmick.”

Same rhetoric. Different circumstances. But both put at risk the middle class.

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentleman has expired.

Mr. HOYER. I yield myself an additional minute.

In Senate Republican Leader McCONNELL's own words, “The compromise that you are rejecting today was designed to pass.”

In fact, the bill that you passed you knew was designed to fail. Because you knew it was going to fail, your Republican leadership in the Senate objected to its being considered on the floor of the United States Senate, just as you have refused to consider the Senate's compromise on this floor.

It did so in the Senate. That bill that was designed to pass, according to Senator McCONNELL, did so in the Senate with overwhelming support from 83 percent of Republicans and from every Democrat, including the entire Senate Republican leadership and the entire Democratic leadership.

Democrats, Mr. Speaker, are fighting to prevent a painful tax increase for the middle class. The way to do that is to pass the Senate compromise while we continue to work on a yearlong extension. That's what Senator REID said he'll do, Mr. Speaker, and that's what we're prepared to do, Mr. Speaker. But we don't want to put at risk January 1 coming and that tax cut disappearing. If they fail to pass the compromise, House Republicans will have to answer to the American people whose taxes will go up.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HOYER. I yield myself an additional minute.

To the innocent unemployed and to the Medicare seniors who are seeking services from their doctors, we must not leave this work unfinished just



days before the holidays and New Year. That's what the Senate did. They gave us time. They gave the American people time. We ought to be bringing relief to middle class families who are increasingly anxious about their futures during what should be a joyful and hopeful holiday season.

We ought to pass the bipartisan Senate bill. That's what this motion to instruct says. That's what the American people want to happen in Washington: to see us work together, come to agreement, act, bring certainty, stop the blame game. We can send the bipartisan agreement to the President today, and he will sign it.

Vote "yes" on this motion to instruct. Vote for the American workers, the Medicare recipient, and the unemployed. Vote for this motion to instruct.

Mr. Speaker, I yield the remainder of my time to my good friend from New York, JOE CROWLEY, a member of the Ways and Means Committee.

The SPEAKER pro tempore. Without objection, the gentleman from New York will control the time.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. CAMP. Mr. Speaker, I rise in opposition to the motion to instruct, and I yield myself such time as I may consume.

I would just say to my good friend from Maryland that we just voted on the Senate amendment. It was rejected by this House.

Just yesterday, Minority Leader PELOSI told the media, "I don't think we should go to conference." In those same reports, the minority leader said that, if the House passes a motion to go to conference on the Middle Class Tax Relief and Job Creation Act, she would not appoint any House Democrats to participate in the negotiations.

Set aside for a moment that a conference committee is the established way for resolving differences between the House and the Senate. It's an idea that was best articulated by Thomas Jefferson, one of the Founding Fathers and someone who provided the foundation for the rules of this House. Set aside the fact that Democrats are, with 2 weeks left before critical programs expire, refusing to work. Instead, let's just focus on what the leader of House Democrats said.

The minority leader declared that she would not appoint any House Democrats to a conference committee. Senate Majority Leader HARRY REID has echoed those same comments. So I ask them: Who are the Democrats seeking to instruct with this motion? If the Democrats won't even appoint conferees, how can they instruct conferees?

Clearly, this is nothing more than a partisan, political stunt that keeps us

from doing what the President has asked us to do and what House Republicans have agreed to do: pass a 1-year extension of the payroll tax holiday and a 1-year extension of unemployment benefits.

Turning to the substance of the motion to instruct for a minute, it seems like we've already debated this today. The motion asks the House to recede to the position of the Senate, meaning the deeply flawed bill that would sunset in 2 months and that payroll providers, job providers—experts—have said would be administratively unworkable, and that even the administration concedes would pose challenges for employers.

I urge the defeat of this motion to instruct, and I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Just sitting here, I was contemplating the end of the year. At the end of the business that we will conduct today, men and women from both sides of the aisle will pass each other in the well or in the hallway, and we'll wish each other health for the New Year. We'll wish each other goodness, happiness. We'll all look forward to going back to our home districts and to spending time with our families, with our friends, to looking back on the year, assessing the good things that have happened and some of the not so good things, but primarily focusing on the good things that have happened to all of us this year.

When I often say to people, "I wish you peace. I wish you peace in the new year," I wish you a peaceful mind is what I'm suggesting, of getting home to relax.

Nothing that we are doing today will give peace of mind to the middle class in this country. Nothing that we will do today will give them that peace of mind, and I think that is more than regrettable. It's unacceptable that men and women in this country are struggling—hardworking middle class people who are desperately trying to keep their homes, to afford college educations for their children, to afford health care, to be able to see their doctors, who are trying to put food on their tables, to pay their heat bills, and maybe to afford the rent.

□ 1310

This is not a story that is only in my district. This is the story of middle America in every district, be they held by a Democrat or a Republican.

What we've seen over the past few months is a complete turnaround. Two months ago, my colleagues on the other side of the aisle rejected the President's proposal for a payroll tax cut for the middle class; and now we're coming to the end of the year, and we're running out of time. And my friends on the other side of the aisle

have had a conversion. They now see the wisdom to extending this payroll tax. But now they are criticizing us because we have a bill before us that has passed in a bipartisan way in the Senate, 89 votes, that will extend this payroll tax reduction for the middle class for an additional 2 months.

Now, I could understand that if that was all we were going to do, you could complain about it. But we'll have an opportunity to come back within the next 2 months and do it for the rest of the year. Quite frankly, we can make it permanent, as far as I am concerned. But we can come back and do that. We ought not be squabbling now about time when it's only 2 months.

Don't pretend that you are working on behalf of the middle class. Don't pretend you are the working class hero. You are not. You are not.

Cheryl Williams, a constituent of mine from the Bronx—one of the many middle class workers in my district—will have to pay an extra \$1,000 to afford heating oil for their home if they do not get this tax decrease that they have been hoping for and reading about that was supposed to happen. Now all of a sudden, it may not happen.

I just want to remind my colleagues, this is not "cotton candy economics." One of my colleagues on the other side of the aisle, Mr. RYAN, used the term. This is cotton candy economics. This is not "cotton candy economics," Mr. Speaker. This is bread and butter economics for my constituents and for the middle class.

The word "disingenuous" doesn't do justice to what is happening here today. This is either an extension of a \$1,000 tax cut or it's not. It's as simple as that. It's either a tax cut for the middle class or it's not. A "no" vote is a vote against a middle class tax cut. It is just that simple. Don't do this now. Give the American people the peace of mind they deserve this holiday season. Let them know that this tax cut will be extended.

With that, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. BOEHNER), the Speaker of the House.

Mr. BOEHNER. Let me thank my colleague for yielding.

As I was attempting to eat my lunch, I heard my name invoked more than once about what I did and what I didn't do. I just want all of my colleagues to know that the President asked us to extend the payroll tax credit for a year, asked us to extend unemployment benefits, and asked us to extend the current payment schedule for doctors who treat Medicare patients.

My colleagues and I, on a bipartisan basis, last week passed such a bill, the same kind of bill that was requested by the minority leader, the minority whip, and my colleagues on the other

side of the aisle. This bill is going to cost about \$200 billion. We found a reasonable offset to make sure that we were taking care of the Social Security trust fund and not depleting it unnecessarily. As I said, the bill passed the House with a bipartisan vote.

Unfortunately, our colleagues on the other side of the Capitol decided to do what happens around here all too often: it's too hard to figure it out. We're getting close to Christmas. We're going to leave. We're going to punt. And we're going to send a 2-month bill over.

My colleague from New York was arguing for what's basically a \$1,000 tax cut for the average American family. And I'm here to say to my colleague, that's exactly what we're fighting for. As I see the debate today, you are arguing for a \$166 tax cut because it's only for 2 months. I am going to give the average American family a \$1,000 tax cut; and that means doing this for 12 months, as the President requested.

Who doesn't believe that if we don't do this now that when we get to February 28, guess where we'll be—we'll be right here doing the same thing that we're doing right now.

I just think the American people expect us to do our work. We've got 10 days to do our work. We can resolve the differences between the House and Senate bill. Everybody wants this extended for a year, but it just happens to be inconvenient for some to try to resolve it at this point. Why? Because we're getting close to the holidays.

My colleagues and I are here and are prepared to do our work. We've just made a motion to go to conference with the Senate. As my colleagues know, this is the regular order of how Congress works. The House passes a bill. The Senate passes a different bill. We go to conference to resolve the differences. All we're asking is that our colleagues on the other side of the Capitol come back to town, sit down, and resolve our differences. Let's do this once; and let's do it the right way, for once.

So I would say to my colleagues, we can turn the rhetoric down. We don't have to get overly excited. There's no disagreement here. There's no disagreement at all about the fact that everyone wants to extend this for the next year. The only question is, When do people want to do it? Some want to kick the can down the road and wait until February. Then on February 28, we'll be sitting here looking at each other in the same way. Why don't we just do it now and give the American people a real Christmas present?

Mr. CROWLEY. Mr. Speaker, we had 3 months to do this bill. Unfortunately, we waited for the last 2 weeks to take this bill up. It's unfortunate.

With that, Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank my very good friend, the distinguished gentleman from New York.

Mr. Speaker, with all due respect in the world, the Speaker of the House said, We shouldn't kick the can. What they are doing, Mr. Speaker, is they are kicking the middle class in the stomach.

This is a partisan middle class mugging. The only part of the middle class tax cut that the Republicans don't like is the "middle class" part, which is why they are trying every obfuscation, every flip-flop, every flim-flam, every excuse they can come up with.

The latest excuse is, We ought to go through regular order. I cannot imagine a single American opening up their paychecks in January, seeing that there's \$100 or \$200 less and saying, If only they had gone through regular order. If only they had gone to a House-Senate conference. A House-Senate conference?

I'm sure that my Tea Party Republican colleagues campaigned on coming to Congress to support regular order and going to conference for the American people. No. They came here saying they wanted tax cuts. But when it comes time to give tax cuts, suddenly they're saying, No, we don't need tax cuts. We need a House-Senate conference to debate the tax cuts. Give me a break.

The American people want two things from this Congress, Mr. Speaker: they want tax relief for the middle class. They want a Congress that can compromise. House Democrats gave both. House Republicans said "no" to both. House Democrats wanted a full 1-year extension of the middle class tax cuts. All we said is, Let the people who are making over \$1 million pay a small surcharge on the dollars over \$1 million. House Republicans said, No, we want to take it out of Medicare cuts. House Democrats said, Our partisan differences should not cost middle class taxpayers. House Republicans said "no." The more you say "no," the more it costs the middle class.

Mr. CAMP. Earlier, the gentleman from Maryland, the minority whip, said, The Senate gave us time. No, the Senate gave themselves a vacation. The House is prepared to work to ensure Americans don't face a tax hike in 2 months.

With that, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HARRIS).

□ 1320

Mr. HARRIS. Mr. Speaker, Americans who are watching are probably going to have a *deja vu*. Last time they watched Congress in action on a contentious bill near the Christmas holiday was in 2009 when the Senate had plenty of time to come into town and pass the ObamaCare bill. And the House, under the leadership of what is

now the minority party, thought it was just fine to do whatever the Senate wanted.

How'd that work out for you, America?

Today, we're actually going to do what we should be doing, which is going to conference and compromising with the Senate. Now, the motion is to concur with the Senate amendments. The Senate amendments say 60 days. Mr. Speaker, that's not kicking the can down the road; that's barely nudging the can down the road.

And why doesn't that work?

Because as a physician, I'll tell you, the real danger to our seniors is passing something that's short term time and time again, which the 111th Congress did. And I work with these docs. What they tell you, especially in rural areas where physicians are in shortage, they say: You know what? If you're only going to give me a 1-month or 2-week extension, as has been done, I'm going to have to stop seeing Medicare patients. I want to take care of Medicare patients, but that uncertainty that those short-term extensions create, I can't deal with in my practice.

Under this, if a senior wants to see a specialist, especially a good specialist, they might have to wait 2 or 3 months. They're going to have to wait until after this extension. That specialist is going to say: I don't know what's happening in March. I'm not going to see those patients.

The minority whip says the Republicans pretended to support a tax cut. I ask America, let's look at the record. We had a vote last week on the tax cut. Go look and see which party rejected the tax cut for middle class Americans.

The gentleman from New York says we pretend to be for the working class.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. HARRIS. I would ask that America go to House.gov and look at the vote last week. Which party rejected a 1-year-long middle class tax cut and which party was in the majority to move that tax cut?

The minority doesn't want a 1-year tax cut. They made it clear in last year's vote. The Senate made it clear in this action they took last week.

Yes, we're going to drag them kicking and screaming to a conference. It's too bad that's what the legislative process has come to. We need to support going to conference and compromise.

Mr. CROWLEY. Mr. Speaker, may I inquire as to how much time we have remaining.

The SPEAKER *pro tempore*. The gentleman from New York has 17½ minutes. The gentleman from Michigan has 24 minutes.

Mr. CROWLEY. Mr. Speaker, I yield myself just 10 seconds.

By rejecting the Senate tax cut package, Mr. HARRIS' constituents in Queen Anne's County, Maryland, will see a tax increase of \$1,503 in 2012.

With that, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman.

Mr. Speaker, for the fourth time this year, Congress has failed to reach a consensus on a significant issue that will affect the lives of every American and imperil our fragile economic recovery.

Today, we are on the brink of imposing the consequences of this dysfunctional Congress on those who can least afford it. If we do not act today, taxes will go up on 160 million middle- and low-income Americans. If we do not act today, hundreds of thousands of Americans will lose the safety net of unemployment coverage in the middle of the worst recession since the Great Depression. And if we don't act today, the doctors who are caring for senior citizens will have their pay slashed, placing in jeopardy their ability to provide that care. This is an unacceptable situation to the American people.

We should be here as long as it takes to get this done, and we should be voting yes or no. Is the majority more committed to gridlock than progress? Once again, for the fourth time in a year, the answer appears to be yes. The people we represent deserve better.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Idaho (Mr. LABRADOR).

Mr. LABRADOR. Mr. Speaker, I want the American people to understand something very clearly: This debate today is not about policy; it is only about politics. It has always been about politics.

Number one, there is no Senate bill. Our friends on the other side keep talking about a Senate bill. There has never been a Senate bill. There was only a Republican House bill. That's the only thing that we had.

The Republican House bill was passed with a bipartisan majority. It passed this House and it went to the other House, and the Senate decided to amend it. When they amended it, they took out everything that we wanted here in the House to extend this payroll tax cut. And we decided today to reject the amendment.

One of the gentlemen from the other side said some of us did not campaign on going to conference. You know what? We did campaign on one thing. We campaigned on following the Constitution and doing the things that the Constitution requires us to do.

If you go back to your civics classes, it's very simple. The House passes a bill; the Senate passes something different; we go to conference. That's what the American people understand. You ask any third-grader about civics lessons, and they will tell you that's the way it's supposed to work.

The reason they are objecting to it today is because that's never the way they have done it. Because their idea of compromising is making sure that our ideas are off the table and their ideas are the only ones that stay on the table. That's not compromise, that's capitulation, and that's what we are unwilling to do. And you're upset. You're upset because you're unwilling to work for the American people during this week and during the next week.

We just voted on the Senate amendments. We turned them down. It's really important for the American people to understand that we have turned down the Senate amendments.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. LABRADOR. The Democrats only want to have a political tool to keep hitting us over the head again and again and again. They want to spend the next 2 months debating this issue.

If the middle class does not get this tax cut, they will only have one party to blame, Mr. Speaker, and that party is the Democrats.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that remarks in debate must be addressed to the Chair.

Mr. CROWLEY. Mr. Speaker, I just remind Mr. LABRADOR that constituents in Lewiston, Idaho, will see a tax increase of \$860 in 2012 because of the games your party is playing.

With that, I would yield 2 minutes to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman from New York for yielding.

Mr. Speaker, let's be clear on what's happening here today. While thousands of Nevadans are struggling to make ends meet, House Republicans are trying to sentence this middle class tax cut to death by committee, by conference. Instead of allowing an up-or-down vote, House Republicans are trying to kill this middle class tax relief bill by burying it in one more Washington bureaucracy—death by committee, conference.

The American people have had enough of these cynical Washington games. I know that I certainly have.

If House Republicans don't want a middle class tax cut, they should have the courage to stand up and vote "no." The 1.2 million Nevadans who will see their taxes go up would be grateful to know the truth. The 28,000 unemployed Nevadans who are unemployed through no fault of their own, they would appreciate knowing the truth why their unemployment benefits are going to disappear on January 1.

So why won't the Republicans do this? Why won't they just come clean and express their opposition to middle class tax relief and extension of unemployment benefits?

Washington Republicans had no problem passing taxpayer giveaways to big oil companies making record profits. They had no problem passing tax breaks for corporations that shipped jobs overseas. They had no problem passing a bill to kill Medicare by turning it over to private insurance companies. But when it comes to tax cuts for middle class families, they say: No, no, we can't do this. We have to send it back to another committee, conference. Let's kill it.

Mr. Speaker, it's time to stand up for the middle class and the unemployed in this country and the State of Nevada. I urge my colleagues to reject this Republican ploy. Let's not send this middle class tax cut to die in another Washington bureaucratic committee. Let's pass the bipartisan Senate bill and help our fellow citizens when they need our help the most.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

One year ago, Mr. Speaker, many of us stood in this Chamber and pleaded with the leadership on both sides of the aisle not to put this payroll tax holiday in place. It was bad policy to put it in place, and it's bad policy to extend it. By the end of this year, we will have taken a quarter of a trillion dollars from the Social Security trust fund. And for what purpose?

In our candid moments, we must confess that this effort is more toward securing votes than securing economic growth.

□ 1330

We may point fingers across the aisle, but it's a pox on both of our Houses. Democrats paint themselves as champions of Social Security; yet they blissfully endorse taking another \$120 billion out of the Social Security trust fund. We Republicans paint ourselves as fierce guardians of the public purse; yet we're eager to pretend that the payroll tax holiday is paid for by fleeting fees and phantom spending cuts.

We keep hearing that we're kicking the can down the road. We're \$15 trillion in debt. Ten thousand baby boomers retire every year into a program that is already running in the red. Mr. Speaker, we're out of road. The responsible thing to do is to not extend this payroll tax holiday for 2 months or for 12 months.

Mr. CROWLEY. I appreciate the gentleman's honesty.

With that, I yield 1½ minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my friend from New York.

Mr. Speaker, this is shameful. Shame. Shame. Shame. Who are we kidding? The Republican leadership is ignoring an 89-10 vote in the United

States Senate, and they want us to believe they support the underlying bill of 12 months. That's not what they've said all year long. The Speaker, who was here just a few minutes ago, dismissed the payroll tax itself as "a gimmick," and the majority leader said, "There are better ways to grow the economy." Tell that to the 160 million Americans whose taxes will increase on January 1.

Republicans have consistently chipped away at Medicare and managed to eliminate it completely in a voucher system with the Ryan budget earlier this year. Tell that to the 48 million seniors who are at risk if we don't take care of the doctors' bills through the SGR. And Republicans have made no secret of their desire to gut unemployment insurance despite the fact that it actually helps keep the economy moving during downturns. More than 2.3 million Americans will lose benefits if we don't pass this bill, and millions more will have their benefits reduced.

Mr. Speaker, are we to believe, all of a sudden, that the House Republicans have had some kind of a miraculous metanoia and are ready to compromise? That is laughable, and the actions of our colleagues on the other side, frankly, make Ebenezer Scrooge look like a charitable humanitarian today.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Florida (Mr. SOUTHERLAND).

Mr. SOUTHERLAND. I thank the gentleman from Michigan for yielding time.

Mr. Speaker, if we ask the American people what they want, I think it would be glaring. Do they want the House bill that protects seniors' access to doctors for 24 months, or do they want the Senate version for 2 months? Do they want a Federal unemployment benefits extension for 13 months, or do they want that for 2 months? Do they want payroll tax cut extensions for 12 months or for 2 months? Do they want a payroll tax break for \$1,000, or do they want it for \$167?

Do they want pay freezes for Members of Congress and for Federal workers, or do they want those freezes to go away like the Senate version states? Do they want unending unemployment and food stamp benefits for millionaires, or do they want that to continue? Then they would want the Senate version. Do they want requiring Social Security numbers for refundable child tax credits, or do they want that to go away?

This is a good one: Do they want to prevent access to welfare benefits at strip clubs and liquor stores like the House version we passed last week? Or do they want that to go away in the Senate version?

If we asked the American people, I think their answer would be glaring and clear. They want certainty. Right

now, the Senate version throws the American family a life preserver drifting in a sea of uncertainty. The House version reaches out to them and pulls them out of that sea of uncertainty, putting them in a lifeboat.

I ask the American people, do you want a life preserver or do you want a lifeboat? Any commonsense American would say, put me in the boat that extends this for 1 year rather than 2 months. This isn't difficult. This is common sense.

Mr. CROWLEY. I would just remind Mr. SOUTHERLAND that failure to pass this bill will potentially mean a tax increase of \$879 to his constituents in Bay County, Florida.

With that, I would like to yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Let me thank the gentleman for yielding. And in this Christmas season, let me wish all of my colleagues a merry Christmas and a happy Chanukah. And for our country, there is good news. It has just been reported that unemployment has dropped in 43 States. This is the most States that we've seen unemployment drop in 8 years. The policies that have been put in place by President Obama are working. Car sales are up, home starts are up, and the stock market is above 12,000. How better off would we have been if we would just get the majority here in the House to agree to work with the President?

We have three caucuses out of four that have agreed to move forward on keeping in place the Obama tax cuts that make work pay. That is a tax cut on their payroll taxes. And we have one caucus that's decided they want to go their own way, that somehow they know better and they want to go their own way. But the other three caucuses have agreed, let's put in place a continuation of this tax cut, and let's work toward a 1-year extension.

I hear my colleagues complaining that they didn't get everything they want. Well, there are going to be Christmas trees all over our country, and there are going to be presents under those trees; but we can't always get everything that we want. We need to have common sense and an ability to cooperate.

I would ask my colleagues, my friends, in the holiday spirit, can't we come together and help this President who is lifting this economy through policies that are working? In 43 States, unemployment has dropped—the most we've seen since 2003. These policies work. Let's keep them in place, and let's ask our Republican friends to come on, let's put partisanship aside and put America first because counting against this country is a bet that you really shouldn't place. America is coming back, and it's coming back stronger than ever.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. TIPTON).

Mr. TIPTON. I thank the gentleman for yielding.

Our colleague on the Democrat side is citing the amount of tax increase that Americans will have inflicted on them. That's what we're talking about, as well.

We have an opportunity here, Mr. Speaker, to stand up today for the American people in a very clear choice: 2 months or 12 months. Easy math. We talked about waiting until February. It will be followed by March. The same challenges affecting the American people right now will be present then. This is our opportunity as a legislative body to stand up for the American people for a change rather than politics as usual. We can't afford to let them down. The American people, American businesses, and American seniors deserve some certainty, certainty that we can provide.

Out of this House we passed bipartisan legislation. The Senate passed their version, and it now needs to go to conference so the American people can be better served. This issue is not one that we should be debating, but one we should be standing together as Republicans and Democrats, because this isn't a political issue. This is about standing up for the American people. This is our opportunity to do just that.

Mr. CROWLEY. Might I inquire as to how much time remains, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York has 10½ minutes remaining. The gentleman from Michigan has 16½ minutes remaining.

Mr. CROWLEY. Thank you, Mr. Speaker.

I would just remind Mr. TIPTON that his constituents in Pueblo, Colorado, will potentially see an increase in taxes of \$780 next year if this bill is not enacted.

With that, I yield 1 minute to the gentledady from California (Ms. LEE).

Ms. LEE of California. I want to thank the gentleman for yielding and for his leadership.

Mr. Speaker, I rise in strong opposition to the political games that the Republicans continue to play. We know that an extension of unemployment insurance is one of the most effective ways to get our economy going again, and it's the right thing to do, especially because people are just living on the edge right now. Yet the GOP is ready to cut unemployment benefits for 2.2 million Americans.

They're ready to raise taxes on 160 million Americans by \$1,000. Yet they want to lower taxes for those in the 1 percent. The GOP is ready to tell 48 million seniors that they will no longer have access to their doctors. This is really outrageous. It's un-American, and it's wrong. This jobs crisis is a national emergency, and long-term unemployment is at unprecedented levels.

We need an up-or-down vote on this Senate compromise.

□ 1340

This recession—and yes, for many it is still a depression—it's still hurting so many, many people. Half of all Americans are either in poverty, near poor, or low income. And it's really so sad that during this holiday season Republicans are playing with the lives of millions.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CROWLEY. I yield the gentlelady an additional 15 seconds.

Ms. LEE of California. I thank the gentleman for yielding.

What I want to know is, why in the world won't you just bring the Senate bill to the floor and let the country see whose side you are on?

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Which bill, the House bill, or the House bill as amended, has a bigger tax cut? Which bill? My friends on the other side seem to be confused.

Ms. LEE of California. Will the gentleman yield?

Mr. CAMP. I will not yield.

I will enter into the RECORD the Joint Committee on Taxation, the non-partisan experts who analyze our legislation, their analysis of both proposals. They will show that the House bill that extends the payroll tax for a year provides \$120 billion in tax relief to the American worker, while the House bill, as amended by the Senate, only provides \$20 billion of tax relief to the American worker because they only extend it for 2 months.

TABLE 1.—BUDGETARY EFFECTS OF H.R. 3630, THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011, AS INTRODUCED ON DECEMBER 9, 2011

(Millions of dollars, by fiscal year)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
CHANGES IN REVENUES												
Total Changes in Revenues <sup>a</sup>	–130,060	–46,650	–11,275	13,292	40,564	13,696	9,302	3,497	11,916	7,373	–134,129	–88,346
On-budget revenues	–39,143	–16,344	–11,270	13,302	40,582	13,717	9,325	3,522	11,942	7,401	–12,873	–33,034
Off-budget revenues <sup>b</sup>	–90,917	–30,306	–5	–11	–18	–21	–23	–25	–26	–28	–121,257	–121,380
CHANGES IN DIRECT SPENDING												
Total Changes in Direct Spending:												
Estimated Budget Authority	36,839	24,915	–1,936	–12,494	–13,041	–15,491	–16,940	–17,368	–19,939	–27,481	34,283	–62,936
Estimated Outlays <sup>c</sup>	36,699	24,915	–1,931	–12,485	–12,991	–15,451	–16,919	–17,363	–20,043	–27,520	34,207	–63,089
On-budget outlays <sup>b</sup>	127,616	55,221	–1,931	–12,273	–12,586	–14,914	–16,372	–16,846	–19,547	–27,044	156,047	61,324
Off-budget outlays <sup>b</sup>	–90,917	–30,306	0	–212	–405	–537	–547	–517	–496	–476	–121,840	–124,413
NET INCREASE OR DECREASE (–) IN DEFICITS FROM REVENUES AND DIRECT SPENDING												
Net Change in Deficits	166,759	71,565	9,344	–25,776	–53,555	–29,147	–26,222	–20,861	–31,958	–34,893	168,337	25,257
On-budget deficit change	166,759	71,565	9,339	–25,575	–53,167	–28,631	–25,698	–20,368	–31,488	–34,445	168,920	28,290
Off-budget deficit change <sup>b</sup>	0	0	5	–201	–387	–516	–524	–492	–470	–448	–583	–3,033
CHANGES IN SPENDING SUBJECT TO APPROPRIATION FROM CHANGES IN CAPS ON DISCRETIONARY FUNDING												
Total Changes in Discretionary Spending:												
Estimated Authorization Level	0	–2,000	–3,000	–3,000	–3,000	–3,000	–3,000	–4,000	–4,000	–4,000	–11,000	–29,000
Estimated Outlays	0	–1,214	–2,279	–2,765	–2,992	–3,160	–3,276	–3,386	–3,506	–3,632	–9,250	–26,210

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Note: Components may not sum to totals because of rounding.

<sup>a</sup> For revenues, positive numbers indicate a decrease in the deficit; negative numbers indicate an increase in the deficit.

<sup>b</sup> The bill would modify and extend the payroll-tax holiday for one year, causing a reduction in off-budget revenues credited to the Social Security trust funds. The bill also would transfer from the Treasury to the Social Security trust funds an amount equal to that off-budget revenue loss. The off-budget receipt would offset the lost revenue and, thus, section 2001 would have no net off-budget effect. (Other sections in the bill would have an off-budget effect.)

<sup>c</sup> Title III of the bill would raise premiums for certain subsidized flood insurance policies, increasing net income to the National Flood Insurance Program by \$4.9 billion. However, because many policies would continue to be subsidized and the program would continue to face significant interest costs for borrowing over the past decade, CBO expects that additional receipts collected under this legislation would be spent to cover future program shortfalls, resulting in no net effect on the budget over the 2012–2021 period.

BUDGETARY EFFECTS OF THE AMENDMENT IN NATURE OF A SUBSTITUTE TO H.R. 3630, THE TEMPORARY PAYROLL TAX CUT CONTINUATION ACT OF 2011, AS INTRODUCED ON DECEMBER 17, 2011

(Millions of dollars, by fiscal year)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
CHANGES IN REVENUES												
Title I—Payroll Tax Relief:												
Extension of payroll tax reduction (on-budget)	176	–98	0	0	0	0	0	0	0	0	274	274
Extension of payroll tax reduction (off-budget)	–19,794	–612	0	0	0	0	0	0	0	0	–20,406	–20,406
Title II—Extension of Unemployment Compensation	0	–8	–25	–25	–20	–9	–7	–1	0	0	–78	–95
Total Changes in Revenue <sup>a</sup>	–19,618	–522	–25	–25	–20	–9	–7	–1	0	0	–20,210	–20,227
On-budget revenues	176	90	–25	–25	–20	–9	–7	–1	0	0	196	179
Off-budget revenues <sup>b</sup>	–19,794	–612	0	0	0	0	0	0	0	0	–20,406	–20,406
CHANGES IN DIRECT SPENDING (OUTLAYS)												
Title I—Payroll Tax Relief:												
Extension of payroll tax reduction (on-budget) <sup>b</sup>	19,794	612	0	0	0	0	0	0	0	0	20,406	20,406
Extension of payroll tax reduction (off-budget) <sup>b</sup>	–19,794	–612	0	0	0	0	0	0	0	0	–20,406	–20,406
Title II—Extension of Unemployment Compensation	8,395	0	0	0	0	0	0	0	0	0	8,395	8,395
Title III—Extension of Health Provisions:												
Physician payment update	2,860	–70	–90	40	120	160	160	150	140	130	2,860	3,600
Other Medicare extensions and health provisions	490	60	–20	–20	0	0	0	0	0	0	510	510
Subtotal, Title III	3,350	–10	–110	20	120	160	160	150	140	130	3,370	4,110
Title IV—Mortgage Fees and Premiums	–1,300	–4,600	–4,000	–3,500	–3,300	–3,700	–3,700	–3,900	–4,000	–4,100	–16,700	–35,700
Total Changes in Direct Spending	10,445	–4,610	–4,110	–3,480	–3,180	–3,140	–3,540	–3,750	–3,860	–3,970	–4,935	–23,195
On-budget outlays	30,239	–3,998	–4,110	–3,480	–3,180	–3,140	–3,540	–3,750	–3,860	–3,970	15,471	–2,789
Off-budget outlays	–19,794	–612	0	0	0	0	0	0	0	0	–20,406	–20,406
NET INCREASE OR DECREASE (–) IN DEFICITS FROM REVENUES AND DIRECT SPENDING												
Net Change in the Deficits:												
On-budget deficit change	30,063	–4,088	–4,085	–3,455	–3,160	–3,131	–3,533	–3,749	–3,860	–3,970	15,275	–2,968
Off-budget deficit change	0	0	0	0	0	0	0	0	0	0	0	0

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Note: Components may not sum to totals because of rounding.

<sup>a</sup> For revenues, positive numbers indicate decrease in the deficit; negative numbers indicate an increase in the deficit.

<sup>b</sup> The bill would modify and extend the payroll-tax holiday for two months, causing a reduction in off-budget revenues credited to the Social Security trust fund. The bill also would transfer from the Treasury to the Social Security trust fund an amount equal to that off-budget revenue loss. The off-budget receipt would offset the lost revenue and, thus, section 101 would have no net off-budget effect.

Now, I've heard my colleagues talk about their 2-month extension guaranteeing a \$1,000 tax cut. That's just flat wrong. The Senate amendment caps

the tax cut for that taxpayer at only \$167. That's shortchanging hard-working Americans, and House Republicans won't stand for it. Let's be clear:

The average American worker would have more than \$800 in their pocket next year under the House bill.

With that, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the gentleman from Michigan for yielding time.

This argument seems a little bit confusing, I'm sure, to most people in America today. Several months ago House Republicans were accused of disagreeing with the President because, oh, gee, the idea was the President's, so we wanted to disagree with him. Well, here we are today agreeing with the President on a 1-year extension of the payroll tax holiday.

Let me read a quote from what the President said:

This Congress cannot and should not leave for vacation until they have made sure that the tax increase doesn't happen. Let me repeat that: Congress should not and cannot go on vacation before they have made sure that working families aren't seeing their taxes go up by \$1,000 and those who are out there looking for work don't see their unemployment insurance expire.

We passed a bill. The House bill that we passed with bipartisan support would provide \$1,000 a year. I've heard it many times on the House floor as people come and say this is a \$1,000 tax relief to the middle class. Not under your plan. The plan that the Democrats have put forward in the Senate, the plan put forward in the House by our Democratic colleagues would provide \$160 worth of tax relief—\$160 worth of tax relief is what they are fighting about today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional minute.

Mr. GARDNER. So let's talk about real reform. Let's talk about real certainty that our economy needs.

We've argued for \$1,000 worth of tax relief to America's working families. You're talking about \$160 of tax relief. You're willing to risk unemployment insurance, willing to risk a payroll tax increase because you're insisting on a \$160 tax break when we're sitting here saying let's provide a \$1,000 tax holiday?

We can get our economy going again if we have the willingness to work with each other. And I would hope that after today there is willingness by our friends in the Senate to get the job done, to get our economy moving again, and to make sure that this country focuses on the real priorities: the men and women in this country looking for work, finding ways to make ends meet, and making sure that they're doing what's right for their families.

I urge this body to do what's right—appoint conferees and get to doing the business of this country.

Mr. CROWLEY. I just want to remind Mr. GARDNER that in Larimer County, Colorado, the absence of passing this bill today will cause an average increase in taxes of \$1,126 in that county.

For the purposes of answering the gentleman from Michigan's question, I yield 10 seconds to the gentlelady from California (Ms. LEE).

Ms. LEE of California. I thank the gentleman for yielding.

I just wanted to say, perhaps the gentleman was confused about which bill I was talking about. I was talking about the Senate compromise, which 89 Senators voted for, which the President supported, which came over to the House as a bipartisan bill. That's the bill I'm talking about.

Mr. CROWLEY. I thank the gentleman from California.

With that, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. DAVID SCOTT of Georgia. I thank the gentleman for yielding.

Let me just address one point that our friends on the other side keep making about this 1 year. All of a sudden they want 1 year. All of a sudden they want to do what President Obama wants to do.

You talk about certainty. You talk about uncertainty. Nothing could be more uncertain than not giving the American people the secure knowledge and the confidence at the end of the day that their taxes are not going up the first of January, that 2.2 million Americans will get their unemployment. We can do that today.

The Senate has already given us that certainty. We're not talking about just a 2-month extension. We're simply talking about putting into place a compromise that we could get that would get us into next year when we come back to finish the job and continue to get a 1-year extension.

So this facade of you using this 1 year is nothing but a charade. You know it. It doesn't matter what the time is. You don't want anything—2 months, 1 year, 10 years.

Mr. CAMP. I yield myself such time as I may consume, Mr. Speaker.

Let's get back to the facts. The facts are that the House bill, as amended by the Senate, is a 2-month bill. The tax relief under that bill for the average American worker is \$167. The House bill extends unemployment insurance for a full year. The tax relief under that bill is \$1,000. But don't listen to me—look at the Joint Committee on Taxation, the nonpartisan body that analyzes our legislation for the impact of tax policy on taxpayers. That's what they say. That's what's in the record.

With that, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. Thank you, Chairman CAMP, I appreciate that.

I'm a little confused myself. I saw one of our Senate colleagues from New York on television this morning talking about how we needed to pass this 2-month extension, and he would be the first one on an airplane back to Washington, DC, so that we could negotiate

a year-long deal. I'm confused. Why don't we just do that right now? That's what the American people expect. The American people expect us to get this deal done right now and to provide them some certainty for an entire year versus 2 months.

Now, this Monday morning I had a breakfast with my joint Chambers of Commerce in Holland and Zeeland, and we had almost 500 people there. And when I asked the question, who here thinks this 2-month extension is a good idea? Not a single hand went up. I said, okay, maybe I need to ask this a little differently. Who here thinks that this is a dumb idea to do a 2-month extension? Virtually every single hand in that breakfast went up.

The American people are looking for long-term solutions. Employers are looking for long-term solutions. It's called quarterly reports. I'm a small business owner. Oftentimes people have to file quarterly reports. We're not even doing them the service of giving them a full quarter to change their paperwork; we're doing 2 out of 3 months. Now, you want to talk about a burden on small business, I can tell you it is.

It's time for this House to go to work, which we have done. It's time for our Senate colleagues to do the exact same thing. Because guess what? My three employees—Irv, Dirk, and Larry—they're all at work today. Why isn't that good enough for the Senate?

There are two things that fundamentally need to be included in this. First and furthermore is 12 months of certainty. Let's get through that debate of how we are going to offset the costs and how we are going to make sure that this works for the employee, the employer, those with a job and those without a job.

We also need to make sure that we don't lose sight of the Keystone pipeline in here; an immediate 20,000 jobs that can be provided here in the United States, 20,000 jobs that could come to this country and help alleviate the need for these systems, the need for unemployment insurance. And it's the right thing to do.

Mr. CROWLEY. Mr. Speaker, I yield myself 15 seconds.

I get it. You guys were against it. I appreciate that. Now you're for the middle class tax cut. You were against it, but now you're for it. But what I don't understand is why can't we just get through these next 2 months and we'll come back.

You mentioned we're running out of time. Well, we're not in charge, you all are. You could have done this back in September, or October, or November. Now it's December. I get that you were against it, now you're for it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair.

Mr. CROWLEY. I apologize, Mr. Speaker. I will do that through the

Chair. Would you like me to repeat that?

With that, Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

□ 1350

Mr. BUTTERFIELD. Let me thank the gentleman for yielding this brief time for me to respond.

Mr. Speaker, I want to join my friend from Georgia, Mr. DAVID SCOTT, in trying to expose some of the hypocrisy that we are seeing playing out here on the House floor today. I'm just so terribly disappointed that House Republicans want to ignore the overwhelming bipartisan Senate vote a few days ago, and you are failing to realize the devastation that millions of Americans will experience. They are going to lose their unemployment benefits. The average family is going to realize a \$1,000 tax increase on January 1.

And let's not forget our doctors. There are some medical doctors sitting on that side of the Chamber. Medical doctors in this country who treat Medicare patients will see a 27.3 percent decrease in their reimbursement rates.

We can do better than this, Mr. Speaker. I urge my colleagues to reconsider their position. Let's go ahead and vote for the 2-month fix, and let's get on into February and let's have this debate that you've been talking about over the last 2 hours.

Mr. CROWLEY. Mr. Speaker, can we just inquire as to time?

The SPEAKER pro tempore. The gentleman from New York has 6 minutes remaining. The gentleman from Michigan has 10 minutes remaining.

Mr. CROWLEY. I would just ask the gentleman from Michigan if he might like to use some of his time and maybe balance it out a little more.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Louisiana, Dr. FLEMING.

Mr. FLEMING. I thank my friend, the gentleman, Mr. CAMP, for giving me time to speak.

I just want to say, Mr. Speaker, that this boils down to one of two choices here today. We're going to be either voting for a 2-month extension of the payroll tax or a 1-year extension of the payroll tax. We'll either be voting for a 2-month fix for reimbursement for physicians, health care providers in general, or we'll be voting for a 1-year fix. Now, for my money, it should be 1 year versus 2 months. I don't understand really what the problem is.

But having said that, let me also mention to you that this affects me and many of my friends back home in this way, and that is: I'm a physician myself, have many friends in the health profession. They're asking me: JOHN, why in the world do you keep us upset like this all of the time? Why is it that we can't predict what our reimbursement rates are going to be from one month to another?

They're desperately begging for us not only to extend that for a year, but for 2 years and even beyond that. They're desperately asking for a fix. And we've been promising them that we would try. So that's a lot behind what we're here today about, and that is to have a long-term solution to physicians.

I also come from the small business sector, and I can tell you that when you do your tax deferrals or the income tax for your employees, that's usually done on a quarterly basis. In fact, it's always done on a quarterly basis. Well, how do you do it on quarterly basis when you only have an extension for 2 months?

So we have the Associated Builders and Contractors and many, Mr. Speaker, that say that this is just absolutely, flatly untenable.

So I encourage that both Chambers vote today to be in favor of sending this back to the Senate, have the conferees get together. Let's do it the way the Constitution asks us to do it.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I thank you, my friend from Michigan, chairman of Ways and Means.

Let's face it, Mr. Speaker, people across the country are not very happy, and they are, frankly, so tired of Washington games. They know that we have a divided government. They don't want a deal; they want a solution.

Yes, they want to reform unemployment; yes, they want to extend the payroll tax deduction; and, yes, they want a doc fix. Without the doc fix, we put, literally, millions of Americans in jeopardy of decent health care because their physicians are not going to have the proper reimbursement from Medicare.

But coming from the State of Michigan, I know that what Americans want most are jobs. This bill, the Republican alternative, provides jobs for Keystone, 20,000 shovel-ready jobs in a \$7 billion private investment right away; boiler MACT regs, something that will protect as many as 200,000 businesses across the country; and spectrum, the sale of the spectrum will create literally perhaps as many as 50,000 to 100,000 jobs as well.

The last Congress didn't deal with the budget, and we spent the first couple of months of this year dealing with what we thought was Lucy and the football: bringing up a continuing resolution, watching it be extended for a week or 2, and then coming back with another one. If we don't deal with these issues today, we're going to have the same trouble in the next year, in the next couple of months.

So let's stop playing Lucy and the football. Let's get a real solution to a

problem that Americans want us to solve. Please support the Republican alternative on this and respect the wishes of the House.

Mr. CROWLEY. I appreciate the gentleman's comments about the only game the American people want to see this holiday season is football, but the reindeer games that are going on in this House are something the American people do not want to see any more of.

With that, I yield 2 minutes to the gentlelady from Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Mr. Speaker, we are doing what the American people have asked us to do. I thank the gentleman from New York for championing the cause of the American people, and I thank our whip, Mr. HOYER, for understanding that we need an up-or-down vote on the Senate compromise and a motion for this conference that will not occur to do what is right for the American people.

I've already said that the holiday season for so many has just gone up in smoke. The lights on the Christmas tree have just burst and the tree is burning. The candles throughout the house are now down and smoldering, and people are bemoaning the condition that Washington Republicans have put them in.

Mothers, single mothers, families without are now begging for a lifeline; and the gigantic ship, the cruise ship, is cruising on by and allowing them to drown in the dusty and dark waters of this land. I don't understand where there is no mercy, where there is no understanding.

My good friend from Michigan will see that his constituents, 70,000 of them, will lose unemployment benefits; the Speaker from Ohio, 58,000 will lose unemployment benefits; Texas, 134,000. They understand that this is smoke and mirrors.

I said in the Rules Committee, at 7:05 last night, we had a right to vote on the Senate bill that was put before us. That rule was changed midstream.

The American people need to understand, we had in line, through the Rules Committee, controlled by the Republicans, to put on the agenda for us to vote up or down on the Senate bill. We were not allowed to do that because they thought the Senate bill, for reasonable people, might pass. They thought that Senator LUGAR's words might prevail, in the ears of the Washington Republicans, that said, do what is right for the American people. They thought Senator SNOWE's words might prevail, which is to say, we all have disagreement, but let us not hold up unemployment.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CROWLEY. I yield the gentlelady an additional 15 seconds.

Ms. JACKSON LEE of Texas. Thank you.



Let us not hold up the unemployment; let us not hold up the payroll tax, because those individuals said they didn't want it in the first place.

Mr. President, if you have Executive order powers, let's just pass it; let's just rule on it; let us come back and deal with it for a year, because they know they're not serious, and I'm not going to see the holiday season go up in smoke for the American people. That is a disgrace.

Mr. CAMP. Mr. Speaker, at this time I have no further speakers. I am prepared to close if the gentleman from New York is prepared to close.

Mr. CROWLEY. I have two additional speakers, including myself.

With that, I will yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, this is a very sad day for the American people. There was an opportunity with the Democrats in the Senate and the Republicans in the Senate. Eighty-nine of them, including my senior Senator, LAMAR ALEXANDER, Senator HELLER, a former colleague, a classmate in this class, Senator LUGAR, Senators COLLINS, SNOWE, and others came together. They said, We need to protect the American people, protect the opportunity to see doctors when you're on Medicare, get unemployment insurance and keep the tax breaks. They came together and said, Let's do it for 60 days. We can come back later and then we can work on it for the rest of the year. They knew what was possible within the time allotted to it.

Unfortunately, my colleagues on the other side don't realize what time makes available. There is no possibility of the Senate coming back and having a conference committee. They are saying "Bah, humbug" to the compromise and the bipartisanship that we saw in the Senate.

It's an unfortunate day for the American people, and I'm sorry for my folks who will not be able to get doctors to treat them, unemployment compensation, or a tax break.

Mr. CAMP. Mr. Speaker, I do have an additional speaker.

I yield 2 minutes to the distinguished gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I rise in opposition to this Democratic motion to instruct the conferees, assuming that they're going to instruct the conferees to adopt the Senate amendment.

□ 1400

Clearly, this House has spoken in a bipartisan way with H.R. 3630. In fact, we will follow this debate with a resolution, H. Res. 501, restating the provisions of H.R. 3630, which basically gives that tax break to 160 million middle-income Americans for a full year. It extends the unemployment insurance to

99 weeks for those who have been out of work for more than 6 months for an additional year.

Last, but certainly not least, Mr. Speaker, it gives the assurance of the physicians in this country that provide care for our blessed senior citizens under the Medicare program that their reimbursement will not be cut 27 percent. No. Indeed, it not only mitigates that cut, but it pluses it up by 1 percent for 2 full years. This gives the doctors the assurance that they know they can continue to treat Medicare patients.

I can't help but believe, Mr. Speaker, that the other side of the aisle agrees with all three of these provisions. It's beyond me that they would disagree with the job-creating Keystone XL pipeline, 120,000-plus jobs. It's hard for me to understand how they could oppose any of that.

No. I think really this is all about how we pay for it.

What the Democrats want to do, Mr. Speaker, is they want to charge increased taxation on the job creators in this country. What we want to do is pay for it by freezing the pay of all these Federal employees—yes, including ourselves—for 3 additional years in a very responsible way and other provisions on this side that makes sense for the American people.

Reject this motion to instruct.

Mr. CROWLEY. Mr. Speaker, I would remind Mr. GINGREY that his constituents in Cobb County, Georgia, will see a potential increase of \$1,258 in their taxes in the absence of passing this bill today.

With that, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized for 2½ minutes.

Mr. CROWLEY. Thank you, Mr. Speaker. I thank my friend from Michigan as well for this debate.

I listened very closely and very intently to the words of Speaker BOEHNER, a man whom I have tremendous respect for, and I know that he's having some difficult times with his side of the aisle. I know he'd like to be able to wrap up business for the end of the year and be able to move on into next year to do good things for the American people.

But the rejection by his caucus of the compromise bill that was passed in the Senate is preventing him, and I think preventing some of the like-minded Members on the Republican side of the aisle, to pass the Senate bill and go home for the holidays.

I also listened very intently to the Speaker when he said that the passage of this bill today would only be a 2-month extender, that somehow by just passing this it would only mean about 160-some-odd dollars for the average American worker in tax savings.

I would just suggest the absence of doing anything is a thousand dollar in-

crease on average to the average working middle class American today. A thousand dollar increase, the absence of doing nothing.

Now, we all know the Senate can't get 60 votes to even say that December 25 is Christmas. We understand that. They've gone home for the holidays already. They're not coming back. So we either pass this bill today or we see that no bill will pass and an increase in the middle class taxes will take place.

Now, you will argue, how did we get here? I don't know. I'm in the minority. You're in the majority. The President suggested extending this payroll tax cut back in September. In fact, he wanted to enhance it back in September, but we didn't take it up then with the jobs bill. Quite frankly, we haven't taken up a jobs bill yet in this House. A full year has almost expired and not a jobs bill on the floor to put Americans back to the work.

I listened again to my colleague Mr. FATTAH from Pennsylvania when he reeled off a number of positive things that are happening today—that homebuilders' numbers are up, that the economy is improving, that we've seen jobs increase in this country, people who are on unemployment insurance decreasing. That's happening right now.

I ask, why is it when something good happens to the American people and to our economy, somehow it's perceived as being bad for the Republican majority? Isn't that sad that somehow that's the sense that people have?

Mr. Speaker, I hope that we can pass this bill and send the American people a message that we can work together on their behalf, pass this bill, come back, and work together in January and February.

With that, I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 4 minutes.

Mr. CAMP. The minority seems fixated on this notion that since the Senate passed their version of the House bill by a vote of 89-10 that somehow the House just needs to take their work product, no changes, just accept it, just vote for it.

Well, less than 3 weeks ago, the Senate passed the Defense authorization bill by a vote of 93-7. Did the House just accept that and send it to the President? No. We requested a conference on December 7, and a week later, that conference report was approved by the House. So there's no reason other than the Senate's insistence on a monthlong vacation that we can't do the same here to provide a yearlong solution to the payroll tax cut and unemployment insurance for a year, and a 2-year fix on the physician payments in Medicare, what's known as the SGR, the sustainable growth rate formula.



Vote “no” on this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 502, the previous question is ordered.

The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. CROWLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. EDWARDS. Mr. Speaker, pursuant to clause 2(a) paragraph 1 of rule IX, I rise to give notice of my intention to offer a resolution to raise a question of the privileges of the House.

The form of the resolution is as follows:

Whereas an article on December 15, 2011, on the “Politico Pro” newspaper website quoted the Representative from Florida, Mr. West, as saying, “If Joseph Goebbels was around, he’d be very proud of the Democrat Party because they have an incredible propaganda machine. I think that you have, and let’s be honest, you know, some of the people in the media are complicit in this, in enabling them to get that type of message out.”;

Whereas Joseph Goebbels served as the Third Reich’s Minister of Public Enlightenment and Propaganda in Nazi Germany from 1933–1945;

Whereas Joseph Goebbels openly used xenophobia and racism in his quest to dehumanize European Jewry;

Whereas Joseph Goebbels made Jews the scapegoat of German economic insecurity, fostering flagrant anti-Semitism;

Whereas the United States Holocaust Memorial Museum reports “that Joseph Goebbels delivered a passionate anti-Semitic speech to the Nazi party faithful in Munich on November 9, 1938 . . . After the speech, Nazi officials order the Storm Troopers (SA) and other party formations to attack Jews and to destroy their homes, businesses, and houses of worship. The violence against Jews lasts into the morning hours of November 10th, and becomes known as Kristallnacht—the ‘Night of Broken Glass’. Several dozen Jews lose their lives and tens of thousands are arrested and sent to concentration camps.”;

Whereas Nazi Germany and their collaborators killed six million European Jews and millions of others as part of their “Final Solution”;

Whereas by invoking the specter of Joseph Goebbels, the Representative from Florida, Mr. West, thoroughly belittles the horrors and suffering experienced by the victims and survivors of the Holocaust;

Whereas the American Jewish Committee issued a December 15, 2011, statement saying “To make a linkage between any mainstream political party in the United States and the heinous atrocities committed by the

Third Reich should be simply beyond the pale, whatever political differences may arise in a heated electoral season . . . By invoking the image of Joseph Goebbels and the Gestapo, Representative West has displayed a complete lack of understanding of the worst genocidal era in human history. Moreover, he has diminished and trivialized the unique evil perpetrated by the Third Reich through his unfortunate use of language”;

Whereas the Anti-Defamation League said in a December 16, 2011, letter to the Representative from Florida, Mr. West, “We were deeply dismayed by Rep. West’s remark comparing the Democratic Party’s attempts to articulate views to the American people through the media to the efforts of the Nazi propaganda minister, Joseph Goebbels . . . Such outrageous Holocaust analogies have no place in our political dialogue. They are offensive, they trivialize real historical events, and they diminish the memory of the six million Jews and millions of others who perished in the Holocaust”;

Whereas the Representative from Michigan, Mr. Conyers, wrote in a letter to the Representative from Florida, Mr. West, that the Representative from Florida should “help raise the level of congressional discourse in a vigorous debate”;

Whereas the Representative from Florida, Mr. West, responded back in a letter to the Representative from Michigan, Mr. Conyers, that “The Democrat Party does indeed have a vicious propaganda machine, it espouses lies and deceit and the Master of deceptive information would be truly proud”;

Whereas in the repetition of this abhorrent and outrageous sentiment to the Representative from Michigan, Mr. Conyers, the Representative from Florida, Mr. West, demonstrates not only the willful and malicious misapplication of history, but also his disdain for the decorum of the Congress; and

Whereas the conduct of the Representative from Florida was repugnant: Now, therefore, be it

*Resolved*, That the House of Representatives disapproves of the behavior of the Representative from Florida, Mr. West, for bringing discredit to the House by offending the memory of those who died during the Holocaust.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Maryland will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

#### SENSE OF HOUSE REGARDING ANY FINAL MEASURE TO EXTEND CERTAIN EXPIRING PROVISIONS

Mr. PRICE of Georgia. Mr. Speaker, pursuant to House Resolution 502, I call up the resolution (H. Res. 501) expressing the sense of the House of Rep-

resentatives regarding any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to Medicare beneficiaries, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 502, the resolution is considered read.

The text of the resolution is as follows:

#### H. RES. 501

Whereas a two-month extension of the payroll tax cut instead of a full-year extension would cause additional uncertainty and complexity for private-sector job creators already struggling in the current economy;

Whereas, on December 17, 2011, President Barack Obama said, “It would be inexcusable for Congress not to further extend this middle-class tax cut for the rest of the year.”;

Whereas, on December 17, 2011, House Minority Leader Nancy Pelosi said, “House Democrats will return to Washington to take up this legislation without delay, and we will keep up the fight to extend these provisions for a full year.”;

Whereas, on December 17, 2011, House Minority Whip Steny Hoyer (D-MD): “I’m disappointed that Senate Republicans would not agree to a longer-term extension of critical policies.”;

Whereas in 2011 working Americans received a temporary payroll tax rate reduction which allowed the average family to keep \$1,000 more of their annual wages;

Whereas, on December 31, 2011, without action by the Congress, the temporary payroll tax rate reduction will expire, leaving nearly 170 million American workers with less disposable income as the economy continues to struggle;

Whereas the imminent expiration of the temporary payroll tax rate reduction is creating further uncertainty for families as well as employers who must adjust withholding amounts from their employees’ paychecks;

Whereas the Social Security Trust Fund is now running a cash deficit, and over the next 75 years will require an additional \$6.5 trillion to pay scheduled benefits;

Whereas, on January 1, 2012, without Congressional action, Medicare physician payments will be cut by 27.4 percent;

Whereas in order to preserve access to health care for the nation’s seniors, two years of stable Medicare payment rates would provide the most certainty physicians have had since 2004;

Whereas a two-year period of stability would provide Congress time to develop a long-term replacement to the Sustainable Growth Rate formula;

Whereas 13 million Americans remain unemployed and the unemployment rate has been above eight percent for 34 consecutive months, the Congress should enact needed reforms to ensure a fiscally responsible unemployment insurance program;

Whereas H.R. 3630 as passed by the House provided a fully offset extension of unemployment insurance benefits in line with previous periods of economic duress and integrated common-sense reforms into the program, including a requirement that benefit recipients search for work and participate in reemployment services to help them get back to work;

Whereas construction of the Keystone XL pipeline from Hardisty, Alberta, to Steele City, Nebraska, and to the United States Gulf Coast through Cushing, Oklahoma, is a \$7 billion energy project that will enhance the energy security and economy of the United States;

Whereas the Keystone XL pipeline will create 20,000 direct jobs and 118,000 indirect jobs;

Whereas the Keystone XL pipeline has been subjected to three years of intensive environmental review, and was deemed environmentally sound by the U.S. Department of State in its August 26, 2011, Final Environmental Impact Statement (FEIS);

Whereas Keystone XL pipeline legislation passed by the House and Senate would allow the state of Nebraska to continue its environmental review of a new pipeline route to avoid the Sand Hills region and the Ogallala Aquifer;

Whereas H.R. 3630 as passed by the House will reduce the cost for employers to purchase and place in service new equipment next year, and continued expensing will serve as an incentive to make investments and foster greater business investment and job creation;

Whereas EPA's new proposed rules for boilers would cost manufacturers, colleges and universities, municipalities, and small businesses \$15 billion and put up to 240,000 jobs at risk;

Whereas significant concerns with EPA's new proposed rules cannot be adequately addressed or remedied unless Congress passes legislation; and

Whereas the House of Representatives passed on October 13, 2011, by a vote of 275 to 142, with the support of 41 Democrats, legislation that would overturn EPA's Boiler MACT rules and require the agency to repropose new rules in 15 months after date of enactment, with achievable standards, and an extension of the compliance period from three years to five years: Now, therefore, be it

*Resolved*, That it is the Sense of the House of Representatives that any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to Medicare beneficiaries—

(1) extend the payroll tax holiday through December 31, 2012;

(2) extend and reform Federally funded unemployment insurance benefits;

(3) eliminate for two years the dramatic cut in reimbursement for physicians who provide care to Medicare beneficiaries;

(4) reduce spending from areas throughout the Federal Government, including a freeze on congressional salaries, in order to protect the Social Security Trust Fund, whose solvency would otherwise be diminished as result of the payroll tax holiday; and

(5) provide immediate job creation through—

(A) final approval of the Keystone XL pipeline;

(B) expensing for capital assets placed in service in 2012; and

(C) drafting new regulations for boilers that are achievable and cost-effective.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. PRICE) and a Member to be recognized later each will control 30 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Clearly, the economy and jobs is the number one issue for the American people all across this land; and if you were to ask the folks who create jobs what is the greatest impediment to job creation, they would say it's uncertainty.

Businesses don't know what taxes are going to be. Job creators don't know what the rules and regulations are going to be. Employees and workers don't know if their jobs will be lost. Doctors don't know whether or not they're going to be able to see Medicare patients. Patients don't know whether or not they're going to be able to see their doctors.

Therefore, the House believes what the American people already know: That more certainty, greater certainty, is imperative if we're going to get this economy rolling again. Consequently, we, the House, passed a bill that provides that certainty.

Our bill provides for a 1-year extension of the payroll contribution to Social Security, offset so that Social Security resources are not depleted;

Our bill provides for a 13-month extension of Federal unemployment benefits with real reform, including job training and helping folks get GEDs and allowing drug screening by States for those receiving benefits should they so desire;

Our bill provides a 2-year extension of payments to doctors caring for seniors—for Medicare patients—so that our parents and our grandparents can continue to see their doctors.

So the House passed a 1-year extension of the payroll tax reduction and paid for it with reduced spending elsewhere. Yet the Senate, Mr. Speaker, wants 60 days and more uncertainty. The House passed a 13-month extension of Federal unemployment benefits. The Senate wants 60 days and more uncertainty. The House passed a 2-year continuation of funding for doctors to see Medicare patients. The Senate—that's right, Mr. Speaker—wants 60 days and more uncertainty.

Republicans and Democrats in both the House and the Senate agree that we ought to extend these items. There is no debate about that. The differences lie in whether or not we get our job done now or whether we punt the fulfilling of our responsibilities for another 2 months. The Senate's action is unworkable and unacceptable. Various organizations representing job creators have already said that a 2-month punt is unworkable and costly—therefore harming more job creation.

Now we're ready to sit down with our colleagues on the other side of the aisle and on the other side of the Capitol to get a 1-year extension put in place before the end of this year. That's what you do when there are differences in the House and the Senate. Both sides have passed legislation, but we have disagreements. So now we ought to sit

down, like Congresses have done for over 200 years, and work out those differences. We ought to do that today, not 2 months from now.

This resolution makes it clear that the House supports taking care of middle class families, seniors, and job creators. It makes it clear that the House stands ready and willing to work with the Senate to get this done. If our colleagues on the other side of the aisle support providing relief and certainty for middle class families and for seniors and for job creators, then they ought to support this resolution. There is bipartisan support for the proposals within this resolution, and there is bipartisan support for a 1-year extension.

I call on my colleagues to support this resolution and support the efforts under way to work out our differences with the Democrat-led Senate and to put in place a set of solutions that will create certainty for families, job creators, and seniors.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from South Carolina (Mr. CLYBURN) will control 30 minutes.

There was no objection.

Mr. CLYBURN. Mr. Speaker, I rise to claim time in opposition as the designee of the gentleman from Michigan (Mr. LEVIN), and I yield myself such time as I may consume.

Unemployment rates, according to a recent report this morning, fell in 43 States during the month of November—the most States to decline since 2003. The media are reporting that the economy has generated 100,000 or more jobs 5 months in a row—the first time that has happened since 2006, which was before the Great Recession.

Mr. Speaker, 89 Senators—50 Democrats and 39 Republicans—have passed a bipartisan agreement to extend the current payroll tax, unemployment insurance benefits, and Medicare doctors' payments for another 60 days so that we can continue to seek common ground for a full 12-month extension and keep these great numbers in front of us.

Let there be no mistake. The only way for the Members of this body to prevent a tax increase on 160 million working Americans is to pass the Senate's bipartisan agreement. The only way to prevent cutting off unemployment insurance for 2.2 million Americans who are currently unemployed and looking for work is to pass the Senate's bipartisan agreement. Let me be crystal clear. The only way to prevent cutting funds to pay doctors who care for Medicare patients is to pass the Senate's bipartisan agreement.

The Senate Democratic leader and the Senate Republican leader demonstrated to the American people that Democrats and Republicans can work together. They passed a bipartisan compromise to get this done.

Mr. Speaker, my constituents continue to ask time and time again: Why can't you guys work together to get something done for the American people? It is a good question. It is a fair question. And the Senate has answered that we can.

It is my fervent hope that we in this body join them today and do the right thing for the American people.

Mr. Speaker, I reserve the balance of my time.

□ 1420

Mr. PRICE of Georgia. Mr. Speaker, I respectfully suggest to my friend from South Carolina that the best way to provide certainty for families and job creators and for seniors is to have a House-Senate conference committee work together before the end of the year.

I am pleased to yield 1½ minutes to my friend and colleague from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, last week the House passed the Middle Class Tax Relief and Job Creation Act with the support of both sides of the aisle. The economy is struggling—perhaps getting better, but struggling.

The President asked for a 1-year extension of the payroll tax holiday. We agree with that, a 1-year extension. Extend and reform the unemployment insurance plan benefits; we agree with that. A 2-year extension of the so-called doc fix. I'm a physician. I have been here now for 3 years. In the 3 years I have been here, Mr. Speaker, we've had six temporary extensions. This will be number seven. For access to care for patients, we must get a permanent fix for SGR or no patients are going to have access. And I have spoken to numerous colleagues who totally disagree with this 60-day extension. The true shovel-ready project, which is the Keystone pipeline, will give us access to energy in this continent with one of our best neighbors, Canada.

All of these issues that we've talked about are paid for with spending cuts, not tax increases and not deficit spending. The Senate, however, passed only a 60-day extension; the House, 1 year. Sixty days versus 1 year.

The distinguished Senator from Tennessee, Senator BOB CORKER, just said, "Senator REID should stop this political gamesmanship, call the Senate back into session, and follow the 'regular order,'" which means both sides of the aisle, the House and the Senate, produce a conference bill "to produce better legislation that reflects the will of the House and Senate."

Like most Americans, we should be at work this week to finish the business they elected us to do. Please support this amendment.

Mr. CLYBURN. Mr. Speaker, I yield 2 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for his leadership and for yielding.

The Senate has gone home for Christmas. And just 5 minutes before I came to this floor, the President made an announcement from the White House that he supported the bipartisan Senate compromise bill that passed the Senate 89–10. And we need to pass it and wrap up this Christmas present for the middle class.

Instead of the pattern of obstruction that is constantly coming from the other side of the aisle, we should introduce the Senate bill here in the House and pass it for the American people. The House leadership should allow an up-or-down vote and extend the payroll tax cut, the unemployment benefits, and the doc fix for the middle class.

Without this 2-month extension, 160 million Americans will face a tax hike starting January 1. The idea that it is somehow acceptable to let this happen is to be blind to the economic struggles that American middle class families are now facing and to be totally, totally deaf to the cries for help from the many people—the 2.2 million Americans—who will see their unemployment benefits expire if we do not pass the Senate bill. This is an exercise in rigid partisan ideology that will also result in an additional 48 million seniors being denied access to their doctors.

No bill will make everybody happy. But to stop this Senate bill now, one that is so important to so many Americans, just to please the rigid ideology of the very few, it is the tail wagging the elephant, and it is obstructionist to the American people. And it is just in time for Christmas, and it is indefensible.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the distinguished policy chairman, and I thank the gentleman from Idaho for his evenhanded leadership in the debate.

Mr. Speaker, I voted to send the Senate bill to conference, and I hope that both parties in both Chambers appoint serious conferees and really try to come up with a solution to the problem.

I do want to point out a few facts that have been avoided on both sides of the aisle. It's really not a payroll tax. It is a Social Security dedicated trust fund tax.

Since Franklin Roosevelt and the Congress created Social Security in the 1930s, payroll Social Security taxes go into the system by workers, employers, and self-employed individuals, and then benefits come out.

Last year, for the first time, we reduced the amount of Social Security taxes going into the system and gave an IOU from the Treasury into the Social Security trust fund. The extension,

whether it's for 2 months or 1 year, of that same policy this year is taking \$120 billion to \$150 billion out of the system that's real money and putting into it an IOU that we will pay at a date future. This would be like if I went to the doctor and the doctor tells me that I have got lung cancer, and I say, "Well, what should I do, Doctor?" and he says, "Smoke more cigarettes."

I mean, we paid more out in Social Security benefits this current year than we paid in, and this exacerbates the problem. I would ask that we come up with a permanent solution, Mr. Speaker, and not keep avoiding the problem.

Mr. CLYBURN. Mr. Speaker, it is now my pleasure to yield 4 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, this has been a terrible year in Congress. The intransigence of the Republican leadership and the Tea Party Republicans has brought us to the brink of crisis again and again. And now we're playing another game of chicken with the lives and well-being of millions of American families at stake.

Did the Republican leadership in the House just learn today that at the end of this month, in 10 or 11 days, these tax breaks, the unemployment insurance, and the physician reimbursements were going to expire? No, they learned about it earlier. So they packaged a bill. And the only way they could figure to pay for it was to take it out of the Federal employees, ask the elderly to pay more for their Medicare, to cut back on spending, never to raise taxes on people who make \$1 million a year.

The Senate had the same issue before them, and the Democrats there wanted to have a tax increase. They couldn't get that through. So the Senators negotiated a short-term extension for 2 months because they couldn't agree to 1 year, and that passed overwhelmingly. That is what we should be voting on today.

Instead, starting January 1, the House Republicans are bringing a tax increase to 160 million Americans, forcing 2 million Americans to the edge of despair as their unemployment benefits run out, and scaring 48 million seniors who worry about their doctors opting out of providing services under Medicare.

And to add insult to injury, this resolution seeks to impose the Republicans' extreme anti-environment agenda onto legislation essential to the economic security of the American people. This has been the most anti-environment House of Representatives in the history of Congress, and this resolution is a fitting capstone to this dismal record.

□ 1430

House Republicans are holding payroll tax cuts, unemployment insurance,

and payment to physicians under Medicare hostage to the rapacious demands of the oil and gas industry.

The House Republicans want to force the President to approve the Keystone XL tar sands pipeline. They forget that the future of our economy lies in clean energy, not increasing our reliance on the dirtiest source of gasoline imaginable. They would like to hold the pipeline as one of the prices for their blackmail, but they also want to give some other special interest favors; a lump of coal for American families, but at the same time they want EPA's public health standards, which would prevent up to 8,100 premature deaths and 5,100 heart attacks every year, they want to eliminate those public health benefits that come with clean air. And instead, they want provisions in this bill, which has nothing to do with this issue, they want these provisions to allow more mercury, lead, and arsenic pollution in the air we breathe.

We've seen this over and over again. They cannot agree on a compromise to pay for anything. They cannot agree on letting something happen without putting in the anti-environmental riders. Once again the Republican leadership has shown the lengths to which they will go to impose their radical, extreme agenda, sacrificing the public health and welfare of the American people.

The Senate at least came up with a bipartisan compromise for 2 months. This House Republican leadership will put us in a situation where all of these expiring provisions will in fact expire, and the American people will be done a great disservice by this action.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 1 minute to a productive and excellent member of our conference, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I thank the chairman for yielding. I want to thank him for his leadership of the Republican Policy Committee and his work on this legislation.

Last week the House passed a 1-year payroll extension which included a provision to override the administration's decision against the Keystone pipeline, a real shovel-ready project. The President's decision will delay the Keystone project until 2013, after the election, which clearly reveals this is a political not scientific decision. On August 26, the Department of State deemed the project to be environmentally sound after 3 years of analysis.

In late October, I was fortunate to visit Alberta, Canada, which is America's largest trading partner, and witnessed firsthand the Canadian oil sands development and the extraordinary environmental safeguards to produce oil in North America. The construction of this environmentally advanced project will create 120,000 new jobs in America. With record unemployment, Americans

need jobs now. And I know firsthand that the workers in the Michelin Tire Corporation of Lexington, South Carolina, are ready to produce huge earth mover tires, and MTU will produce engines.

Mr. CLYBURN. Mr. Speaker, I want to remind my good friend from South Carolina that the Keystone pipeline is in the Senate bill.

With that, Mr. Speaker, I would like to yield 2 minutes to the gentlelady from California, Mrs. SUSAN DAVIS.

Mrs. DAVIS of California. Mr. Speaker, we are here today because the Senate did a terrible thing in the eyes of the House majority: they had the audacity to work together and come up with a compromise.

At the request of the Speaker of the House, the Senate majority leader and the Senate minority leader reached a compromise on a payroll tax cut extension. There were even high fives among Senate Republicans after that Saturday vote. Eighty-nine Senators voted for, including 82 percent of Senate Republicans. The Speaker called it a "good deal." But then came the revolt from House Republicans.

People are asking, Mr. Speaker, and I think it's a fair question to ask: Do House Republicans really want Congress to function? By denying a vote on this bipartisan compromise, it allows them to continue to push their theme that Washington is dysfunctional and does not work.

Had the House majority brought up a clean tax bill last week, we would not even be here today. But instead, they offered a bill loaded with special interest riders that was designed to fail and, in fact, it did fail. The majority claims that it wants certainty with a long-term extension of the middle class tax cut. Yes, and many here, including myself, we do want a long-term extension, and those negotiations will continue.

If the House majority was talking about tax cuts for the wealthiest Americans, they would roll out the red carpet. But when it comes to help and support for the middle class, they pull the rug out from under them.

It is clear, Mr. Speaker, that they are willing to support a \$120 billion tax increase on Americans fighting to restore the American Dream rather than accepting this bipartisan compromise that is before us today.

Mr. PRICE of Georgia. Mr. Speaker, how much time remains for each side?

The SPEAKER pro tempore. The gentleman from Georgia has 22½ minutes remaining. The gentleman from South Carolina has 19 minutes remaining.

Mr. PRICE of Georgia. Thank you, Mr. Speaker.

I am pleased to yield 1 minute to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman.

Mr. Speaker, in all of this debate, I think that both parties have over-

looked a critical problem. Both versions of this bill impose a permanent new tax on every mortgage backed by Fannie Mae and Freddie Mac. To pay for an additional 2 months of tax relief under the Senate version or 12 months under the House version, more than \$3,000 in new taxes will be imposed on every \$150,000 mortgage backed by Fannie or Freddie. A family taking out a \$250,000 mortgage will pay \$5,000 more in taxes directly and solely because of this bill hidden in their future mortgage payments.

This is atrocious public policy. It shifts the burden for this bill to future home buyers, kicks the housing market when it's already down, makes it that much more expensive for home buyers to re-enter the market, and adds to the pressures that have chronically depressed everyone's home values. That's the reason that both the Senate and the House versions need to go back for major revision.

Mr. CLYBURN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I find it thoroughly unconscionable that House Republicans are preventing Congress from working its will by stifling a vote to support a bipartisan Senate compromise to extend unemployment benefits and the middle class tax cut for 2 months. While I strongly believe the middle class tax cuts and other provisions within this bill deserve a full-year extension, the utter intransigence of Tea Party Republicans has made compromise without a self-imposed crisis practically impossible.

We could have spent the better part of a year working on this bill, and others like it, to buoy our economy and help Americans get back to work. Instead, the Republican majority spent most of the entire session considering multiple bills to repeal health reform, rescind environmental protections, and further deregulate the financial industry, none of which helps create jobs for my constituents back in Rhode Island.

Now my colleagues on the other side of the aisle have made a last-minute decision to derail a compromise on the one bill that economists agree would actually stimulate the economy. As a result, when families across Rhode Island come together to celebrate the holidays, they are going to face the possibility of paying higher taxes or seeing their unemployment benefits expire in the new year. This is unacceptable and it is unnecessary.

Mr. Speaker, Americans are weary of the political games and the broken promises that have brought us to this point. They want a Congress that can come together and legislate in their best interests. Instead, House Republicans are holding the middle class tax

cuts hostage to further their political agenda, despite calls from members of their own party asking them to accept a bipartisan compromise which overwhelmingly passed the Senate 89-10.

I urge my Republican colleagues to stop risking the welfare of the American people for their political leverage. Give us the opportunity to pass a 2-month extension so that our constituents have some reassurance that they won't be worse off come New Year's Day. The interests of the American families deserve to be put before the interests of political partisanship. During this holiday season, I pray that this Congress can honor that.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 1½ minutes to a dear friend and a wonderful member of the Energy and Commerce Committee, the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman from Georgia for his excellent work on House Resolution 501, which expresses what we as Republicans stand for as we fight to provide accountability for hardworking American taxpayers.

□ 1440

We are for certainty for these taxpayers. We are for unemployment insurance reforms. We are for freezing Federal salaries. We are for certainty for our seniors. We are for fairness for our doctors and hospitals. We are for jobs for the American people in the form of the Keystone XL pipeline, in the form of Boiler MACT, and the other bills that will help put thousands of Americans back to work. We all know that Washington takes too much and Washington wastes a lot of the money that it takes, and the American people want to see more of that money left in their pocket.

Indeed, Mr. Speaker, part of the debate that is taking place today is about a transition that we are going through, and House Republicans are grateful for the opportunity to lead this transition from a government that is addicted to the taxpayers' money—yes, indeed, it never gets enough—to a government that is going to be accountable to the hardworking American taxpayer.

Now, for some of my colleagues, they may want to call that "radical." They may want to call it "extreme." They may want to say that it is holding ideas hostage. It is about freedom. We stand with hardworking taxpayers.

Mr. CLYBURN. Mr. Speaker, I remind the gentlelady from Tennessee that that is exactly what this bill is designed to do, put into the pockets of 160 million Americans an extended tax cut.

With that, Mr. Speaker, I would like to yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I thank the gentleman.

Mr. Speaker, we're here because for the last year the majority could have

come down here and we could have had this debate all this time. But at the 11th hour after they signaled to the Senate, work it out, get a deal together because we have not done it, the Senate did work that deal out. And now that it has come back, our friends in the House majority have said "not good enough," conveniently after the Senate has gone home.

It feels like a setup. I don't question motives, but it feels that way. And it goes to the heart of the matter: Is the government here of the people, by the people, for the people and for the benefit of the people? Or do people basically have hostility to government and want to make government look dysfunctional at every turn?

The fact is, Mr. Speaker, there was an agreement in the Senate. It was coming over here, and it looked like government was going to prevail and that we had gotten our act together and worked it out. But before that ever happened, the people who stand in opposition to good government broke that deal apart. The people who believe that government should be shrunk to the size where it can be drowned in a bathtub could not possibly let a deal for the American people go through, and they've smashed that deal.

And right now, this year, the clock is running out. The Senate has gone home, and our friends on the other side of the aisle are playing a dangerous game with the lives of 160 million Americans.

It's a shame and a disgrace. We ought to pass this bill the Senate sent over here and stop messing around with the livelihood of Americans.

Mr. PRICE of Georgia. Mr. Speaker, I am honored to yield 3 minutes to our Republican chair of our conference, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, if my friends on the other side of the aisle are confused about why we're here, let me enlighten them. It's because the President's policies have failed. In the Obama economy, employment has been at, near or above 9 percent ever since the gentleman was elected. One in seven are on food stamps, and small business start-ups are at a 17-year low. So, Mr. Speaker, that's why we're here today. I think almost everyone in this Chamber agrees, yes, we want to extend the Social Security payroll tax holiday.

But what is so curious to me, Mr. Speaker, is I hear my friends on the other side of the aisle say, we need to do it for a year, but we're only willing to vote for 60 days. I don't understand that, Mr. Speaker. And I hear my friends on the other side of the aisle saying, middle-income families deserve this \$1,000 tax cut; yet they're only willing to vote for \$160. And then they say, we have to pass it today, we can't

let New Year's Day come without passing this; and yet they won't appoint anybody to a conference committee, and everyone is getting ready to run to the airport. I don't understand it, Mr. Speaker.

So the question is, are my friends on the other side of the aisle interested in making a law that will help American families and hardworking taxpayers, or are they interested in making a campaign issue that they can recycle every 60 days? Only they can answer the question.

Now, Mr. Speaker, it is inconvenient in tough economic times that our constituents have to work over the holidays. Maybe it should be inconvenient to us as well. We stand ready. We just can't do our job if the Senate Democratic leader refuses to appoint anybody and if the House Democratic leader refuses to appoint anybody to sit down and negotiate in good faith. I'm sorry it's inconvenient for my friends on the other side of the aisle to work during the holidays.

Then last but not least, I hear my friends on the other side of the aisle saying we need something that works for the American people. Well, guess what? Once again, they didn't consult with the American people. All of the employers that we hear about are saying this is unworkable. The Associated Builders and Contractors, I quote, talking about their 60-day plan: "This sort of temporary fix underscores Congress' uneven ad hoc approach toward the economy and causes more harm than good for America's job creators." I hear from job creators from my own district in Kaufman County, Texas: "The 2-month extension is more hassle than a help. It's impossible to budget and plan for an unknown."

Mr. Speaker, if you want a year of tax relief, vote for a year of tax relief. If you want \$1,000 in tax relief, vote for it and be willing to work over the holidays.

Mr. CLYBURN. Mr. Speaker, I remind my friend from Texas that according to all reports, last month 43 States registered a decrease in unemployment, the first time that's happened since the year 2003.

With that, I would like to yield 2 minutes to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. I thank my colleague and friend for yielding.

I rise because I believe we have lost sight of why we are here. I want to remind my colleagues that we are here to represent the American people. We are here to ensure that as many as possible have the resources they need to pay their bills, feed their families, and maintain a suitable place to live. Today, there are millions of Americans who are struggling and do not have a suitable place to live.

Many people are suffering because of an economy that is beyond their control. The bottom line is they need us to

do something about it. They need us to extend the payroll tax cut and unemployment insurance for at least the next 2 months until we can agree on how to do it for the entire year.

The last thing working Americans need to see is a reduction in their paychecks because we failed to extend the payroll tax cuts. We can today make sure they at least get some assistance for the next 2 months. Then we can reach an agreement on how to do this for the entire year. That doesn't seem to be unreasonable. It's just 2 months.

We need to vote on the Senate bill today. And as my colleague was talking about not leaving town, you're right. We should not leave town until we pass this bill, and we need to let millions of struggling families and children know that they will have some relief at least for the next 2 months so they can enjoy the holidays, so they can really believe in merry Christmas and a happy new year. And that's all we need to do before leaving here is to pass it for 2 months, just 2 months.

Mr. PRICE of Georgia. I am pleased to yield 1 minute to my physician colleague from Indiana (Mr. BUCSHON).

Mr. BUCSHON. Mr. Speaker, I rise today in support of House Resolution 501. As a cardiothoracic surgeon, I often worked through the holidays since, guess what? No one chooses when they have a heart attack. I did my job. I'm here today to do my job, and I'll work through the holidays if that's what it takes. We have 11 days to pass a tax relief bill along with the extension of unemployment insurance, Temporary Assistance for Needy Families and, finally, 11 days to prevent a 27 percent cut to Medicare that will put American seniors at risk of losing their access to quality health care.

□ 1450

Seniors rely on being able to see their doctors. This 60-day patch does nothing to create certainty for providers of seniors; in fact, it jeopardizes their care.

I support the bill we passed last week. I support this resolution. I urge my colleagues to vote "yes" on House Resolution 501.

Mr. CLYBURN. Mr. Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from South Carolina has 12¾ minutes remaining. The gentleman from Georgia has 16 minutes remaining.

Mr. CLYBURN. Mr. Speaker, I reserve the balance of my time.

Mr. PRICE of Georgia. I am pleased to yield 1 minute to a freshman Member from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I thank the chairman for yielding.

I rise in support of the House-passed provisions, specifically the provisions

relating to unemployment insurance reform.

We passed a full year, we extended the benefits, but we added common-sense reform, things like strengthening enforcement of waste, fraud, and abuse in unemployment benefits, strengthening work search and education requirements, and allowing States to test for drugs for those that are receiving benefits. It's very simple: If men and women that are working have to pass a drug test in order to draw their paycheck, those receiving unemployment benefits ought to have to pass the same drug test.

So I call on HARRY REID to bring the Senate back to work so that we can reach a full year's agreement that includes these reforms to our unemployment insurance.

Mr. CLYBURN. Mr. Speaker, I continue to reserve.

Mr. PRICE of Georgia. I am pleased to yield 1½ minutes to my friend, another physician colleague and a colleague from the State of Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I thank my colleague for yielding, and I rise in strong support of H. Res. 501 and commend the gentleman for the work he has done.

Colleagues, House Resolution 501 restates the provisions in House bill H.R. 3630 that we passed last Friday in a very bipartisan way and sent it over to the Senate—things like, yes, extending the payroll tax cut to 160 million middle-income Americans for a full year; allowing 99 weeks of unemployment insurance coverage for those individuals who have been out of work for more than 6 months, we do that for an additional year; and last but not least, to mitigate the payment cut, the 27 percent payment cut to health care providers who need to be there for our senior citizens. We do this all, and we pay for it in a responsible way.

Now, let's be serious about the controversy here in regard to this Senate amendment versus our bill, H.R. 3630. And it's time, Mr. Speaker, to end the mendacity. There is not one scintilla of logic in the Senate amendment to House bill H.R. 3630. The only thing that makes sense is the Democratic majority in the Senate wants to pay for these things by raising taxes on job creators. We in the House want to pay for it in a much more responsible way, raising taxes on nobody, but freezing salaries for Federal employees—yes, including our ourselves—for the next 3 years.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PRICE of Georgia. Mr. Speaker, I yield the gentleman an additional 15 seconds.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

And the sale of electromagnetic spectrum, which will raise some \$8 billion and create thousands of jobs.

So let's not make any pretenses about this. The House and the Senate have choices: They can name the conferees, they can come to conference, and they can get this done, or they can let these bills fail and fail the American people.

Mr. CLYBURN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlelady from Alabama (Ms. SEWELL).

Ms. SEWELL. Mr. Speaker, instead of doing what's best for the American people, we are once again dealing with the same old partisan politics that has plagued this Congress this entire year.

The Senate amended and passed a bipartisan bill that would extend the payroll cuts for millions of workers and families and protect unemployment benefits for Americans while ensuring our seniors have access to critical health care. This Senate version reflects a compromise that was negotiated in good faith, Mr. Speaker, by both Senate Democrats as well as Senate Republicans. It was overwhelmingly approved by 89 Senators, including 39 Republican Senators.

As Members of Congress, it is absurd, I believe, that we are being deprived the opportunity—denied the opportunity—to vote for a bill that would add certainty to the economy and to the people that we represent.

It is unacceptable that some of my Republican colleagues in the House have once again refused to compromise.

Our constituents elected us here to make their lives better, not worse. This latest Republican grandstand will cost the American public dearly. As a result, 160 million middle class Americans will see a payroll tax increase, and over 2 million Americans, including almost 25,000 Alabamians, will begin losing their unemployment benefits.

While I had hoped for a 1-year extension, like many here, this 2-month compromise is better than the alternative, which is to let millions of Americans suffer economic hardship.

It was Martin Luther King who said that the time is always right to do what is right. It is right this holiday season to make sure that the American public enjoys the blessings of this holiday season by being assured of the protections that they've already so greatly earned.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. DUFFY).

Mr. DUFFY. I appreciate the gentleman for yielding.

I am sick of the demagoguery. I think it is important that we truly talk about the facts. This is not a debate about whether we're going to extend the payroll tax holiday or not. This is a debate about what kind of extension we're going to get. Is it going to be 1 year or is it going to be 60 days?



To be clear, we are advocating for a 1-year extension, which is a \$1,000 tax break for every American in this country. My friends across the aisle are advocating for a \$170 payroll tax cut. \$1,000 versus \$170.

We're talking about Christmas gifts. A \$170 payroll tax gift is not a Christmas gift to the American people, but \$1,000 would be. The only gift I hear being offered here is the gift to the Senate colleagues who want to go home for Christmas.

Let's stay here and do the work of the American people, make sure we extend the payroll tax holiday, and make sure we give certainty to every American throughout the country.

Mr. CLYBURN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I think somehow I made a mistake. I came over here to listen to the debate, and it's almost like "Alice in Wonderland," like we all fell down the hole here—up is down, down is up, black is white, white is black. I mean, this is confusing to the folks out there, so let's just try to understand where we are at this moment.

We sent a bill—that is, the Republicans in this House sent a bill to the Senate that was rejected, rejected for several reasons. One of them was the pay-for, how is it going to be paid for—ways that dealt, I think, unfairly with workers who are unemployed. It shortened the period of unemployment not to 99 weeks, but even shorter, to just over 50. And it also went after Medicare recipients, causing them to pay more. It was rejected by the Senate.

The Senate put together a compromise. Ninety percent of the Senators—well, just short of 90 percent—89 Senators, Democrat and Republican, voted for a 2-month compromise that was paid for, with the understanding that they would spend the next 2 months trying to figure out how to make this thing last a whole year.

We're really far apart on many of the underlying things, and so here we are running up against the deadline. And, by the way, if we had a conference committee, if we actually had a conference committee and they came to a conclusion before the end of the year, did anybody consider the Senate rules? There is a potential of 90 hours of debate in the Senate before it could be taken up and passed.

So what are we doing here?

We ought to think about the people out there and about the foolishness of all that's going on around here. Let's just agree to where the Senate is. We've got 2 months to figure out how to make the rest of the year work. And the rhetoric goes back and forth.

We're not in "Alice in Wonderland" here. This is about the people of the United States. We have an opportunity to get this thing done only for 2

months. Nobody is happy about that, but at least we can get it done and we can come back and deal with some very difficult underlying issues for which there is no agreement at this moment. We need time to do that. The conference committee could surely not do that.

□ 1500

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Virginia (Mr. GRIFFITH).

Mr. GRIFFITH of Virginia. Mr. Speaker, I think that if Thomas Jefferson had just dropped back into this body, he would think he was Alice in Wonderland because when he wrote the wonderful "Jefferson Manual of Parliamentary Procedure," he made it very clear that we had two bodies in this government, the Senate and the House; and each was to act independently one from the other in order to come up with what was right for the American people.

We are now told today that we are supposed to accept a compromise that the Senators compromised on and then left town to go home to celebrate their holiday.

Ladies and gentlemen, I don't think that's appropriate. I think we should do what the system called for when our Founding Fathers put it together, that is, they do their business, we do our business, and we do what we think is right. We are trying to do what we think is right here today.

This resolution includes many parts. One of those parts that I think is extremely important is the Boiler MACT part. It had 41 Democrat votes in this House. It has 13 Democrat cosponsors in the Senate. It is a very bipartisan and popular measure, and I hope we adopt the resolution.

Mr. CLYBURN. Mr. Speaker, how much time is now remaining?

The SPEAKER pro tempore. The gentleman from South Carolina has 8¾ minutes remaining. The gentleman from Georgia has 11¼ minutes remaining.

Mr. CLYBURN. Mr. Speaker, I reserve the balance of my time.

Mr. PRICE of Georgia. I am pleased to yield 1 minute to a physician colleague from Louisiana (Mr. CASSIDY).

Mr. CASSIDY. I actually again agree with my colleague, Mr. GARAMENDI. There has been a lot of Sturm und Drang, but there's actually something that we can agree upon here.

First, I'll say that President Obama, many congressional Democrats and House Republicans all agree that 12 months would be better than 2 months in terms of the extension of these things. The Senate disagreed. They did it for 2 months.

The Constitution says that if the House and the Senate disagree, the two come together, have a conference, a

compromise, common ground is found, and then both Houses vote upon it. For some reason, we don't want to go through that process. For some reason, Senator REID does not want to bring his people back from vacation to vote.

Now, I will say that all this other conversation about issues kind of obscures—I think, almost is there to obscure the fact that this is about whether regular order will be followed, whether the constitutional method of resolving differences will be employed.

Now, I would say that I ask the Senators to pay attention to what the Constitution says, to do the work of the American people. I know it's inconvenient. I know it's a holiday, but this is too important. Let's not give up on the process.

Mr. CLYBURN. Mr. Speaker, I continue to reserve.

Mr. PRICE of Georgia. I am pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. Mr. Speaker, families are doing holiday shopping, planning budgets. So are employers.

Now we're being asked to accept a 2-month plan here, \$166 per family, and a message of: Trust us and we'll come back.

Congress needs to be doing more than rehashing this again. We need to be dealing with unemployment, the deficit, and not just spending more time over 2 months.

We're telling families to accept \$166 instead of \$1,000. For that \$166, that's about a week and half of groceries for a family of four. For that same family of four, we're talking about 12 months of gas bills, 11 months of diapers, 10 electric utility bills, 9 months of baby formula, 8 months of cable, 7 months of auto insurance, 6 weeks of groceries, 5 months of gasoline, four student loan payments, three car payments, two credit card bills, and one mortgage payment for your house.

Mr. CLYBURN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Missouri, the chair of the Congressional Black Caucus, Mr. CLEAVER.

Mr. CLEAVER. I sat in my office and listened to this debate; and the one thing I know is that neither side is listening to each other. Everybody's just trying to say something. The people at home are probably trying to figure out if there is any sanity anywhere in Washington. We're having fact-free debates, and the truth of the matter is that we're putting ideology over logic.

I'm not going to be here on Christmas. You can get whatever people you want. You can send all kinds of things into my district. We're on the verge of the second holiest holiday in my religious tradition. I'm going to be home. I'm going to be in church.

This is sick. This is sick. And the people all over the country, the people

in the gallery, they know that they are watching dysfunctionality at its best. I'm ashamed, ashamed that this kind of thing is going on and the world is watching.

All we need to do is wait until a better season so that we don't look as bad. Every minute we debate, our poll numbers drop. It's probably at a point now where they can't drop any further.

But can't we stop this and start trying to rationally deal with the business of the public?

We're not listening to each other. The media just wants to listen to see if anybody's going to say anything that's caustic. The red meat crowd is waiting for somebody to say something insulting to the other side.

We ought to be listening to our better selves. We ought to call the best in us out right now, solve this problem, and go home and be with our families.

I'm going to be with my family. You guys can stay here and scream at each other all you want. I'm going home.

Mr. PRICE of Georgia. Mr. Speaker, I would remind my friend that it was President Obama who said:

This Congress cannot and should not leave for vacation until that—until they have made sure that that tax increase doesn't happen. Let me repeat that: Congress should not and cannot go on vacation before they have made sure that working families aren't seeing their taxes go up by a thousand dollars.

Mr. Speaker, in order for their taxes not to go up by \$1,000, the length of time of the payroll tax reduction has to be 1 year, not 60 days.

I am pleased to yield a minute and a half to my friend from Texas (Mr. CULBERSON).

Mr. CULBERSON. We're sending this bill back to conference because we share Speaker JOHN BOEHNER's core governing principle to do the right thing for the right reasons for the country. And the right thing to do here is to make sure nobody's payroll taxes go up for at least a year. The House bill does that.

If you want your payroll taxes to go up in 2 months, then you would support the Senate bill.

We are sending this bill back to conference because the Senate bill, unlike the House bill, the Senate bill does not require people applying for unemployment to either get a GED or show that they're working their way towards a degree. The Senate bill doesn't do those things. So we're obviously sending this bill back to conference.

The House bill also gives States the flexibility to require unemployment beneficiaries to submit to drug testing, which is something common sense that everybody in the country can understand.

The Speaker also included in the House bill the ability for businesses to expense 100 percent of the money they invest in new investments and that, obviously, is going to create jobs imme-

diately. The Senate took that language out.

This is just not complicated. If you want your payroll taxes to stay the same for 12 months, then you would support the House bill. If you want your payroll tax to go up in 2 months, then you'd support the Senate bill. This is not a complicated debate. This is very straightforward.

We in the House want to make sure that nobody's taxes go up for at least 12 months so people can plan, so businesses can predict, so they can expense money that they can invest so that they can create jobs. We also want to make sure that businesses in America can continue to create jobs.

Mr. CLYBURN. Mr. Speaker, it is now my pleasure to yield 1 minute to the gentlelady from Maryland (Ms. EDWARDS).

Ms. EDWARDS. 160 million Americans are wondering why Republicans want to raise their taxes on January 1. There are 2.2 million Americans wondering why the Republicans think that what unemployed people need is a drug test instead of a job or, in the absence of that, unemployment benefits.

Doctors all across this country who treat Medicare patients, Mr. Speaker, are wondering why it is that Republicans want to ensure that their doctors receive 25 percent less than they should for treating Medicare patients.

I have to tell you, I am with the American public. I'm completely confused about why Republicans in this Congress want to send Americans into January 2012 without an unemployment check, with a raise in their taxes, and cutting their Medicare benefits. That's what the American people want to know and don't understand. And they want to know why these House Republicans can't go along with what House Democrats want to do, what Senate Democrats already voted to do, what Republicans in the Senate already voted to do. And it's time for us to do the business of the American people.

□ 1510

Mr. PRICE of Georgia. Mr. Speaker, may I inquire of my colleague as to how many speakers he has remaining?

Mr. CLYBURN. I have two speakers left.

The SPEAKER pro tempore. The gentleman from South Carolina has 5¾ minutes remaining. The gentleman from Georgia has 7¼ minutes remaining.

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to yield a minute and a half to my physician colleague from the great State of Maryland (Mr. HARRIS).

Mr. HARRIS. Thank you very much, Mr. Floor Leader, for yielding the time.

The last time the Senators passed a major bill over just before Christmas, it was 2009. It was the ObamaCare bill.

That last Congress, the 111th Congress, decided not to go to conference and accept what the Senate sent over.

Mr. Speaker, I ask those Americans watching to ask themselves: How did that work for you? That's what they want us to do with this piece of legislation, just accept what the Senate says. They want to go home for Christmas, and we'll just see how it all works out. Didn't work out so good that time; won't work out so good this time.

The gentleman from California said you almost need a playbook to figure out what's going on. Mr. Speaker, thank goodness we have one. It's called House.gov. You can go and you can see exactly how your Representative voted on a 1-year tax cut extension.

We took a vote last week. You can go see that one. We're going to take three today, whether you want a 1-year or a 2-month. Go to House.gov. You don't have to believe what anyone says on the floor. Go to House.gov.

Now, Mr. Speaker, let's talk about the other part of the bill, which is a 2-year Medicare fixed SGR. I ask those seniors who are watching, pick up the phone once this debate is over and call your doctor's office. Ask him one question: Do you want a 2-month fix or do you want a 2-year fix? That's all. Simple question. Let's see what the doctors want.

I know we in Washington like to think we know best for everything that goes on, including what our Medicare seniors want and their doctors want. I ask our seniors to do that.

Mr. CLYBURN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, some have suggested that we're choosing between 1 year and 2 months. The fact is that by rejecting the Senate bill, which would have created certainty for 2 months, we are instead replacing that with uncertainty that begins in 2 weeks. Going the direction we're going in, in 2 weeks we won't know what the situation will be for payrolls that start on the 1st of January.

A full-year consideration is not going to be achieved in the next 2 weeks. The doc fix we've been working on for years; unemployment compensation and tax policy we've been working on for a long time. The idea that we're going to appoint a conference committee and they're going to meet and agree and figure all of this stuff out in a couple of days, we tried that with the supercommittee. It didn't work. This little conference committee is not going to solve all of these problems in the next 10 days.

So we have a choice: 2 months of certainty or a few days of total uncertainty. Who knows what's going to happen.

Economists have said if we don't extend the payroll tax and unemployment compensation that it will have



significant adverse effects on the economy.

So we should do this. We should do it for 2 months and work on it for 2 months, and hopefully we'll have a solution at the end of 2 months. We certainly won't have a solution at the end of 2 weeks.

So that's the choice.

When people talk about certainty, this is a group that talked about certainty and then changed the regulations on light bulbs that have been in effect for 4 years on a 2-week notice. Here we are with certainty for 2 months, and they say, well, uncertainty is a problem, so let's do it in 2 weeks.

Let's have some certainty, 2 months of certainty. Let's work on it, and we can get a full-year solution. We're not going to do that the way we're headed.

I would hope, Mr. Speaker, that we would adopt the Senate amendments, leave town, send the bill to the President and be finished with it rather than invite all of this uncertainty which is certainly going to befall us if we don't do that.

Mr. PRICE of Georgia. I am pleased to yield a minute and a half to my colleague from the great State of Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman.

This is really hard to listen to in the sense that we are being asked to simply accede to the wisdom of the Senate. The wisdom of the Senate would say that long-range planning is 2 months. The wisdom of the Senate would say let's pay for 2 months' worth of these fixes by a permanent increase in mortgage insurance. That's unwise.

Mr. Speaker, I'm not going to abdicate my responsibility to vote what I believe is in the best interest of the county and the best policy simply because it's Christmas.

Now, we've got 2 weeks to work this out. The House has already passed an extensive bill that fixes and addresses these issues across a broad spectrum of the fixes. And to have the other side over and over say it's really the wisdom of the Senate that you should accede to, it's really the wisdom of the Senate, look what the Senate did, Mr. Speaker. It's irresponsible on every level to simply say 2 months is somehow going to fix these problems, that we can avoid dealing with the issue for another 2 months and then that's wise?

I would argue that my colleagues on the other side are wrongheaded in this regard. We have a bill that fixes this for 2 years, 1 year on the unemployment and taxes. We've got the pay-fors in place. The conferees can come together and get this worked out over the next week and a half that we've got before these things go into effect and bad things happen.

To ask us to yield to the Senate, to accede to the Senate's wisdom is

wrongheaded on every level, and I refuse to do that, Mr. Speaker, and would argue that the House-passed bill that we passed last week should be the base bill on which we go to conference on and to work out these differences.

Mr. CLYBURN. Mr. Speaker, I yield myself 1 minute.

I would like to say to my colleagues on the other side that there is much more to legislation than a time line—2 months of certainty or we could go with the bill that this House passed.

It was a year. It was their year. What did they do in that year's time? They cut 40 weeks off of unemployment. Now, that might be good for them, but it's not good for the people in my State where, in spite of all of the great numbers that I spoke about here earlier this afternoon, 100,000 more private-sector jobs created over the last 5 months, the biggest number since 2006.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLYBURN. I yield myself an additional 30 seconds.

Now, the only way for us to really instill certainty in the unemployed and in those 160,000 million Americans who would like to continue to have their tax cut is for us to pass the Senate compromise and for us to really say to those people that we want you to have a pleasant holiday season and we'll all come back here the first of the year and give you an additional 10 months.

How much time do I now have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 2¼ minutes remaining.

Mr. CLYBURN. I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, as the gentleman from South Carolina has indicated, we can have 2 months of certainty if we follow our lead. The Republicans have said that we'll get 1 year of extension if we follow their lead. By tomorrow afternoon, we'll see who's telling the truth.

Mr. PRICE of Georgia. Mr. Speaker, may I say to my colleague that I am prepared to close if the gentleman is prepared to close.

The SPEAKER pro tempore. The gentleman from South Carolina has 2 minutes remaining.

Mr. CLYBURN. Mr. Speaker, I would like to close as I opened.

I said at the outset that we've been getting some tremendous, what I would call tremendously positive numbers for our economy in the past several months, and I believe the American people are beginning to create more certainty in their lives.

□ 1520

I would hate to see us disrupt that by continuing to debate this issue when we know full well that our failure to pass this bill will almost guarantee that 160 million working Americans

will see their taxes go up and their paychecks go down.

There are 2.2 million people who are currently unemployed through no fault of their own, who are looking for work and who would like to contribute to the deficit reduction that we are trying to gain, but we will see them continuing in the unemployment status, without their benefit, if we fail to pass this bill.

Also, the 48 million seniors who have developed relationships with their doctors, who during this time of year depend upon the medical profession for their quality of life, could very well see their doctors experience a 27 percent decrease in their reimbursements if we fail to pass this bill. We know what will happen. These doctors will walk off the field and will refuse to treat Medicare patients.

I would hope that my friends would come to their senses and pass the Senate-passed compromise.

With that, I yield back the balance of my time.

#### GENERAL LEAVE

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Res. 501.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PRICE of Georgia. Mr. Speaker, somebody once said that whether you say you can or you can't, you're right. The other side says they can't. The other side says we can't. We believe we can.

Mr. Speaker, we have two different versions of H.R. 3630. There is a House version and a Senate version. Everybody who knows about the United States Government knows that when you have two different versions you come together in a conference committee. You come to common ground, work out the differences, and move the bill back to both Chambers.

What are the differences?

In the House bill, we protect seniors' access to their doctors for 24 months. How about in the Senate bill? It's 2 months;

In the House bill, the Federal unemployment benefits extension goes for 13 months. In the Senate bill, it's 2 months;

As for the payroll tax cut extension, in the House bill, it's 12 months. In the Senate bill, it's 2 months;

As for the payroll tax cut for workers earning \$50,000 a year, in the House bill, it's \$1,000. In the Senate bill, it's \$167.

There is a pay freeze for Members of Congress and Federal workers included in the House bill, not in the Senate bill. There is the ending of unemployment and food stamp benefits for millionaires in the House bill, not in the Senate bill.

So, Mr. Speaker, this is about two different bills. It's about certainty. It's about certainty for families and for job creators and for seniors. It's also about real jobs for real people. Our bill provides certainty and 20,000 jobs with the Keystone pipeline construction and another 120,000 new jobs in the supply chain for the pipeline: positive policy.

Why wait? Why wait, Mr. Speaker? Why not make a decision in the next few days on these tax and health care and unemployment extensions? What's the economic or the policy argument for putting this off for another 2 months? The truth is that there is none, and there are strong arguments against delay. We ought to be working on alleviating the uncertainty that that would bring about, not adding to it.

Mr. Speaker, I call on my colleagues to support this resolution and to move forward positively for families, for job creators, and for seniors.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 502, the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLYBURN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. EDWARDS. Mr. Speaker, I rise to offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

#### H. RES. 504

Whereas an article on December 15, 2011, on the "Politico Pro" newspaper website quoted the Representative from Florida, Mr. West, as saying, "If Joseph Goebbels was around, he'd be very proud of the Democrat Party because they have an incredible propaganda machine. I think that you have, and let's be honest, you know, some of the people in the media are complicit in this, in enabling them to get that type of message out";

Whereas Joseph Goebbels served as the Third Reich's Minister of Public Enlightenment and Propaganda in Nazi Germany from 1933-1945;

Whereas Joseph Goebbels openly used xenophobia and racism in his quest to dehumanize European Jewry;

Whereas Joseph Goebbels made Jews the scapegoat of German economic insecurity, fostering flagrant anti-Semitism;

Whereas the United States Holocaust Memorial Museum reports "that Joseph Goebbels delivered a passionate anti-Semitic speech to the Nazi party faithful in Munich

on November 9, 1938 . . . After the speech, Nazi officials order the Storm Troopers (SA) and other party formations to attack Jews and to destroy their homes, businesses, and houses of worship. The violence against Jews lasts into the morning hours of November 10th, and becomes known as Kristallnacht—the 'Night of Broken Glass'. Several dozen Jews lose their lives and tens of thousands are arrested and sent to concentration camps.";

Whereas Nazi Germany and their collaborators killed six million European Jews and millions of others as part of their "Final Solution";

Whereas by invoking the specter of Joseph Goebbels, the Representative from Florida, Mr. West, thoroughly belittles the horrors and suffering experienced by the victims and survivors of the Holocaust;

Whereas the American Jewish Committee issued a December 15, 2011, statement saying "To make a linkage between any mainstream political party in the United States and the heinous atrocities committed by the Third Reich should be simply beyond the pale, whatever political differences may arise in a heated electoral season . . . By invoking the image of Joseph Goebbels and the Gestapo, Representative West has displayed a complete lack of understanding of the worst genocidal era in human history. Moreover, he has diminished and trivialized the unique evil perpetrated by the Third Reich through his unfortunate use of language";

Whereas the Anti-Defamation League said in a December 16, 2011, letter to the Representative from Florida, Mr. West, "We were deeply dismayed by Rep. West's remark comparing the Democratic Party's attempts to articulate views to the American people through the media to the efforts of the Nazi propaganda minister, Joseph Goebbels . . . Such outrageous Holocaust analogies have no place in our political dialogue. They are offensive, they trivialize real historical events, and they diminish the memory of the six million Jews and millions of others who perished in the Holocaust";

Whereas the Representative from Michigan, Mr. Conyers, wrote in a letter to the Representative from Florida, Mr. West, that the Representative from Florida should "help raise the level of congressional discourse in a vigorous debate";

Whereas the Representative from Florida, Mr. West, responded back in a letter to the Representative from Michigan, Mr. Conyers, that "The Democrat Party does indeed have a vicious propaganda machine, it espouses lies and deceit and the Master of deceptive information would be truly proud";

Whereas in the repetition of this abhorrent and outrageous sentiment to the Representative from Michigan, Mr. Conyers, the Representative from Florida, Mr. West, demonstrates not only the willful and malicious misapplication of history, but also his disdain for the decorum of the Congress; and

Whereas the conduct of the Representative from Florida was repugnant: Now, therefore, be it

*Resolved*, That the House of Representatives disapproves of the behavior of the Representative from Florida, Mr. West, for bringing discredit to the House by offending the memory of those who died during the Holocaust.

The SPEAKER pro tempore. The resolution qualifies.

#### MOTION TO TABLE

Mr. PRICE of Georgia. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to lay the resolution on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. EDWARDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on adoption of the motion to instruct on H.R. 3630; and adoption of House Resolution 501.

The vote was taken by electronic device, and there were—yeas 231, nays 188, not voting 14, as follows:

[Roll No. 947]

#### YEAS—231

Adams	Frelinghuysen	McClintock
Aderholt	Galleghy	McCotter
Akin	Gardner	McHenry
Alexander	Garrett	McKeon
Amash	Gerlach	McKinley
Amodel	Gibbs	McMorris
Bachus	Gibson	Rodgers
Barletta	Gingrey (GA)	Meehan
Bartlett	Gohmert	Mica
Barton (TX)	Goodlatte	Miller (FL)
Bass (NH)	Gosar	Miller (MI)
Benishek	Gowdy	Miller, Gary
Berg	Granger	Mulvaney
Biggert	Graves (GA)	Murphy (PA)
Bilbray	Graves (MO)	Myrick
Bilirakis	Griffin (AR)	Neugebauer
Bishop (UT)	Griffith (VA)	Noem
Black	Grimm	Nugent
Blackburn	Guinta	Nunes
Bonner	Guthrie	Nunnelee
Bono Mack	Hall	Olson
Boustany	Hanna	Palazzo
Brady (TX)	Harper	Paulsen
Brooks	Harris	Pearce
Broun (GA)	Hartzler	Pence
Buchanan	Hastings (WA)	Petri
Bucshon	Hayworth	Pitts
Buerkle	Heck	Platts
Burgess	Hensarling	Poe (TX)
Burton (IN)	Herger	Pompeo
Calvert	Herrera Beutler	Posey
Camp	Huelskamp	Price (GA)
Campbell	Huizenga (MI)	Quayle
Canseco	Hultgren	Reed
Cantor	Hunter	Rehberg
Capito	Hurt	Reichert
Carter	Issa	Renacci
Cassidy	Jenkins	Ribble
Chabot	Johnson (OH)	Rigell
Chaffetz	Johnson, Sam	Rivera
Coffman (CO)	Jordan	Roby
Cole	Kelly	Roe (TN)
Conaway	King (NY)	Rogers (AL)
Cravaack	Kingston	Rogers (KY)
Crawford	Kinzinger (IL)	Rogers (MI)
Crenshaw	Kline	Rohrabacher
Culberson	Labrador	Rokita
Davis (KY)	Lamborn	Rooney
Denham	Lance	Ros-Lehtinen
Dent	Landry	Roskam
DesJarlais	Lankford	Ross (FL)
Dreier	Latham	Royce
Duffy	LaTourette	Runyan
Duncan (SC)	Latta	Ryan (WI)
Duncan (TN)	Lewis (CA)	Scalise
Ellmers	LoBiondo	Schilling
Emerson	Long	Schmidt
Farenthold	Lucas	Schock
Fincher	Luetkemeyer	Schweikert
Fitzpatrick	Lummis	Scott (SC)
Flake	Lungren, Daniel	Scott, Austin
Fleischmann	E.	Sensenbrenner
Fleming	Mack	Sessions
Flores	Manzullo	Shimkus
Forbes	Marchant	Shuster
Fortenberry	Marino	Simpson
Fox	McCarthy (CA)	Smith (NJ)
Franks (AZ)	McCauley	Smith (TX)

Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton

## NAYS—188

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)

## NOT VOTING—14

Austria  
Bachmann  
Coble  
Diaz-Balart  
Filner

Giffords  
Johnson, E. B.  
King (IA)  
Oliver  
Paul

Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Nadler  
Napolitano  
Neal  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Speier  
Stark  
Sutton  
Luján  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

Mr. CASSIDY and Mrs. EMERSON changed their vote from “nay” to “yea.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Nebraska. Mr. Speaker, on rollcall No. 947 I was unavoidably detained. Had I been present, I would have voted “yea.”

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 947, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson

Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires

Slaughter  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Yarmuth

## NAYS—238

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Benishke  
Berg  
Biggert  
Bilbray  
Billirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coffman (CO)  
Cole  
Conaway  
Cravack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
DeFazio  
Denham  
Dent  
DesJarlais  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Eilmlers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner

Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffith (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Lipinski  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon

McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry

# MOTION TO INSTRUCT CONFEREES ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes, offered by the gentleman from Maryland (Mr. HOYER) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 183, nays 238, not voting 12, as follows:

[Roll No. 948]

## YEAS—183

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Bass (NH)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello

Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinche  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt

Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Loebach  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1552

Messrs. RANGEL, PETERSON, and PERLMUTTER changed their vote from “yea” to “nay.”

Thompson (PA)	Walberg	Wittman
Thornberry	Walden	Wolf
Tiberi	Walsh (IL)	Womack
Tipton	Webster	Woodall
Turner (NY)	West	Yoder
Turner (OH)	Westmoreland	Young (AK)
Upton	Whitfield	Young (FL)
Visclosky	Wilson (SC)	Young (IN)

## NOT VOTING—12

Austria	Filner	Paul
Bachmann	Giffords	Schrader
Coble	Johnson, E. B.	Smith (WA)
Diaz-Balart	Oliver	Woolsey

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1558

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 948, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

## LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute for the purposes of inquiring of what the schedule will be as we go forward.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mrs. CAPITO. Mr. Speaker, reserving the right to object, I want to get a chance to react. The gentleman can proceed.

I withdraw my reservation.

The SPEAKER pro tempore. The reservation is withdrawn.

Without objection, the gentleman from Maryland is recognized for 1 minute.

There was no objection.

Mr. HOYER. I thank the gentlelady for withdrawing her objection.

I have just been handed a—it may have been sent out earlier—a Members' advisory which says:

The House will be in session as necessary to consider a conference report on H.R. 3630, the Middle Class Tax Relief and Job Creation Act of 2011.

The House's request for a conference will be transmitted to the United States Senate this afternoon where it will await the appointment of their conferees. To be clear, H.R. 3630 will physically reside in the Senate by the close of business today.

□ 1600

It goes on to say, "Members will be provided with at least 24 hours' notice prior to the House's next recorded vote."

What I wanted to ask the majority leader is, does he expect his Members to go home this afternoon?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, I would respond to the gentleman. As he has

just read, we have sent out a notice electronically to all Members. Our intention is for the conferees to do their work. We have requested the Senate to do the same, appoint their conferees so we can iron out the differences so we can afford yearlong tax relief for the working people of this country.

Mr. HOYER. Reclaiming my time, I understand the majority leader's position, but he didn't answer my question as to whether his Members intend to go home this afternoon.

Mr. CANTOR. Mr. Speaker, I will say to the gentleman, it is very clear—I know he is holding the same piece of paper that I am—and it reflects the electronic message that went out to all Members. Our intention is for the conferees to go to work to iron out the differences, which are narrow, to ensure what all of us wants to happen—that we afford yearlong tax relief to all working people in this country.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I appreciate the majority leader's observations. I don't think I got an answer to the question. But having said that, if in fact an agreement is not reached prior to, say, the middle of next week, is the House prepared to preclude the eventuality of 160 million people losing their tax cut? Are you prepared to preclude the possibility of 48 million people losing their Medicare benefits? Are you prepared to preclude 2.3 million people losing their unemployment insurance by acting on an overwhelmingly bipartisan agreement that was reached in the United States Senate?

I yield to my friend.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, what I would say is the House has acted. We have again taken the position that all people, I think, in this building have taken, which is that it is so much better and more desirable for us to provide certainty to the working families of this country who deserve the yearlong certainty of tax relief.

No one thinks that a 60-day extension is even workable, and I think most experts would say could cause unnecessary uncertainty, could cause additional costs to be incurred by businesses, and it could hurt workers.

So I would say to the gentleman, the House has acted. It is up to the Senate to act to stave off this tax hike.

Mr. HOYER. Reclaiming my time, Mr. Speaker, while there is clearly a difference in this House on a number of things, one of the things that I don't think we differ on is a lack of confidence that the Senate will do its job. I don't think we differ on that greatly because our experiences show us differently. So that what I'm asking the gentleman is that we do not put at risk the 160 million people who are expecting their tax cut to continue, the 48 million seniors who want access to their doctors, and the 2.3 million people

who are going to go off unemployment, contingent upon whether the Senate acts as the gentleman wants it to. I will tell you my experience has not been great confidence that that will happen.

I will tell the gentleman further, we have tried to prepare for that contingency. We have introduced a bill with 170 cosponsors which adopts the compromise agreement so that we will give that certainty of which the gentleman speaks, allay the anxiety which we know exists, and give to those 160 million people the certainty that they will get the tax cut, the 48 million the certainty they will have access to their doctors, and the 2.3 million the certainty that they will not be kicked off the unemployment rolls so they won't be able to support themselves and their families.

I ask my friend if he will be prepared to bring that bill to the floor if in fact the Senate doesn't act.

Mr. CANTOR. I would say to the gentleman, if the gentleman wants to do his part in trying to make sure that the process moves forward, certainly the Democratic side of the aisle and the minority leader has the obligation to appoint conferees.

And if we are all to continue to work together—which I believe we can because I think the people of this country are tired of hearing what Washington can't do and want to see what we can do. And frankly, Mr. Speaker, the people in this country are beginning to wonder about the body on the other side of this Capitol and are wondering what the leader over there has against the middle class of this country.

So we would say, Mr. Speaker, it's time for us to come together. All of us, including the President, believe it's inexcusable to not allow for a yearlong extension of the payroll tax relief.

Mr. HOYER. Reclaiming my time, Mr. Speaker, 6 months ago the Speaker said that he thought the 1-year extension of the middle class tax cut was a short-term gimmick. He said that 6 months ago of the year extension. So we're somewhat concerned about the commitment to a 1-year extension. But that aside, let me say to my friend that one of the problems I'm worried about is, A, whether we can get this work done in the next 14 days because we know that even if we had a conference, they take a long time. There are very significant differences between us. In fact, we have compromised on something that you indicated in our colloquies about a week ago was very important, and that was the Keystone bill, which your side believes will create a significant number of jobs. That of course is in the bill that the Senate sent us, because even though the Democratic majority was not for it, they cared enough about the middle class tax cut to compromise.

Unfortunately, I will tell my friend, too often we have seen on this floor unwillingness to compromise, even on your bills. We had a CR on the floor on March 15; unfortunately, 54 of your Members walked away from that. On April 15, we had a continuing resolution to keep the government open; 59 Republicans walked away from that. On June 23, you left the Biden talks. On July 22, Speaker BOEHNER walked away from the debt limit negotiations with he and the President. On August 1, 66 Republicans walked away on the debt limit extension, which was your bill—not ours, your bill. On November 17, some 101 Republicans walked away from passing an appropriations bill which would keep three agencies funded. On December 16, 86 Republicans walked away from the bill to fund the balance of government. So I might say to my friend, it seems to me what we're doing today is walking away today from those 160 million people, walking away from those 48 million seniors, and walking away from those 2.3 million unemployed.

I yield back the balance of my time.

#### SENSE OF HOUSE REGARDING ANY FINAL MEASURE TO EXTEND CERTAIN EXPIRING PROVISIONS

The SPEAKER pro tempore. Without objection, 5-minute voting will resume. There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 501) expressing the sense of the House of Representatives regarding any final measure to extend the payroll tax holiday, extend Federally funded unemployment insurance benefits, or prevent decreases in reimbursement for physicians who provide care to Medicare beneficiaries, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 185, not voting 22, as follows:

[Roll No. 949]

YEAS—226

Adams	Bono Mack	Cole
Aderholt	Boustany	Conaway
Akin	Brady (TX)	Cravaack
Alexander	Broun (GA)	Crawford
Amash	Buchanan	Crenshaw
Amodi	Bucshon	Culberson
Bachus	Buerkle	Davis (KY)
Barletta	Burgess	Denham
Bartlett	Burton (IN)	Dent
Bass (NH)	Calvert	DesJarlais
Benishkek	Camp	Dold
Berg	Canseco	Dreier
Biggert	Cantor	Duffy
Bilbray	Capito	Duncan (SC)
Bilirakis	Carter	Duncan (TN)
Bishop (UT)	Cassidy	Ellmers
Black	Chabot	Emerson
Blackburn	Chaffetz	Farenthold
Bonner	Coffman (CO)	Fincher

Fitzpatrick	Lankford	Roby
Fleischmann	Latham	Roe (TN)
Fleming	LaTourette	Rogers (AL)
Flores	Latta	Rogers (KY)
Forbes	Lewis (CA)	Rogers (MI)
Fox	LoBiondo	Rohrabacher
Franks (AZ)	Long	Rokita
Frelinghuysen	Lucas	Rooney
Galleghy	Luetkemeyer	Ros-Lehtinen
Gardner	Lummis	Roskam
Gerlach	Lungren, Daniel	Ross (FL)
Gibbs	E.	Royce
Gibson	Mack	Runyan
Gingrey (GA)	Manzullo	Ryan (WI)
Gohmert	Marchant	Calise
Goodlatte	Marino	Schilling
Gosar	McCarthy (CA)	Schmidt
Gowdy	McCaul	Schock
Granger	McClintock	Schweikert
Graves (GA)	McCotter	Scott (SC)
Graves (MO)	McHenry	Scott, Austin
Griffin (AR)	McKeon	Sensenbrenner
Griffith (VA)	McMorris	Sessions
Grimm	Rodgers	Shimkus
Guinta	Meehan	Shuster
Guthrie	Mica	Simpson
Hall	Miller (FL)	Smith (NE)
Hanna	Miller (MI)	Smith (NJ)
Harper	Miller, Gary	Smith (TX)
Harris	Mulvaney	Southerland
Hartzler	Murphy (PA)	Stearns
Hastings (WA)	Myrick	Stivers
Hayworth	Neugebauer	Stutzman
Heck	Noem	Sullivan
Hensarling	Nugent	Terry
Herger	Nunes	Thompson (PA)
Herrera Beutler	Nunnelee	Thornberry
Huelskamp	Olson	Tiberi
Huizenga (MI)	Palazzo	Tipton
Hultgren	Paulsen	Turner (NY)
Hurt	Pearce	Turner (OH)
Issa	Pence	Upton
Jenkins	Petri	Walberg
Johnson (OH)	Pitts	Walden
Johnson, Sam	Platts	Walsh (IL)
Jones	Poe (TX)	Webster
Jordan	Pompeo	West
Kelly	Posey	Westmoreland
King (IA)	Price (GA)	Whitfield
King (NY)	Quayle	Wilson (SC)
Kingston	Reed	Wittman
Kinzinger (IL)	Rehberg	Womack
Kline	Reichert	Woodall
Labrador	Renacci	Yoder
Lamborn	Ribble	Young (AK)
Lance	Rigell	Young (FL)
Landry	Rivera	Young (IN)

NAYS—185

Ackerman	Cohen	Hahn
Altmire	Connolly (VA)	Hanabusa
Andrews	Conyers	Hastings (FL)
Baca	Cooper	Heinrich
Baldwin	Costa	Higgins
Barrow	Costello	Himes
Bass (CA)	Courtney	Hinchey
Becerra	Critz	Hinojosa
Berkley	Crowley	Hirono
Berman	Cuellar	Hochul
Bishop (GA)	Cummings	Holden
Bishop (NY)	Davis (CA)	Holt
Blumenauer	Davis (IL)	Honda
Boren	DeFazio	Hoyer
Boswell	DeGette	Inslee
Brady (PA)	DeLauro	Israel
Braley (IA)	Deutch	Jackson (IL)
Brooks	Dicks	Jackson Lee
Brown (FL)	Dingell	(TX)
Butterfield	Doggett	Johnson (GA)
Campbell	Donnelly (IN)	Johnson (IL)
Capps	Doyle	Kaptur
Capuano	Edwards	Keating
Cardoza	Ellison	Kildee
Carnahan	Engel	Kind
Carney	Fattah	Kissell
Carson (IN)	Flake	Kucinich
Castor (FL)	Fortenberry	Langevin
Chandler	Frank (MA)	Larsen (WA)
Chu	Fudge	Larson (CT)
Cicilline	Garamendi	Lee (CA)
Clarke (MI)	Garrett	Levin
Clarke (NY)	Gonzalez	Lewis (GA)
Clay	Green, Al	Lipinski
Cleaver	Green, Gene	Loeb sack
Clyburn	Grijalva	Lowey

Lujan	Payne	Scott (VA)
Lynch	Pelosi	Scott, David
Maloney	Perlmuter	Serrano
Markey	Peters	Sewell
Matheson	Peterson	Sherman
Matsui	Pingree (ME)	Shuler
McCarthy (NY)	Polis	Sires
McCollum	Price (NC)	Slaughter
McDermott	Quigley	Stark
McGovern	Rahall	Sutton
McIntyre	Rangel	Thompson (MS)
McKinley	Reyes	Tierney
McNerney	Richardson	Tonko
Meeks	Richmond	Towns
Michaud	Ross (AR)	Tsongas
Miller (NC)	Rothman (NJ)	Van Hollen
Miller, George	Roybal-Allard	Velázquez
Moore	Ruppersberger	Visclosky
Moran	Rush	Walz (MN)
Murphy (CT)	Ryan (OH)	Wasserman
Nadler	Sánchez, Linda	Schultz
Napolitano	T.	Waters
Neal	Sanchez, Loretta	Watt
Owens	Sarbanes	Waxman
Pallone	Schakowsky	Welch
Pascrell	Schiff	Wolf
Pastor (AZ)	Schwartz	

NOT VOTING—22

Austria	Giffords	Smith (WA)
Bachmann	Gutierrez	Speier
Barton (TX)	Hunter	Thompson (CA)
Coble	Johnson, E. B.	Wilson (FL)
Diaz-Balart	Lofgren, Zoe	Woolsey
Eshoo	Olver	Yarmuth
Farr	Paul	
Filner	Schrader	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1616

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 949, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for a vote in the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted “nay” on rollcall vote 949.

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained and was unable to record my vote for rollcall Nos. 944–949. Had I been present I would have voted:

Rollcall No. 944: “no”—On Ordering the Previous Question; rollcall No. 945: “no”—On Agreeing to the Resolution; rollcall No. 946: “no”—On Agreeing to the Resolution; rollcall No. 947: “no”—Motion to Table; rollcall No. 948: “yes”—Motion to Instruct; rollcall No. 949: “no”—H. Res. 501.

APPOINTMENT OF CONFEREES ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

The SPEAKER. The Clerk will read the Chair's appointment of conferees. Additional conferees may be appointed on the recommendation of the minority leader.

The Clerk read as follows:

The Chair appoints the following managers on the part of the House for consideration of H.R. 3630 and the Senate amendments, and modifications committed to conference: Messrs. Camp, Upton, Brady of Texas, Walden, Price of Georgia, Reed, Mrs. Ellmers, and Ms. Hayworth.

#### **HOOR OF MEETING ON TOMORROW**

Mr. ROSKAM. Mr. Speaker, pursuant to clause 4 of rule XVI, I move that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The motion was agreed to.

#### **IMPACT OF INSURED DEPOSITORY INSTITUTION FAILURES**

The SPEAKER pro tempore (Mr. WOMACK). The unfinished business is the question on suspending the rules and concurring in the Senate amendments to the bill (H.R. 2056) to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. WESTMORELAND) that the House suspend the rules and concur in the Senate amendments.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### **RISK-BASED SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES ACT**

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. CRAVAACK) that the House suspend the rules and concur in the Senate amendment.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### **EXTENSION OF REDACTION AUTHORITY CONCERNING SENSITIVE SECURITY INFORMATION**

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and concurring in the Senate amendment to the bill (H.R. 1059) to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and concur in the Senate amendment.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### **BELARUS DEMOCRACY AND HUMAN RIGHTS ACT OF 2011**

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendments to the bill (H.R. 515) to reauthorize the Belarus Democracy Act of 2004.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and concur in the Senate amendments.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

□ 1620

#### **MAJOR SAMUEL MARK GRIFFITH**

(Mr. RIGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGELL. Mr. Speaker, I rise today to pay respectful tribute to a fallen hero, Major Samuel Mark Griffith, United States Marine Corps. Major Griffith, known as "Sam" to his family and friends, was killed in action in Afghanistan last week.

Mr. Speaker, I attended Sam's memorial service yesterday; and in the service, a very moving letter was read that had been written by a marine in Sam's unit. It described how Sam had insisted on taking the other marine's place on the next nightly patrol, because the patrols were receiving enemy fire each time they went out.

Sam knew full well the inherent danger and the risk involved in the next patrol. It was Sam's nature to run to danger in defense of freedom and in defense of his fellow marines.

Sam leaves behind a wonderful family, including his wife, Casey, and two fine young boys, Chad and Noah.

Mr. Speaker, the burden of defending freedom has fallen heavy on the Griffith family. So we pause today in this House, and rightfully so, to honor Sam and to extend our heartfelt sympathy and deepest condolences to the Griffith family, asking that God would grant them a special measure of peace and grace in the days ahead.

#### **THE WALKAWAY REPUBLICAN CAUCUS**

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, we walked away from 160 million Americans and put their tax cut at risk. We walked away from 48 million Americans and put their access to doctors at risk, and we walked away from 2.3 million unemployed.

Frankly, when President Bush asked us to stabilize the financial markets, two-thirds of his own party walked away. On December 3, they walked away from Bowles-Simpson. On March 15, 54 Republicans walked away from continuing government funding. On April 14, 59 Republicans walked away from their bill to continue funding of the government.

On June 23, their majority leader walked out on the Biden talks. On July 22, Speaker BOEHNER walked out on the talks he had with President Obama. On August 1, 66 Republicans walked away from making sure America pays its bills. On November 17, 101 Republicans walked away from the appropriation bill for three of our Departments. That was a Republican bill they walked away from.

On November 21, Republicans walked away from the Joint Select Committee on Deficit Reduction.

The Walkaway Caucus should not have put at risk working Americans in this country today.

#### **FUNDING EUROPE**

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, while we talk about the issues of the day, one of the things that has been missing over the past several months in the discussions on the floor is the amount of treasure from the American taxpayer that's going to Europe. We have through the Fed been sending hundreds of billions and trillions of dollars in loans to Europe.

In addition to that, we're sending money through the International Monetary Fund, in which we put 18 percent. We're sending hundreds of billions of dollars to Europe.

We've got a lot of problems here at home, and we shouldn't be risking

American taxpayers' money by sending it to bail out countries in Europe that very well might go belly-up and if they do go belly-up, that's going to come back to haunt us in America; and the value of our currency will be depreciated, and we'll have very high inflation. We need to take care of the United States and not worry about Europe right now.

#### THE GRINCH

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Congress excels at doing nothing; but sometimes doing nothing or empty political posturing, as we've just seen from the Republican majority, ignores our Nation's critical needs.

By leaving town without extending unemployment insurance, the 2.3 million long-term unemployed Americans who want to work and can't find work in this economy is especially cruel on the eve of the Christmas season. And for 48 million seniors and disabled, the new year will dawn with a 28-percent decrease in physicians' reimbursement. Many will find that they can't get in to see a doctor. It will be slammed in their face.

So with these actions, or rather these inactions by the Republican majority, they truly embody the spirit of the season: the Grinch.

#### CONGRATULATING CHRIS CARNEY

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, I rise today to congratulate my good friend, Chris Carney, on taking the oath of office to the State Senate in North Carolina.

Chris has served as a town commissioner for the last number of years. I was able to work with him on that board. He developed a reputation as a thoughtful leader, someone who listened to his constituents and actually tried to craft solutions. He'll take that same mentality to the State Senate in North Carolina. So today I rise to congratulate Chris Carney. His community is proud of him, and I'm proud to call him a friend.

I know his wife and his three children are very excited about the role he is about to undertake. Congratulations, Chris.

#### UNEMPLOYED IN AMERICA

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, I want the 2.3 million unemployed Americans

to know that not all Members of this House are heartless. In fact, 193 Members of this House stand with the unemployed of this country, the 2.3 million mothers and fathers who have children and families to feed as we move through this very, very poignant holiday season.

I hope when we come back in January we can do what's right for America. But we fell 36 votes short.

That's because the Republicans, and I hardly see any of them on the floor at this point, care more about taking care of those who earn over a million dollars than they do about the people who are falling off the edge.

I feel sorry for our country today. But you know what? The American people have a way of righting the tables when they get sadly out of balance, and that moment is coming.

I feel sorry for the people who are unemployed. Be strong during this season, know that when we return in January, we have a chance to correct what sadly was voted down today.

#### COME TOGETHER

(Mr. WOODALL asked and was given permission to address the House for 1 minute.)

Mr. WOODALL. Mr. Speaker, I had not intended to address the House this afternoon, but it has been a painful thing for me to listen to this debate today. I'm a freshman in this body, and my understanding was when I showed up here that we would work here and that the Senate would work there, and we wouldn't always come up with the same answers, and that we would also get to together and sort it out.

To have that process derided today as being a bastardization of politics, instead of what exactly the Founding Fathers want us to do, has me confused.

The gentlelady who spoke right before me, and I'm sorry she left the floor right after she derided Republicans for having left the floor, she's now gone, talked about Republicans wanting to see folks on unemployment have those benefits run out.

Mr. Speaker, it was before you and I got here, but four times in 2010 under Democrat control, unemployment benefits ran out. Now, you always did the right thing. You always sorted it out. But those kinds of things happen. We're going to conference today. We have 10 days to get this right.

We got the Defense authorization bill right in 7 days. And the Senate crafted their so-called compromise in 3 days. Surely, we can do better for the American people; and, Mr. Speaker, that's not a partisan divide. That's America at its best. I welcome my colleagues to join us in that.

□ 1630

#### OUR BRAVE TROOPS, HOME ON AMERICAN SOIL

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, last week, Secretary of Defense Leon Panetta declared an end to the war in Iraq, fulfilling President Obama's pledge to bring the war to a responsible close. This marks an important milestone for the U.S., and it symbolizes our redefined relationship with a sovereign Iraq.

Thanks to the resilience and bravery of our soldiers and civilian personnel, all U.S. combat troops in Iraq will be home by the end of the year. I want to congratulate them on being able to share their holiday seasons together again.

We also honor the memory of lost heroes, and we renew our commitment to ensure that our new generation of veterans receives the services and care we promised and the veterans earned.

At a time when families are struggling to make ends meet, our commitments to help veterans is more important than ever to ensure they successfully transition their talents here at home for the good of our economy and our country.

On behalf of the Missouri citizens I represent, I wish our brave troops and all their loved ones a Merry Christmas, Happy Holidays, and a Happy New Year home on American soil.

#### AN INSULT TO THE AMERICAN PEOPLE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. I want to follow my friend from Missouri and add my appreciation to the troops who have come home and to their families, and I thank my colleagues for joining in wearing a yellow ribbon in honor of them. I hope they will go home and do the same and will encourage their communities to do so.

But I am standing here to confront the hypocrisy and the joke of my colleagues on the other side of the aisle in suggesting that the conferees are meeting when they full well know that no conferees are meeting, because no one has been appointed except the one-sided conferees.

Frankly, they want us to be Americans first, not Tea Partiers, not lovers of the special interests. The other body put forward a very thoughtful initiative to keep us going so that the lights will not be turned off in some poor mother's home and so that some senior citizen can still go to his doctor. They wanted to make sure 2.3 million and 134,000 people in Texas would have their unemployment. I'm saddened by



this crisis. I'm here to work. I'm going home for an emergency, and I'll be back.

The lady who went off the floor should not have been confronted that way. She spoke. She's ready to work. What about the empty chairs on the other side? They are not ready to work. It's all about a joke. This is an insult to the American people.

#### NO TAX CUTS UNDER THE CHRISTMAS TREE

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. I didn't think I'd have to take to the floor again; but now that the House Republicans have walked away from the American people, it bears notice.

There are 160 million American people across this country who are going to see their taxes go up come January 1. There are 2.3 million Americans, including 46,000 of them in my home State of Maryland, who will not get an unemployment check. There are 48 million Americans, mostly our seniors, who are going to see their benefits essentially ripped out from under them in Medicare as their doctors won't be able to treat them because their doctors are getting a cut.

I'm not really sure which Christmas House Republicans are celebrating, but in my house it's a Christmas of charity and of goodness. I am so saddened that here in this House we have ripped out from under the Christmas tree the Christmas for millions of American families who will not get to go into the New Year with a tax cut and who will go into the New Year without an unemployment check. The House Republicans have done a great disservice to this country.

#### DEMOCRATS, APPOINT YOUR CONFEREES

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, we've had an awful lot of conversation this afternoon. It twists on the idea that somehow the 100 Members of the Senate are so much smarter and so much brighter and so much more intelligent than the 435 Members of the House of Representatives.

Our colleagues from the other side of the aisle would ask us to simply accede to whatever the Senate does as ludicrous as it is. A 2-month extension is nonsense. It has no commonsense value whatsoever. Everyone in this Chamber knows that. Yet speaker after speaker says that we need to just accede to the wisdom of the Senate. The wisdom of the Senate is represented by a 2-month

extension that is not paid for by anything that makes the remotest amount of sense.

We can fix this this coming week, and we think we should. Have them appoint their conferees, Mr. Speaker, so we can fix this for the American people. Then all this doom and gloom that's being spouted out down here goes away with a 1-year extension of unemployment, with a 1-year extension of the payroll tax, and with a 2-year extension for our doctors.

#### A SHELL GAME ON THE FLOOR OF THE HOUSE OF REPRESENTATIVES

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. We've witnessed a shell game played here on the floor of the House of Representatives.

Republicans talked about having voted for an extension of the unemployment compensation and for extending the payroll tax, but what they gave with the right hand they took from the left. They said, We give you this, but we cut your benefits to 59 weeks of your unemployment compensation.

They all voted against the Affordable Care Act. So in this bill as well, if you have a preexisting condition, they want you not to get health care as you can today. If you're 26 years of age or younger, it would be that you can't get on your parents' insurance policies, which you can today because of the ACA. Also, the doughnut hole would be closed, which it is because of the ACA, but they're against that because they wanted to cut funds to put the America Cares Act into operation.

The fact is that Senate Republicans and Democrats didn't vote for a 60-day extension. They voted for time to get together and do a 1-year extension. That's what we need. They had wiser heads. You saw a good reason not to have term limits. First-year Members are acting as if they know everything; and in a petulant way, they have jeopardized millions of Americans.

#### THE BOTTOM LINE

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Well done, my good and faithful servants.

That must be what the Koch brothers and the corporate Tea Party backers are saying. Their Republican Party in the House has for the whole year been able to stave off any fairness by protecting their millionaires and billionaires from being denied tax breaks.

Here we are at the end of the session, and they leave having not allowed this body to vote on the bipartisan agreement that the Senate reached with the House leadership's consent—an agreement that passed 89-10—and they went

home. So we won't get a chance to vote on that package. They refused to let us do so. That's the story that we end with.

That's the bottom line, and that's the way it is.

#### A SAD AND WORRISOME TIME MADE WORSE BY THIS DAY

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. At just about this hour, the Sun is setting, and Jewish families around the country, including mine, are going to their Hanukkah Menorah—the festival of lights, the festival of a miracle that the lights lasted for 8 days. Usually, this is a joyful time—a beautiful, holy celebration. For many families around this country, this is a very sad and worrisome time, made worse by this day.

With millions of Americans unemployed and relying on a meager average \$286-a-week check while they look for work, Republicans voted today to not extend unemployment insurance, to not extend a tax cut for middle-income people who need it so badly this year when the economics were so hard. It just breaks my heart that at this holiday season and when people are feeling in such a fragile economic state that today's vote took place. It didn't need to. We would have helped the American people today.

Happy Hanukkah.

#### REPUBLICANS, HAVE A HEART

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. I want to follow up on what my colleague from Illinois said, because it really is true.

We are talking about hurt for America's families here. I know that, in the next week, as this time expires on the unemployment compensation, on the Medicare reimbursement, on the payroll tax cut, I'm going to get calls from seniors telling me that the doctors are not accepting them for Medicare anymore. I'm going to find out that people have lost their unemployment insurance.

Here we are at a time when we're just starting to see the economy improve a little bit; and I know there is a real risk, if we don't extend that payroll tax cut, that we will send the economy back into a recession again.

It is amazing to me to see my colleagues on the other side suggest that somehow they're going to stay here and that the conferees are going to be here. None of that is true. They're home. They're not here. They're going home, and they're not going to come back until after January. I really think it's outrageous to think that they're



running the risk that the economy will be hurt by this and that people won't have money in their pockets and that those who receive Medicare may be refused a doctor.

We're simply asking, as Democrats, to have a heart. Why is it that Republicans don't understand the negative consequences of this?

□ 1640

#### TAKEAWAYS FROM THE DAY

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, the two key takeaways from the debate today are, number one, there is nobody in this Chamber—nobody, Republican, Democrat—nobody in the Senate on the other side—Republican, Democrat, Independent—nobody believes that a 2-month fix is the end result of this process. The 2-month fix is to allow the benefits to continue so that the 160 million Americans that are now benefiting from the reduction in the payroll tax continue to have those benefits while we come together and while we compromise, while we come to a long-term agreement. That's what this is all about.

The other takeaway is the majority party did not allow a vote on the Senate plan. For all the talk about how flawed they believe the Senate plan to be, they didn't allow a vote on the Senate plan because they would have lost their position. That bill would have passed. We would be done with it today.

So when you hear Members of the majority talking about how flawed the Senate bill is and how the American people don't support it, their own Members would have voted for it, and we would have passed the bill if they would have allowed it.

#### STOP TRADING ON CONGRESSIONAL KNOWLEDGE

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, again, this august body displayed the worst of what we can do. The opportunity to try and compromise was there. I have to say, last week I supported a bill put forward by my Republican friends, sent it to the Senate. It came back. And as the previous speaker said, I didn't even get a chance to vote on it. The real tragedy here is that there is another piece of legislation that is being held up that the American public knows needs to happen.

We can have a difference of political opinions across the aisle. The one that needs to get done is to believe people

here are playing by the rules. The Stop Trading on Congressional Knowledge, the insider-trading bill that's 18 pages long, it's been sitting around for 6 years. It now has 240 bipartisan cosponsors. It is now suddenly buried and gone. The American people demand us to do one thing: be honest and work for them. That bill can ensure that happens.

#### MIDDLE CLASS AMERICA, TAKE NOTICE

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, at the expense of the taxpayer, Members of the House of Representatives were called back to Washington to conclude business on a payroll tax extension. The truth of the matter is we never even voted on the bill. Why, perish the thought! The bill would have probably passed. Who loses? 160 million Americans who won't realize a payroll tax extender; 48 million Americans, seniors who won't have access to their Medicare health provider; 2.2 million unemployed Americans who through no fault of their own lost a job, won't have their unemployment insurance extended.

You know, when it came to providing tax cuts for millionaires and billionaires, there were no bells and whistles. There were no pipelines attached to the legislation. There were no pay-fors. But when it comes to a tax cut for middle class Americans, all kinds of bells and whistles are attached, all kinds of demands. This is a facade that is seen through clearly. When they had a chance to address this issue, they called it "a gimmick"; it wasn't worth their attention. So don't let them fool you. This is just a way to keep moving the goal post and not do the right thing. Middle class America, take notice. We regret not taking a vote in this House.

#### ANOTHER DAY IN CONGRESS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, there are some funny things that go on here. We watched the supercommittee operate for about 10 weeks and produce absolutely nothing. So today the Speaker comes out here and says, we want a conference committee. Now, the supercommittee was 12 members, three from each caucus; a conference committee, three members from each caucus. We're going to create another one, and we think that somehow it will solve this problem.

The definition of insanity is doing the same thing again and again and ex-

pecting a different result, and clearly we're not going to get a different result. The Senate sent us a compromise between two people that can't agree on the time of day, HARRY REID and MITCH MCCONNELL, and they got 90 votes for it. That is America. Ninety percent of America agreed on that; and the Speaker wouldn't even allow it to come to a vote. He said, Let's create a committee.

Don't forget it in 2012.

#### GED FOR UNEMPLOYMENT BENEFITS

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, we often talk about poison pills, and I don't know that all of the American people really understand what we're talking about. I want the American people to know that this 1-year bill that the House Republicans seemed to be in love with had some poison pills in it. One of them cut 40 weeks off of unemployment insurance. That's what they want us to agree to.

But another one, and the one I think is most egregious, said to those people applying for unemployment insurance that you must pass the GED in order to get unemployment insurance. We would say to a Vietnam veteran who is a master electrician, who went off to fight a war, never finished high school, but now that you are unemployed with all your skills, because you don't have a high school diploma or a GED, you must take a GED in order to get your unemployment insurance. That is not only a poison pill; that is insulting and egregious.

#### ONE OF THESE THINGS IS NOT LIKE THE OTHER

(Mr. RICHMOND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHMOND. Mr. Speaker, the unfortunate incidents of today remind me of that song I learned from Sesame Street which is, One of these kids is doing his own thing. The truth of the matter is we need adults today. If you look at the Republican Senators, they stood up and reached a compromise with the Democrats in the Senate. The House Democrats came along. The President came along. There was only one outlier, and that was our House Republicans.

Over the holidays, Mr. Speaker, I would ask that you remind and encourage my House Republican colleagues to go see the wizard, go get a brain so we can talk about the intelligence needed to spur this economy. Go get the courage to stand up to the private interests, the Koch brothers, and the lobbyists so that you can do the right thing

for the country. And after all, go get a heart so you can help the 2.2 million people that are unemployed have a merry Christmas, so that you can help the 160 million people who will face a tax hike on January 1 and, more than anything, the 48 million seniors who will have less access to health care.

Mr. Speaker, I will close with one thing, and it's just a bit of advice: be careful because the unemployment benefits you save may be your own.

#### WARREN HELLMAN

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, it is with great sadness that I rise to pay tribute to the passing of a man whose legacy to San Francisco is a great one. I rise to pay tribute to the life and legacy of Warren Hellman, a community leader, a San Francisco legend, and an American success story. Sadly, Warren passed away on December 18, surrounded by his loving family. That was the way he lived, surrounded by his loving family.

Warren was a tremendously successful businessman. And it was his business acumen that allowed him to pursue his true passion, philanthropy. He was a Renaissance man. That's how his daughter described him, and that's how we all saw him. With his deep generosity, intellectual curiosity, and his visionary dynamism, he changed the face of San Francisco. His legacy will live on through his contributions to education, to music, to civic life, and to the memory we all happily have of him being such a modest athlete, something he took great pride in.

□ 1650

When Warren Hellman saw an opportunity to enrich our city, he acted upon it. He strengthened and beautified Golden Gate Park. He worked to end homelessness. He supported the San Francisco Free Clinic, many of those people availing themselves of the services there being homeless. Concerned about dwindling local news coverage in the Internet age, he helped form the Bay Citizen online journalism site. Warren served on the board of Mills College and the University of California at Berkeley's Haas School of Business. He was in a leadership role in everything that he did.

I mentioned that he was an athlete. He endowed aquatic sports at U.C. Berkeley, where he had played on the water polo team as a student. Whether it was bicycling, swimming, running, skiing, you name it, Warren was the best.

He was a lover of music, a lover of family, and a lover of life. The 3-day concert he founded—well, it used to be called Strictly Bluegrass; but as the program expanded and more enter-

tainers wanted to participate and the audience turned out for them in the hundreds of thousands, it was changed to Hardly Strictly Bluegrass. So it wasn't strictly bluegrass. It is held each year at Golden Gate Park and has allowed hundreds of thousands of fans each year to enjoy the music that he loved—mostly bluegrass. And it was all free. Warren was involved in every aspect of the festival, including personally recruiting musicians he admired; and an invitation from Warren was one that was warmly responded to by the biggest names in music. It is so fitting that Speedway Meadow, the site of the festival, was renamed Hellman Hollow just last week. Just last week. So I know this pleased him and his family immensely.

I mentioned his interest in education and the arts. He and his wife, Chris, were really such magnificent patrons of the San Francisco Ballet. It's hard to match or surpass the contributions they have made intellectually and by way of encouragement in every way and certainly philanthropically.

With the passing of Warren Hellman, San Francisco has lost a beloved champion. We honor his memory and his enthusiasm by celebrating his many contributions. I said that he was good at everything he did; and that included being a friend, a friend to so many who will miss him so much. I am proud to call Warren a friend; and I hope it is a comfort to Chris, his wife, and his family whom he cherished. And he couldn't talk enough about them. He was so very proud of them and rightfully so. I hope it is a comfort to them that so many people mourn their loss and are praying for them at this sad time.

Tomorrow there will be a public service to honor his life and legacy. It will represent an outpouring of people from every aspect of San Francisco life, every economic strata, from homeless people to the most privileged and successful in terms of their measure of success. But it will also represent people in the public and private and nonprofit sectors. This was a very special person, and I want everyone who follows the work of Congress and the pride that we all take in representing our districts and our constituents to know how proud we all were of the life and leadership of Warren Hellman.

#### COMMUNICATION FROM CASEWORK SUPERVISOR, THE HONORABLE XAVIER BECERRA, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. BROOKS) laid before the House the following communication from Michael Nielsen, Casework Supervisor/Office Manager, the Honorable XAVIER BECERRA, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
December 12, 2011.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I was served with a subpoena, issued by Superior Court of California, County of Los Angeles for witness testimony.

Prior to my required appearance, however, the defendant in the case pled no contest to a lesser charge, thereby alleviating any need for my testimony. After consultation with the Office of General Counsel and as a result of developments in the case, no determination regarding compliance with the subpoena is required.

Sincerely,

MICHAEL NIELSEN,  
*Casework Supervisor/Office Manager.*

#### CONGRESS, THE ADMINISTRATION, AND THE GIPPER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, it's sometimes hard to reconcile the speeches we hear here on the floor with the legislation that we've passed. People have been speaking from the other side of the aisle here for the last 30 minutes about how the Republicans in the House apparently don't want taxpayers, working Americans, to have the 2 percent of the Social Security tax back that doesn't get paid into Social Security when actually this House has taken the responsible position not wanting to raise taxes in a down economy so workers will have the money that they currently do in their paychecks. It makes sense.

I've been saying ever since this first came up that the idea of a 2 percent tax cut is not a holiday and that actually the President corrupted the true payroll tax holiday idea that was brought forward 3 years ago. That was my idea. It was a stimulus idea that Moody's, when they rated the different proposals, said would stimulate the 1-year GDP more than the other proposals, and it would have. The people that earned all of the money would have gotten it for 2 months in a row.

Some lazy reporters have tried to say, Well, that's just like this. Absolutely not. Unfortunately, it requires reading and not all reporters are willing to do that because it's clear my payroll tax holiday that I told the President about in January of 2009, he liked the idea and the only thing he did was take the name of it—that sounds familiar—and use that for what was not a holiday. It's not a holiday when you're avoiding 2 percent of the taxes you normally do. A holiday is when you don't pay the taxes. There are a

number of differences. For one thing, the 2-month proposal by the Senate just pushes off what has to be done, and that's dealing with the rest of the year. We want to deal with the rest of the year. We want to provide certainty.

The bill I proposed did not create any uncertainty. It dealt with the issue that people could not shove bonuses into those 2 months, that it was a tax holiday for all of the income tax, Social Security, those taxes that would normally be taken out of the check. It would have averaged, we were told, between \$2,000 and \$3,000 a month for 2 months. Instead of \$80 a month, you would've had \$4,000 to \$5,000 over a 2-month period. That would have stimulated the economy.

Not only that, this proposal that the President has had, it hasn't stimulated the economy. We just don't want to raise taxes on people in a down economy.

□ 1700

But it does hurt the Social Security trust fund. This President's proposal pits working Americans against our seniors. It didn't have to be this way. Before this President ran up an extra \$4 trillion in debt back when we were at \$11 trillion instead of 15 trillion, just a few years ago, the proposal was completely paid for, and the only people that would have missed the money were the Wall Street bailout folks that wouldn't have gotten their money because it took money from TARP and left it in the pockets of those who earned it. It made sure that there would be no shortfall in the Social Security trust fund. It made sure there would be no shortage in the Medicare fund, it addressed that. And the only people that would have been hurt—and I don't think they would have been hurt—but the only ones that would have missed the money were those getting the bailouts.

Well, this President liked the name, liked the idea of leaving some money in the check. But instead of \$4,000 to \$5,000, they decided to leave \$160—2 months.

HARRY REID has been saying that he wants to give Americans \$1,000, and that's what the Senate was doing. The only way we can keep HARRY REID from being a liar—and I don't want to make him a liar—and so what we have to do is have the Senate pass what we've passed, at least send conferees to the conference, so that we can work out a compromise, because right now all he's got is \$160, not \$1,000.

So, I hope my colleagues here in the House will urge the Senate, please help us keep HARRY REID from being a liar. He said they provided \$1,000 in tax cuts to working Americans, and the only way that will happen is if they'll adopt the House proposal or send conferees to the conference. That will leave that much for the whole year, not just 2 months.

Now, there was \$700 billion originally allocated for TARP. The Obama administration got \$350 billion of that, plus it was projected it would get maybe \$100 billion, \$150 billion of the original \$350 billion. There's still \$120-plus billion dollars in assets in that slush fund that need to be liquidated, and they need to take care of things like Social Security and Medicare. There's another \$50 billion or so in the TARP that is still cash money that should be used. If anything is going to be used, use that to stimulate the economy by letting people keep their own money in their paycheck.

This 2 months proposed by the Senate is not going to stimulate the economy. As nonpartisan groups have said, it is actually going to create vast instability, and there is no comparison to that and a paid-for, complete holiday for working Americans to keep everything in their paycheck. That would have been a stimulus. We made inquiries of people in our district. What would you do with it? We heard from people who said we want a car that's more fuel efficient, but the big gas guzzler we've got is worth less than we owe on it. We can't get out from under. If you let us keep 2 months of our own taxes for the full 2 months, all of that, then we will be able to get rid of this clunker and be able to get a more fuel-efficient car. Others said, we got behind on our mortgage last summer when gas went to \$4 a gallon because Speaker PELOSI's and HARRY REID's policies, the bills, the legislation they passed were stifling the ability to provide for more of our own oil and gas. It spiked up to \$4 a gallon. They said, we got behind then, but if you let us keep 2 months of all of our taxes, we don't need any more government programs, we can get out of problems with our mortgage ourselves. But, no, there are people in this town that like the GRE, the Government Running Everything. And the way to do that is keep coming up with programs. So, they created more programs.

One other thing I want to touch on that has hit the news in the last 2 days, but unfortunately many have not noticed. This administration is in the process of trying to provide the Taliban a Christmas present. Now, 2 weeks ago, we found out that a fourth category on the terrorist watch list was being created called former military detainees. Having seen how this administration works, having known we have an Attorney General that represented terrorists before he became Attorney General, having an Attorney General who has no clue how Fast and Furious came about, according to his testimony, having an Attorney General that was involved, was around when the Marc Rich pardon took place, we knew that we needed to look carefully when these kinds of indications came forth. And what we found was the ad-

ministration said, oh, no, no, no, we're not about to release detainees. Not much.

What's come out in the last 2 days is that this administration is negotiating with terrorists, negotiating with the Taliban directly and about to work out a deal. The administration is saying—and Reuters had a story on this—but the administration apparently is saying, in essence, we need to have a show of good faith to these terrorists, the Taliban, that we are complicit in the killing and the murdering of over 3,000 Americans. We need to show them good faith by releasing Taliban murderers from their detention, and then they'll have a much better feeling about us.

And then we're also in the process directly of negotiating with the Karzai administration, Afghanistan, and the Taliban, trying to work something out where the Taliban will have a place. This administration has forgotten they killed Americans. They're saying, well, we think that they're softening up now. They don't want to kill Americans as badly as they did back on 9/11. They probably won't plot, train, and kill Americans like they did before if they just see how wonderful our administration is and how kind and generous we are just to let them have murderers back out of detention who have made no indication that they don't want to kill Americans any further.

This administration is doing this. And they need to understand the people that they are about to give this Christmas present to don't believe in Christmas. They believed in killing Americans. They believed in killing innocent people. They believed in plotting and training to carry out such a plot to kill Americans, and there is no indication that they think otherwise.

But this administration is so intent on getting out of Afghanistan and turning things over to the Taliban again that we're going to be right back where we were 20 years ago as the Taliban was working toward the ultimate 9/11.

And not only that, they will then know everything Osama bin Laden said about the Americans being too weak, not being up to the fight, that eventually they'll cave in and start helping us to destroy them. That's what appears to be happening with this administration. We can't do that. The lives of Americans that have been lost in Afghanistan cry out, Do not concede defeat to our enemies that have killed us.

Afghanistan is an issue that needs to be dealt with, but not by giving those who terrorized us all that they want. They were wanting an office outside of Afghanistan, and this administration said, well, we think we can work that out. We'll pay for the office, we'll take care of that if you just promise us you won't use that to fund-raise for terrorism, okay? That's like North Korea saying, if you'll just build us a nuclear power plant, we promise we won't use

it for nukes, and the Clinton administration and Madeleine Albright believed them. And now they've got nukes, and we helped them with it.

And now this administration can't learn from past mistakes. It's about to do that with the Taliban. In meeting with warlords a year and a half ago from northern Afghanistan, a small group of us learned that after the Taliban was initially defeated in about 3 or 4 months with merely embedded troops, that the United States asked the warlords, the Northern Alliance, to disarm. And they did. And now, here it was a year and a half ago, they're saying look, you may not be aware, but your administration, the Obama administration, is indirectly negotiating with the Taliban right now. We know. And you're negotiating with them and Pakistan in a corrupt Karzai administration. And who is going to be hurt out of all of this are your allies, those who fought with you, who defeated the Taliban initially, and now you're about to turn things over to the people who will kill your allies.

□ 1710

Do you want that message going around the world, that to be an ally with the United States means you ultimately will be abandoned and the enemies of your allies will be allowed to kill your allies? It would be hard to get allies if you do that. This administration is looking at an election year. This is no time to give in to terrorists.

When President Bush said, I hear you, and in essence said, and soon those who did this will hear from us, I can't imagine that he ever believed a President and an administration would say, We hear you now, terrorists, and we're not going to hurt you. We'll fix you up an office outside Afghanistan. We'll make it where you can take over areas of Afghanistan. We'll work with you. We'll release your murderers from prison. I don't think that's what President Bush was talking about when he said they would hear from us, but it sure looks like that's about to be what happened according to the stories now circulating.

Those warlords were right. They said, Look, we were not meant to have a big central government. We can't have it without being corrupt, not right now. At least let us elect our regional governors, our mayors—at least. Don't have the Karzai administration appoint the regional governors, appoint the mayors, and pick corrupt police chiefs. Let us elect those. The power in Afghanistan is in the regions, in the tribes. To have a government that's centralized right now means corruption. Let us do that regionally, and give us back weapons so we can defend ourselves against the Taliban who is already moving.

And in answer to this administration's wonderful gestures of kindness

and we'll release your murderers, we had them kill SEAL Team 6, a big number of our people. And that wasn't enough. In September, they killed one of the warlords just as a handful of us were about to go have a meeting with them again.

The message is clear: The Taliban have learned nothing. There's only one thing they understand—that's force. And it's like career criminals that I dealt with as a judge. If you want to be protected, you've got to put them where they can't hurt you anymore. There are murderers that have been put where they can't hurt us anymore, and this administration is now talking about releasing them.

So we have a twofold front of problems. One is the economy, where the Wall Street executives that contribute four-to-one to Democrats over Republicans, contributed four-to-one to the Obama campaign over the McCain campaign. They've been enriched and engorged with TARP money. It's time to end TARP.

It's time to allow workers to have a break. It's time that the Senate quit playing games and acknowledge that a full year of certainty is a whole lot better than 2 months. Appoint the conferees; send them to confer. It's how things get worked out. It's the way that procedurally things were meant to happen so it can be above board.

The rules require that they must be open sessions of the conference committee. That's the way you resolve things, under regular order. It needs to be done that way. I know the Senate would like to do closed-door meetings and give away programs behind closed doors, but it's time to do this thing the way the President promised 4 years ago that he would if he were President—make it open; make it clear. The American people will see who's negotiating for whom. That will help America.

And I know, in closing, for my comments, that with the Christmas season, though there are so many who want to end the ability to say Merry Christmas, they want to end the ability to do much of anything that really is acknowledging our roots, I think it's important to look where we came from. So I would close with this message from Ronald Reagan.

He basically reiterates things that have been said back to the time of George Washington, Abraham Lincoln:

The themes of Christmas and of coming home for the holidays have long been intertwined in song and story. There is a profound irony and lesson in this because Christmas celebrates the coming of a Savior Who was born without a home.

There was no room at the inn for the Holy Family. Weary of travel, a young Mary close to childbirth and her carpenter husband Joseph found but the rude shelter of a stable. There was born the King of Kings, the Prince of Peace—an event on which all history would turn. Jesus would again be without a

home, and more than once. On the flight to Egypt and during His public ministry, when He said, "The foxes have holes, and the birds of the air have nests, but the Son of man hath nowhere to lay His head."

From His very infancy on, our Redeemer was reminding us that from then on we would never lack a home in Him. Like the shepherds to whom the angel of the Lord appeared on the first Christmas Day, we could always say, "Let us now go even unto Bethlehem and see this thing which is come to pass, which the Lord hath made known unto us." As we come home with gladness to family and friends this Christmas, let us also remember our neighbors who cannot go home themselves.

Our compassion and concern this Christmas and all year long will mean much to the hospitalized, the homeless, the convalescent, the orphaned—and will surely lead us on our way to the joy and peace of Bethlehem and the Christ Child Who bids us come. For it is only in finding and living the eternal meaning of the Nativity that we can be truly happy, truly at peace, truly home. Merry Christmas, and God bless you!

Ronald Reagan, December 19, 1988, his last Christmas message as President.

Mr. Speaker, there are those who don't want people to mention the word "Christmas," and there's an easy solution. For those who don't want to mention Christmas, don't want to observe Christmas, then if they take the holiday, just agree to give back the money, because the money earned on a holiday shouldn't be taken for those who don't think it should be a holiday. That's easy enough.

But in the spirit of Christmas and the things we know about government—those of us who believe what's in the Bible—we have an obligation to protect people, as the government, as pointed out in Romans 13. It coincides with providing for the common defense. It's time to do that, to make sure Americans are safe, that they're provided with a defense so they can take care of the poor, the needy, the orphaned, the widows. They can help their fellow man. That's our job as a government. Our job as individuals is to have that same spirit of assisting and helping and being servants.

We're elected to be servants in this body. We're not elected and charged with taking from some people and giving to our favorite charitable cause. We're to do that with our own money, not with people's money that may have some other better charity they prefer to give it to.

We need to get the economy going. We need to bring down the cost of energy. That would be a great Christmas present. And since we know that the market and the energy industry adjust to announcements, how about a great announcement from our President: We're not going to let murderers go free, so you don't have to worry, you'll be safe. We're going to take the battle to those who want to murder us. We are not going to negotiate further with terrorists who want to kill us. We're

going to make sure that we quit bailing out our friends, our cronies. We're going to make sure that those who know better what to do with their own money have the opportunity to do that. We're going to give some security and some confidence for the following year because here's what we're going to do. And we're going to work together.

And it would be wonderful if the President would say: You know what? I demanded the Congress pass a bill that had not even come out when I started criticizing them for not passing it.

□ 1720

Then I started criticizing them for not passing a bill I'd forgotten to ask a Democrat to file for me. So I'm not going to do that anymore. I want to work with Congress. I want to get this country back on track. So instead of traveling around the country demeaning Congress for not passing bills that were not filed, I'm going to work with Congress.

And I hope that will be our President's New Year's resolution. Don't release murderers, and deal honestly and openly with the American people and with Congress.

We can get some things worked out. I've just been talking to Democratic friends today about things that we agree on. We can do that and give the American people a present.

With that, Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER pro tempore. Members are reminded not to engage in personalities toward the Senate or its Members.

#### REFLECTIONS FROM THE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for the balance of the hour as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, I thank you for the time this afternoon. It's been a big day, freshmen in this body coming up on the end of our very first year. In fact, all of us here, here with my colleague from Wisconsin, all of us here, freshmen, finishing up our first year, and it's a big day.

And I've got to tell you, I feel good about the quality of the work product that's going on today. I feel good about the fact that there are serious issues before this body, and we have said, let's slow down and make sure we get it right because families have their futures on the line.

I'd like to ask my friend from Wisconsin how he's seen this day go.

Mr. DUFFY. I appreciate the gentleman from Georgia yielding. I think it's important to note as we have listened to a debate that went on all day today that there really is no difference

within this House whether we should extend the payroll tax holiday or not. Both Republicans and Democrats alike have come together and said we want to have that tax break for middle class Americans extended.

But if you were listening to the debate, you might be confused by that because we so often heard on the other side of the aisle that they don't believe that the Republican side wants to extend it. And so I want to take a moment and just talk about what I think is happening here with regard to this debate in the House.

I mean, let's not make a mistake. We have introduced legislation that is going to extend the payroll tax holiday for 1 year. And what that means is, \$1,000 in a tax reduction for middle class Americans throughout the country and in my district, central and northern Wisconsin, \$1,000 for them as well.

Across the aisle, a proposal has been made that started its process in the Senate, where we would do a 2-month extension, a 60-day extension, which means the proposal is they would offer middle class Americans \$170 in tax reduction. So we've proposed \$1,000 of tax reduction, and the Democrats have proposed \$170 in tax reduction.

And I think as the American people look at this debate, they'd say, well, my goodness, I want to go for the \$1,000 deduction, not the \$170. And so as we dive in a little more, we hear a lot about partisanship and a lot of differences between the two Chambers.

And a lot of folks are saying, we can't get this done. Let's adjourn for Christmas, and let's come back at the end of January and through February and see if we can resolve this very important issue. And I would say when we get back next year, there will be 5, maybe 6 weeks to work on this. But this won't be the only issue on the table. We're dealing with budgets and jobs bills. The docket, the calendar, is full of issues that we have to address in this House.

But for the next 10 days we have nothing on the agenda. The calendar is clear. Let's get the House and the Senate to come together and address this one very important issue, to extend the payroll tax holiday and let's do it for a year.

We have disagreements. But for 10 days we can talk about those disagreements and find solutions that don't work for parties, that don't work for Chambers, but solutions that work for the American people.

If the Democrats in the Senate are steadfast in their request that it only be 60 days, I'll go for 60 days, but I just can't imagine that the American people believe that we're going to get a better resolution in 60 days than we can in the next 10 days.

As I look across my district, everyone in my district, they worked today.

They work tomorrow. They work the next day. They don't take the week off before Christmas and after Christmas. They work that whole week between Christmas and New Year's. They don't take that off. Why should this House? Why should the Senate?

Let's come back and get this work done for the American people. They deserve it. And it has a real impact. People are concerned about how they're going to put food on the table for their kids, how they're going to pay the mortgage. And \$1,000 in the year makes a big difference for a lot of people in my district. And to think that the offer is we're going to give you 2 months at \$170, that doesn't cut the mustard for them. They want long-term certainty at least for a year. Give them that break for a year.

I have another concern. We proposed the Keystone pipeline. I know the President has talked about job creation. We've talked about job creation. We've disagreed on how we do it. The President and others will say the government needs to spend money to create jobs and economic growth.

We say, well, listen, it comes from the private sector. Here we have a great example with the Keystone pipeline where it's private sector money that's going to create 20,000 new jobs, direct new jobs in America if that pipeline goes forward. There's going to be 100,000 indirect jobs, real, good-paying jobs for hardworking Americans. And the President is saying he doesn't want to do it.

I say, listen, Mr. President. We can't wait. The American people cannot wait. Let's come together and say, you know what, 20,000 people, 100,000 hardworking Americans can get a good paying job if you'll sign on to this legislation.

Not only that, we're going to take our energy from Canada, people who actually like us instead of countries in the Middle East. Let's get our energy, let's get our oil from our friendly neighbor to the north instead of those who are not so friendly in other parts of the world.

Another key component of this extension is Boiler MACT. This is an EPA regulation that came out that is going to increase the boiler standards that are used in American manufacturing, costing hundreds of thousands, if not millions, of dollars for our manufacturers to increase their boiler standards.

In my district, just 2 weeks ago, we had one of our energy companies indicate that they're going to lay off 74 people; and they made it very clear. In their press release they said one of the issues that's causing us to lay off these 74 people is Boiler MACT, the EPA.

Let's take that away. Let's make sure that our energy and our manufacturers have the ability to compete, not

State to State, but in a new global environment, China, India, Mexico, Vietnam. We have to be able to compete with those countries.

And if we implement this Boiler MACT regulation, we're going to shut down American manufacturing. In my district it's paper. This regulation will cause Wisconsin paper to be crushed because right now they're under immense competition from foreign competitors; but not only that, they are in a very tough industry as people move to computers and iPads, and there's less paper being used.

So I believe that these parties, I believe that these Chambers have to come together in the next 10 days, and we have to find a solution that's going to work for the American people, that is going to extend this payroll tax holiday, that's going to give them certainty, so as they start the next year and as they start it with hope and a thought of opportunity, they know what they're going to get in regard to the payroll tax holiday that's going to come from this House.

I would encourage all of my colleagues to come together during this season where we're all supposed to get along, we're all supposed to think about the meaning of Christmas, reach a hand out across the aisle to our friends who don't always agree with us, but who can come together on this issue and say, America, we're going to stand together as the U.S. House and the U.S. Senate and pass a bill that's going to give you certainty for 1 year, giving you a tax break to the tune of \$1,000.

With that, I appreciate my good friend offering me the time.

□ 1730

Mr. WOODALL. I thank my friend.

I hope folks were paying close attention. What you have are two members of the freshman class on the floor right now, Mr. Speaker, and what you heard from my freshman colleague was, when can we come together? What you heard from my freshman colleague was, "I don't want to do it if it's about party. I don't want to do it if it's about Chamber pride. I want to do it because it's the right thing for the American people." Is that what you're reading, Mr. Speaker, in the newspaper, about what this freshman class is doing? Is that what you're reading in the newspaper about what this Congress is doing? Because having sat here now for one year, I can tell you that's what is going on here today.

Republicans are in the majority, Mr. Speaker. With the power of your gavel, you could demand that the House bill be the only bill that anybody considers, that it's our way or the highway. Who cares what the Senate has to say. We're in the majority. We're doing it our way. You could do that, Mr. Speaker.

But that's not the advice and counsel that my colleague from Wisconsin gives. The advice and counsel that my colleague from Wisconsin gives is, we've done the very best we can in this Chamber. Work product that we're proud of. And now it's time, since the Senate has passed a very different work product, candidly a work product that I am not proud of, a very different work product, that we now come together, the House product and the Senate product, and try to agree on a final product that can pass both Houses.

This is a process as old as this institution. Thomas Jefferson, when writing the rules for this institution, Mr. Speaker, wrote of the conference committee process and how that is the tool for resolving differences between the bodies.

Now, why are there differences today, Mr. Speaker? Well, there are differences today because these are important issues that we're talking about. This isn't some renaming of a post office. I'm not trying to denigrate the importance of a good name on a post office. But I put that lower on the priority list.

This is about Medicare beneficiaries being able to find doctors. This is about whether or not unemployment checks continue to go out the door. This is about payroll tax cuts for every single working American family. This is about jobs. Not just folks who don't have them, but folks who are looking for them and how we can help them to find them in the future.

Boiler MACT that my friend from Wisconsin mentioned is a job-growing proposal. The XL pipeline. A job-growing proposal. That's what we had in the House-passed legislation, Mr. Speaker. You know, we had not just unemployment benefits, not just payroll tax breaks, but also real proposals and reforms to grow this economy once again. Those are absent from the Senate proposal.

Now, I'm not attributing any bad motives to our friends in the Senate for producing a proposal that didn't have any job-creating structure to it. But I simply point out that is the proposal they produced, and now we need to come together and talk about it, and candidly, I think we're going to win that one. I think if our friends in the Senate weren't so hurried to get out of town, Mr. Speaker, that they would have produced a more thoughtful piece of legislation that would have included the job-growing provisions that we include.

We now have the opportunity to come together and do that.

Let me just talk about why it is the Senate proposal is so concerning to me and my constituents, Mr. Speaker.

This is what ABC News said. "Holiday passed by Senate, pushed by President, cannot be implemented properly, experts say."

I don't think that surprises any of the job creators in this country, Mr. Speaker. If you're one of those folks who has to fill out government paperwork quarter after quarter after quarter, then yeah, you're probably thinking don't change the rules on me 10 days before the start of the new quarter. And if you do, don't change them back in the middle of the next quarter. Cannot be implemented, experts say.

But the question is, Mr. Speaker, why would we even try to produce a short-term solution when we have it within the ability of this Chamber and the one next door and down at 1600 Pennsylvania Avenue to produce a long-term solution that serves the hardworking taxpayers in this country. We can do better, and we owe it to the American people to do better.

From the Small Business and Entrepreneurship Council: The confusion that the 2-month extension would impose on employers or their payroll providers will inevitably divert resources away from productive activities. Indeed, the uncertainty regarding what happens next following the 2-month expiration date will serve as additional fuel to currently low business confidence levels.

This is what the business community, the employer community, the job-creator community, is saying about the so-called Senate solution. And in fairness, even the Senate, Mr. Speaker, is not standing by their solution. They're saying let's just do it for 2 months and then we'll come up with something better. As my colleague from Wisconsin said, The time to come up with something better is now.

From the National Roofing Contractors Association, talking about the Senate proposal: This would impose an undue burden on employers in the form of logistical difficulties and costs.

I appreciate my colleagues on the Democratic side of the aisle and their commitment to helping the unemployed through a check from the government. Unemployment insurance is a longtime facet of the American economy, something that folks pay into at least for those first 26 weeks that businesses pay into. But in the name of providing checks from the government, what we're saying is you're going to get fewer checks from employers. Logistical difficulties and costs in creating new jobs, which I continue to say, Mr. Speaker, is the focus of this Congress, has been, and has made me proud.

From the Associated Builders and Contractors: This sort of temporary fix underscores Congress' uneven ad hoc approach toward the economy. Who disagrees with that, Mr. Speaker? How many times have you had a constituent back home, how many times have you heard from one of our freshmen colleagues who said the reason I ran for Congress is because the guys in Congress are doing more harm than good.

I'll say it again. Associated Builders and Contractors of the Senate solution: This sort of temporary fix underscores Congress' uneven ad hoc approach toward the economy and causes more harm than good for America's job creators.

Mr. Speaker, have you heard my friends on the Democratic side of the aisle asking why it was so important for us to go to conference with the Senate to try to improve that Senate proposal? Have you heard speaker after speaker on the Democratic side of the aisle come to the floor and say, "Why won't you just pass it? Why won't you just do what the Senate in its wisdom has suggested?"

Let me repeat the answer for you, Mr. Speaker. Referring to the Senate solution: This sort of temporary fix underscores Congress' uneven, ad hoc approach towards the economy and causes more harm than good for America's job creators.

I've got to tell you, Mr. Speaker, there were times during the debate today, I thought my colleagues on the Democratic side of the aisle were trying to shame me into voting a different direction. Shame on me for believing what I believe.

Mr. Speaker, I say shame on me for not standing up for my constituents if I didn't stand up today. Shame on me for not standing up against a proposal that causes more harm than good for American job creators. This isn't a game. This isn't some sort of political academic exercise. This is about families. This is about our economy. This is about the future of our Republic. And the decisions we make here have consequences.

Rush through it, Mr. Speaker? Put it off for 2 months because we'll come up with something better later, when that short-term fix causes more harm than good for America's job creators.

Mr. Speaker, it's not just the business community that has these concerns, and it ought to tell you something about the debate that's going on here today.

From the President of the United States, Mr. Speaker: It would be inexcusable for Congress not to further extend this middle class tax cut for the rest of the year. The President knows. He has been pushing it all year. It was his idea last December. The President knows that a 1-year extension provides more certainty, more dependability. And he's asked Congress to do that.

Now, what does that tell you, Mr. Speaker? All of this talk down here today about partisan divides and games. What does it tell you when a hardcore conservative from Georgia is holding up a quote from a hardcore Democrat from Chicago about what we ought to do to move this country forward? What does it tell you, Mr. Speaker, when on both ends of the spectrum, we're feeling the same thing—that it

would be inexcusable for Congress not to further extend this middle class tax cut?

□ 1740

Folks say, Oh, you can't. There's not enough time.

Folks, there are 10 days. We just finished the National Defense Authorization Act, Mr. Speaker—the biggest defense bill that this Congress will produce.

And guess what we did?

We did the same thing Thomas Jefferson suggested, the same thing that has been going on in this Congress for 200 years. We had disagreements with the Senate. We passed a House bill; they passed a Senate bill; and we went to conference. Then in 7 days, Mr. Speaker, they reconciled the largest defense bill we'll move in this Congress. They brought together the two differences. They brought something to the House floor and the Senate floor for consideration, and we got it done.

It is inexcusable not to extend this.

From House Minority Leader NANCY PELOSI:

House Democrats will return to Washington to take up this legislation without delay, and we will keep up the fight to extend these provisions for a full year.

Now, in fairness to the minority leader, she is not talking about pushing the yearlong provision that this House passed. What she's talking about is producing the short-term solution and then calling everybody back to then come back and get it right later. Yet at the end of the day, we all agree that a year is the right length of time and that 60 days is not the right length of time. Everybody agrees it's a bad length of time. They're just doing it instead of zero. They're saying 60 is better than zero.

Folks, why do we have to have zero? Why can't we have 360? We can. We don't have to have 60 as the Senate proposed. We can have 360 as the House proposed, and that's why we moved today to go to conference.

From House Minority Whip STENY HOYER:

I'm disappointed that Senate Republicans would not agree to a longer term extension of critical policies.

He's talking about this so-called "bipartisan agreement" from the Senate.

I'm disappointed that Senate Republicans would not agree to a longer term extension of critical policies.

I'm going to team up with the minority whip. Again, one end of the spectrum—my end of the spectrum—two opposite ends of the spectrum. I agree with STENY HOYER in that I am disappointed that we did not see a longer term extension of critical policies come out of the Senate.

But it's not too late. Oh, Mr. Speaker, that's what folks have been saying all day—oh, it's too late. It's too late.

It is not too late. These policies do not expire until January 1, and the only thing standing between us and a conference committee to work out these differences is the will to make it happen.

Do you know how painful it has been all day, Mr. Speaker, to have folks stand up speaker, after speaker, after speaker, talking about how it can't be done? You didn't run for Congress, Mr. Speaker, because it couldn't be done. I didn't run for Congress because it couldn't be done. I ran for Congress because they weren't getting it done, and it's time to get it done the right way.

But, Mr. Speaker, we've been here 1 year. We have 10 days to get it right for the American people. We can and we should. Now, what are we talking about?

You can't see this chart, Mr. Speaker, and it might not even show up in the cameras back in folks' offices, but I want to go through it because it talks about why this is so important. Again, this isn't an academic exercise. This is a country we're talking about.

Folks have been saying all day long, Oh, why don't you just pass the Senate bill? Why don't you just move that 60-day extension? Why don't we just come back and do it later?

Mr. Speaker, I hope you haven't had to put anything on your credit card during this Christmas season, but I've got a lot of friends and family who have. Money is tight. Here in the Christmas season, if you opened up your credit card account on the day that Jesus Christ was born and if you put \$500 on that credit card and if you put \$500 on it again the next day and the next day and the next day and the next day, 7 days a week, Mr. Speaker, from the day that Jesus Christ was born until today, you would have to continue to put \$500 a day on that credit card every day, 7 days a week, for another 700 years to put on your credit card the kind of debt that the Senate bill puts on America's children's credit card next year alone.

Hear that.

Just do it. Just do it. We'll come back later and fix it. Just do it, they say.

This isn't something small we're talking about, Mr. Speaker; \$30 billion on the credit card of America's children is what this bill did. Now, it raised taxes even more than that. It put the burden on the home mortgage industry; it put it on the construction industry, an industry that we desperately need to reinvigorate this country. It took it out of Fannie and Freddie, a group that we absolutely need to continue to build, but we need to put that money in the trust fund to make sure that they can pay their bills when it happens.

But it's not a small decision. That's also not the only difference, Mr. Speaker. Let me just make a comparison for you.



"Protecting seniors' access to their doctors."

That's talking about this giant Medicare cut that is looming out there on January 1, and everyone is looking for a solution to it. It's a cut, Mr. Speaker, that was passed in 1997. Neither Democrats nor Republicans have had the good sense to fix it for 15 years, but at least we're trying this year in the House-passed bill to fix it for 2 years, a 2-year fix to provide certainty to America's seniors.

In the House bill, in protecting seniors' access to their doctors, it's a 24-month solution. In the Senate bill, it's 2 months.

Don't worry, seniors. That's my mom and my dad. They just went on Medicare. Don't worry. Just let us go home and take some vacation time. Let's come back and listen to the state of the Union. Then miraculously all of our problems will be solved, and we'll be able to agree on something.

Mr. Speaker, we have the ability to agree on something today, and it's important that we do. It's 2 months in the Senate bill. It's 24 months in the House bill. It's the right thing to do.

"Federal unemployment benefits extension."

There is a lot of controversy about Federal unemployment benefits. The first 26 weeks are actually paid for through unemployment taxes. The rest of this extension generally now is coming out of Federal general revenues, general taxpayer dollars. So there is a real oversight responsibility in determining how we deal with that.

In the House bill, we say, Let's deal with it. Let's create more jobs. Let's make some reforms to help people get off unemployment and find working paychecks that they can receive. It's a 13-month extension. From our friends in the Senate, it's 2 months, Mr. Speaker.

We heard speaker, after speaker, after speaker, after speaker come to the well of the House on the Democratic side of the aisle, wanting to know why Republicans aren't working hard for America's unemployed. They asked that question, Mr. Speaker, while bringing a 2-month extension. Republicans brought 13. By Republicans, I mean it was a bipartisan House-passed bill, Mr. Speaker, going through regular order.

"Number of long-term unemployed allowed to start collecting Federal benefits after February."

It's the long-term unemployed, the folks who have been looking, but who can't find work. We heard today about how unemployment numbers are dropping. We know that they're dropping because people are just quitting, and they're no longer looking. The Obama economy has so discouraged the American workforce that they just quit looking. Yet there are still some long-term unemployed folks out there. Not some—lots.

How many of them get helped under the House bill? Four million. How many get helped under the Senate bill? Zero.

Is it worth fighting about, Mr. Speaker? Is it worth standing up and being counted when the solution that this House has proposed under regular order speaks to the needs of 4 million long-term unemployed Americans and when the Senate bill speaks to zero?

"Payroll tax cut extension."

This is an extra 2 percent. Ordinarily, folks are paying about 6 percent in payroll taxes out of their paychecks. This is cutting that down to about four. It's a 2 percent reduction in the Social Security contributions of every American worker. Every American worker takes home 2 percent more in his paycheck.

The House-passed solution is a 12-month extension of that 2 percent. The Senate-passed solution is 2 months.

How many speakers have we heard today who have talked to us about how families are hurting? Member, after Member, after Member, after Member has come to the floor with stories of those they know from their constituencies who are hurting in this Obama economy.

A 2-month extension was the best the Senate could do, and 12 months is what we got out of the House. We can do better and we will do better, Mr. Speaker, in conference.

□ 1750

What's that payroll tax cut worth, Mr. Speaker, for a worker earning about \$50,000 a year? In the House-passed bill, it is worth \$1,000. That is real money in the pockets of a \$50,000-a-year worker. What does the Senate-passed bill do to help American families? \$167.

Take us back, Mr. Speaker, to when I told you if you put \$500 on the credit card of your child and you started that credit card account on the day Jesus Christ was born, and you ran up that card \$500 a day every day from the day Jesus was born through today, and you would have to continue to do it 7 days a week for another 700 years to run up a \$30 billion credit card bill. That's what the Senate does to America in the name of a 2-month extension to put \$167 in someone's pocket.

Is \$167 important to the American family? Sure, it is, Mr. Speaker. Every dollar counts. Every nickel counts in today's economy. But don't tell me that you are empathetic with the plight of middle class hardworking Americans and tell me your solution is to find \$167 for them that you are borrowing from their children. Mr. Speaker, \$1,000 is the first step in the right direction that the House-passed solution contains. It's worth fighting for.

Reforming unemployment to focus on reemployment. Mr. Speaker, do you have any constituents that say to you

that what they would rather have is an unemployment check instead of a paycheck? Because I don't. I don't. Folks in the Seventh Congressional District of Georgia want paychecks. Now, some of them have to accept unemployment checks while they're out there looking to feed their family, but they want a paycheck.

So in the spirit of solving the real problems—not just putting a Band-Aid on it, but solving the real problems, the House-passed bill focuses on reemployment. What does the Senate bill do? Nothing.

Regulatory reforms to protect American jobs. Mr. Speaker, you heard my colleague from Wisconsin who said, Businesses are closing, laying people off because of Boiler MACT, this EPA regulation. You have heard it from our friends from Arkansas, Mr. Speaker, who say that the folks in the pipe manufacturing business there in Arkansas are laying off jobs because of the delay in approving the XL pipeline. This is not about unemployment checks alone. It is about unemployment checks for those who can't find jobs, and jobs for those folks who are looking.

What happens in the House-passed bill? Regulatory reforms to protect American jobs, yes. What happens in the Senate bill? Nothing. Tell me, Mr. Speaker, are these things worth fighting for? Are these things worth spending a few extra days between now and the end of the year to get right? President Obama says "yes." A conservative House freshman from Georgia says "yes." From extreme to extreme, folks are saying "yes." Mark my words, Mr. Speaker, HARRY REID is going to say "yes" too and bring the Senate back to get the American people's business done.

A pay freeze for Members of Congress and Federal workers. Mr. Speaker, I don't mind telling you that I think I work pretty hard. I try to give folks an honest day's work for an honest day's dollar. But do you think I can go home to a town hall meeting and look somebody in the eye and tell you that I'm doing such a good job, I deserve a raise? I'm just telling you how the Senate is going to run up your credit card bill by \$30 billion on your children. I'm telling you how the House can't find enough votes to persuade the Senate to come to the table.

Am I doing my best? You'd better believe it. Am I going to quit trying? No, I'm not. Am I going to accept a pay raise while American families are hurting? No, I am not. In the House-passed bill, a pay freeze for Members of Congress and Federal workers, yes. In the Senate-passed bill, no. I'll leave you with that bit of irony, Mr. Speaker. We're here begging our colleagues in the Senate to come back and work. The House freezes salaries for Members of Congress. The Senate said, We'll sort that out when we come back from vacation in February.



I thank the Speaker for the time.

#### THE REPUBLICAN AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. JOHNSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. JOHNSON of Georgia. Mr. Speaker, I'm reminded of a commercial that has been in heavy rotation lately. It's a Christmas commercial, Santa Claus with a backache and a pain remedy being offered to him after he climbs down the chimney. Y'all are probably familiar with that. The first shot is Santa trying to work at his headquarters up in the North Pole putting gifts together; and he's just got a bad backache, has probably got a headache too. And his elves are kind of looking at him concerned as he works dutifully on a job that only he can do.

Then they show him as he trudges across a roof about to go down the chimney, and he's holding his back. And then when he gets down the chimney, they show him standing over by the Christmas tree. The homeowner is kind of watching from a different room, and he sees Santa struggling with this backache. So he then goes to get some pain medicine. And while Santa is presumably unpacking the gifts and putting them under the tree and everything, then he turns around, and there is a glass of water and pain medicine right there for Santa. Then all of a sudden, the music becomes lively, and Santa perks up and goes on about his business.

That kind of reminds me of the headache that the citizens, the middle class have had over the last year, a headache and a backache; but there's nobody there to offer them any pain medication. Instead, this Tea Party-controlled House Republican Party looks at them and just laughs. And then they leave. After getting as much as they can out of those middle class citizens, they leave. They don't even offer a drink or pain medication. They just leave. That's what we've done today. Not in the spirit of Christmas, not in the spirit of Chanukah, not in the spirit of mankind; but in the spirit of the Koch brothers.

And ladies and gentlemen, I'm going to talk to you a little bit about the Koch brothers, who you've heard me talk about before. The Koch brothers are a secretive brother-brother combination, two brothers. They inherited their fortune from their daddy. They earned it the hard way. And they have turned their daddy's business—once he passed on, they've continued this business and built it into something like a \$100 billion-a-year company. And they are billionaires. Both of the brothers are multi-billionaires, multi-multi-billionaires. They've got a lot of money.

A lot of their business is involved with energy-related concerns.

□ 1800

In fact, they own refineries, oil refineries. They own terminals where that oil is brought to for processing. Those trucks and pipelines, they are all involved in the energy business. They stood to get quite a bit of a return on their investment in the 2010 elections wherein, through their organization, Americans for Prosperity, they financed what is called the Tea Party, which is supposed to be a grassroots group but, actually, it is a corporate-driven animal, and the financing for that animal comes from the Koch brothers and their Americans for Prosperity organization.

They spent about \$45 million in the 2010 election just running negative ads against Democrats. They spent that money without having to account for whom their contributors were. So we don't know who the contributors are to those secret organizations that were unleashed to taint people's opinions about their Representatives and candidates for office.

And as a result of this Tea Party ruse that was perpetrated on the people, the Koch brothers ended up in control of Congress using the Tea Party as a front or as a costume, if you will, taking many justifiably angry American citizens down a deceptive path—Americans who are not happy with the shift in the income disparity in this country. They call them the Tea Partiers, the Tea Party movement. Those people, they look at government and they say that it's government that is too big. What they really mean is that government is not working for me.

And then we have the 99 percent crowd, the Occupy Wall Street faction. That group has arisen based on income inequality, and they blame the corporations, the millionaires and the billionaires, for income inequality.

And, actually, ladies and gentlemen, both sides have something that is legitimate about their concerns. But it all boils down to money; and the money comes from the Koch brothers, the Koch brothers through their Americans for Prosperity. They're the ones who brought thousands of people from the heartland on buses to Washington, D.C., during the health care debate to demonstrate against something that was in their own interest, their ability to access the health care system. They tricked the people and then financed them to come here. They put them on first-class buses, brought them down here. And we all knew that that was not spontaneous. That was preplanned and orchestrated.

As a result of that movement, they were able to take over the House of Representatives, calling themselves Tea Partiers. They took over the House of Representatives. This is all pursu-

ant, if you will, and I'm getting ready to get into some trouble here, but I don't know if any of you all are familiar with Lewis Powell, former Supreme Court Justice Lewis Powell.

Back in 1971, I believe, Lewis Powell was appointed to the U.S. Supreme Court by President Nixon. He was a business lawyer out of Richmond, Virginia, sat on 11 or 12 different corporate boards. He was friends with people in the U.S. Chamber of Commerce. After he was appointed but before he was confirmed, he wrote a memo to his good friend, who was the head of the U.S. Chamber of Commerce at that time, and that document, which is known as the Powell Memo or the Powell manifest, was addressed to his friend Eugene Sydnor who was the director of the U.S. Chamber of Commerce. That memo is dated August 23, 1971, just 2 short months before Powell was nominated, so I misspoke. This memo was written before he was nominated by President Nixon for a seat on the Supreme Court. No prior judicial experience, no prior litigation experience, just a corporate lawyer appointed and confirmed for the Supreme Court. And, unfortunately, this memo did not come out, did not become public knowledge until at some point after his confirmation.

It was actually revealed to Jack Anderson, who was a liberal syndicated columnist whose column appeared in, among other publications, The Washington Post. He was an investigative reporter with a brilliant journalistic quality that is lacking in our journalists, our so-called journalists of today.

But anyway, this Lewis Powell Memo, which he wrote to Eugene Sydnor, director of the U.S. Chamber of Commerce, was written for the purpose of getting the Chamber of Commerce to understand that the free market system and capitalism were under attack and that the businesses in the U.S. Chamber of Commerce were aiding and abetting those attacks on capitalism.

He went on to talk about blacks out demonstrating and the more thoughtful blacks, the more well-spoken blacks, speaking against capitalism, the capitalist system.

He talked about Ralph Nader suing large corporations based on people getting injured in cars that were not manufactured sufficiently. He talked about Ralph Nader suing the drug companies for adulterated drugs or for drugs that did not do what they said that they were going to do, these kinds of things. He talked about William Kunstler, a famous civil rights lawyer.

Lewis Powell, after expressing himself on how these kinds of things are now happening in society—and by the way, that was right during the Vietnam War period, the civil rights era. And he talked about where are we going, what do we need to do to save our free market system.

□ 1810

He advocated to the chamber members, the U.S. Chamber of Commerce members, that each one of them should have a vice president of corporate affairs so that that person could have a job that did nothing but protect the corporate interests. And he also recommended that various think tanks be established like the Heritage Foundation and the Cato Institute. He said we need to have something different, we need to hear some different voices other than the Brookings Institution and other institutions of fact-gathering. And so they did those things. Up came the Heritage Foundation, the Cato Institute, and a bunch of other rightwing—not fair and balanced—but rightwing organizations calling themselves think tanks.

Then we have corporate money being put into the university system to produce the kind of thought that would be protective of the status quo. And so they began to demand a voice in the academic arena. It's all propaganda that they started putting out there. And they've been doing this, ladies and gentlemen, since 1971, 40 years. It has produced a result culminating in the 2010 election cycle, where they were able to put their hands firmly around the throat of democracy and strangle it. They are doing that today through the folks whom they have elected. Those are the Tea Party Republicans.

So, now, what have those Tea Party Republicans done this past year since they have been in office? They've been up to quite a bit. They have been up to quite a bit, none of which is good for America. It's been destructive for the people, the regular working people, of this country and the poor people.

What have we seen that they have done? They opposed a debt ceiling increase by misleading the public into thinking that it was more spending, as opposed to authorization for what we have already spent, to borrow that money. They played games. As a result of their failure to do what had been done on a regular basis for decades—increasing the debt ceiling—it resulted in a devaluing of this Nation's credit rating, making the cost of borrowing go up.

Now I know some of you say, well, we don't need to be borrowing any money, but I'll tell you, I don't know of many people able to go in and purchase a house for cash. You go get a mortgage. I don't know many people who are able to go buy a car with cash. No, you get some financing. This capitalist system that they're trying so hard to protect—and I'm a capitalist. I believe in capitalism. But I believe in fairness also. I don't believe in laissez-faire capitalism. I believe in capitalism that works for everybody, that's fair.

In their endeavor to protect that laissez-faire corporation, laissez-faire economics, they have damaged the

ability of this government to provide for the common defense and to promote the general welfare—the general welfare, not the welfare of the millionaires and billionaires—but the general welfare, the 99 percent.

What have these Tea Party Republicans done for the 99 percent? Well, they made it more difficult for their government to borrow money. Some of you say that's good. I say that when you have money, when you need to borrow money in order to prime the pump of your economy, then you should borrow the money, prime the pump of the economy, build up your economic engine, pay off the debt and move forward. That's the way that we have always done it. That's the way that America rose, if you will. We're not in any danger of not being able to pay back our debt. It was a manufactured crisis. So 50 million jobs, ladies and gentlemen, have been lost largely out of the private sector based on these cutbacks, these mindless cutbacks.

Seniors have been threatened with a change in Medicare into a voucher system as proposed by the Budget Committee chairman. These things have not been good for the working people of this country. The cuts in the Paul Ryan House GOP budget are inhumane and merciless. They have been quite dutiful in doing the business of the Koch Brothers. They haven't been doing any business on behalf of the 99 percenters. The Ryan budget, the Cut, Cap and Balance Act, which set arbitrary spending caps and required a balanced budget amendment which would lock in an unfair tax code and tax rate and tax system, would just lock it in forever, requiring a three-fifths vote in order to actually raise taxes, not to mention just the failure to look at a fundamental new direction for our Tax Code. No, they are maintaining the status quo because that's what the Koch Brothers want. They love all of those loopholes, tax credits, and exemptions that are built into the Tax Code just to benefit them and a couple of their worthy, wealthy friends.

They have sought to remove the ability of the federal agencies like the EPA and the FDA from being able to regulate and make sure that we have safe products, we have safe air and water, food and drugs. They have fought and passed legislation to remove those regulations and to hamper the ability of these federal agencies to produce other regulations as the need arises.

□ 1820

Short-sighted. It was all to benefit the Koch brothers and their friends.

The Energy Tax Prevention Act of 2011, preventing the EPA from regulating greenhouse gas emissions. The Farm Dust Regulation Prevention Act of 2011, a waste of time that prevents the EPA from regulating farm dust even though the EPA has said that it does not plan to regulate farm dust.

The North American-Made Energy Security Act, which would purport to force the President to approve the Keystone pipeline. The Keystone pipeline, by the way, there's a terminal owned by the Koch brothers, one of their corporate subsidiaries located at the beginning of this pipeline up in Canada, Alberta, Canada. And then along the proposed route of the pipeline are other Koch brothers refineries that will profit as a result of the tar sands, oil sands coming out of Canada through the U.S. all the way down to the Gulf of Mexico. And then what will happen at the Gulf of Mexico, that oil will be shipped over to China, not any of it available to Americans for our energy use. It's all going overseas to the highest bidder. And that's a fact.

The Consumer Financial Protection Safety and Soundness Improvement Act of 2011, which would weaken the Consumer Financial Protection Bureau which was a part of the Dodd-Frank Wall Street regulations, they've sought to water that down. And then in the Senate, the Republicans have prevented a head of that agency from being confirmed.

They have fought the payroll tax cuts and the extension of unemployment insurance to the long-term unemployed. They have fought that with great vigor. They held those items hostage, by the way, last year at this time just so that they could get a 2-year extension on the Bush tax cuts, which benefit the top 1 percent.

And I must congratulate the Members of the House, the Tea Party Republicans, who have battled 100 percent in insuring that not one tax increase for millionaires and billionaires was able to pass through this House. But easily, though, they can walk away from a tax cut for the middle class. They just did it today. Instead of allowing us to vote on a Senate bill, which was approved over there in a bipartisan way—89 of 100 Senators voted “yes,” 10 voted “no.” That's almost a 90 percent bipartisan bill that the Senate passed.

Now, it's not the best bill—a 2-month extension of unemployment insurance, a 2-month extension of the payroll tax cut for the middle class, a 2-month extension of what's called the “doc fix.” But the doctors, at the end of the year, who treat Medicare patients are scheduled to receive a 27 percent reduction in the amount of their reimbursements paid by the government. And the Republicans here in the House refused to allow us to vote on that Senate bipartisan bill which, as they say, kicks the can down the road; but it does extend the opportunity to reach a longer term agreement by 60 days.

But instead, what we have is the Republicans here in Congress, the Tea Party Republicans, refusing to let us vote on the Senate proposal. And then they, instead of announcing that we're

leaving town now, they don't intend to come back, they're gone. If you go to the airport right now, you'll see them lined up—many of them with hats on trying to shield themselves from the glare of public attention—making their way back home. You will find them at the airport right now. And they don't want to come back.

We could have had this done, ladies and gentlemen. We could have all left this Chamber today with our heads held high knowing that there won't be a tax increase as of January 1 for 160 million Americans. We would have known that those 2.2 million long-term unemployed individuals would have their benefits extended. We would have known that the 47 million seniors on Medicare here in the United States would have the ability to access the same doctor that they have utilized because that doc fix didn't go into effect, the 27 percent decrease. That's going to cause doctors to be unable, financially, to treat those patients. So it raises the possibility that people will have to be reassigned to another doctor. And then, because so many doctors will opt out of treating Medicare, then that means the doctors who do treat them have a larger clientele, patient base, and can't be as effective as if they could just simply practice medicine in a way that was not volume oriented.

So these are not things that I feel good about in terms of being able to leave today. But my Republican friends got up and inferred—actually told you that the reason why they were leaving is because it's not a 12-month extension of a tax cut. And you know, I know and the American people know that that's not true. And they argued that with righteous indignation, one after the other. It's like they have gotten to the point where now they believe this stuff themselves. But don't you be fooled, ladies and gentlemen.

□ 1830

Don't be hoodwinked. Don't be misled. We've got elections coming up in 2012. The mantra of the opposition to President Obama has been: We're going to do everything we can to make him a one-term president. They announced that on the day of his inauguration. They have stuck to it, and they are concerned because, despite all of that obstructionism, the economy has started to get a little better. They're concerned about that, and so they want to impose as much harm and pain on middle class people as they can to try to keep them confused about what is actually happening in their lives. Is it the Koch brothers and unbridled laissez faire free market activity that's harming them or is it government?

Well, to the extent that government is in bed with folks like the Koch brothers, yeah, government is the problem. But there are some good people out here. Not everybody is involved

with the Koch brothers, is bought and sold off to the Koch brothers. Not everybody. Not everybody has been influenced under the Lewis Powell manifesto that has been put into operation and has resulted in where we are today with people in the streets demanding equity.

This is a serious situation that we're in, ladies and gentlemen. It's for the heart and soul of our country. And there are many good people out here in Congress who want to do the right thing by way of the people.

But then you've got a group of extremists in here calling themselves Tea Partiers, who are controlling the flow of everything, and it's not to your benefit.

Now, I don't normally come up and participate in these 1-hour dissertations. This is the first one I've done ever by myself. But I thought I would do so today because I really—it's on my heart to make sure that we set the record straight before the end of this year and that you at least have a voice that's crying a different tune than the righteous indignation of those who I have to again congratulate this year, the Tea Party Republicans. They battled 100 percent. Not one penny of taxes for their Koch brothers friends, millionaires and billionaires.

But yet they leave and cost each middle class taxpayer, on average, about \$1,000, which will go into effect on January 1 because they would not let this body vote on the Senate bipartisan compromise bill. They don't like compromise; they don't want bipartisanship—it's our way or you take the highway—and that's the way that it's been this past year.

All of the manufactured crises, the debt ceiling, the will we be able to keep the government operating, government shutdowns, we've had about three of those this year. And then they leave out of here saying that a 2-month extension of tax cuts for the middle class won't do anything; it can't be done.

I heard one—the fourth highest ranking Republican in this body lamented that a 2-month extension of the unemployment insurance for the long-term uninsured would burden the payroll software companies. They're more worried about the burden of an accounting fix that could be done with a couple of strokes on the computer. They're worried about that burden on the corporations that prepare the payroll checks and information like that. They provide payment for their corporate customers. He's worried about them, but he's not worried about the very people who will lose, who'll end up paying \$1,000 more. It doesn't really make a whole lot of sense. He doesn't care about those who are struggling to stay in the middle class, depending on their unemployment insurance which will get cut off, whacked off come January 1.

Somebody else today on the Tea Party side said that we are—this is a game of poker that we're playing right now. How ridiculous. Are any of you out there playing poker? Do you have anything to play poker with? You're trying to buy Christmas gifts out here.

They say that this payroll tax cut and the unemployment insurance and the doc fix can't be implemented within 2 months, but those things are—we're just maintaining the status quo. There's nothing to implement. Why can't we let it go for another 2 months and give it another—give ourselves another opportunity to negotiate a fair and balanced bipartisan piece of legislation that the President can sign, like what they did in the Senate? Why can't we do that?

Well, I submit to you that they're not really interested in the middle class. That's clear, because if they were, they would not have left today.

Some of them, unwittingly, are pawns in this master plan that was set out in the Lewis Powell Memo, and I'd advise you to go to the Internet and look it up—L-E-W-I-S, Lewis Powell. And you will read that, and you will see how effective his plan has been carried out, and how close we are to the hopes and dreams of middle class Americans being strangled due to their public policy being controlled by those corporations, not for the benefit of the people, but for the benefit of the rich, powerful and the corporations, which our U.S. Supreme Court now says are people in the Citizens United decision.

I watched one of the Justices shaking his head during the President's State of the Union address where he directed comments about the Citizens United decision. I watched that Justice shaking his head “no.” I wonder if he would shake his head “no” today as the President pointed out exactly what would happen as a result of that corporate influence gaining unfettered access to our public policymaking apparatus, our democracy.

□ 1840

So we're under attack, middle class people. It's time for us to stand up, to get educated about what's going on out here. And the fact that there's no need to be angry with your neighbor because they are African American, or the neighbor over there is gay, or this one over here, I don't know if they are an illegal alien or not, so we've got to do away with them. And abortion—we end up dividing ourselves based on the public relations game plan that is put forward to influence us. And we fall for it. And so then we get divided and blaming ourselves instead of directing our attention to those who continue to drive their Brinks trucks hour after hour into the bank.

So it's time for us to wake up, ladies and gentlemen. It's time for us to get smart. It's time for us to put aside our

dislikes based on how somebody looks, and it's time for us to unite and take this country back.

I want to thank you all for listening to me today. I feel better after closing the year with setting things in a proper format, and I look forward to us being able to come back next year and do some things that will benefit regular working people in this country and try to shift the imbalance of wealth back into one where all people are able to prosper in this country.

I yield back the balance of my time.

#### HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

December 7, 2011:

H.R. 394. An Act to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes.

December 13, 2011:

H.R. 2192. An Act to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

December 16, 2011:

H.J. Res. 94. A joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

December 17, 2011:

H.J. Res. 95. A joint resolution making further continuing appropriations for fiscal year 2012, and for other purposes.

December 20, 2011:

H.R. 470. An Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

H.R. 2061. An Act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment.

#### SENATE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the Senate of the following titles:

December 13, 2011:

S. 1541. An Act to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1639. An Act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

December 19, 2011:

S. 535. An Act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes.

S. 683. An Act to provide for the conveyance of certain parcels of land to the town of Mantua, Utah.

S.J. Res. 22. A joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DIAZ-BALART (at the request of Mr. CANTOR) for today on account of a family medical issue.

#### ADJOURNMENT

Mr. JOHNSON of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 21, 2011, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4347. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations, (Montgomery, Alabama) [MB Docket No.: 11-137] (RM-11637) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4348. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Bastrop, Louisiana) [MB Docket No.: 11-87] (RM-11628) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4349. A letter from the Special Assistant to the President and Director, Office of Administration, transmitting the personnel report for personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development, and the Office of Administration for FY 2011, pursuant to 3 U.S.C. 113; to the Committee on Oversight and Government Reform.

4350. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2011 to September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4351. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report from the Department of Health and Human Services Office of Inspector General for the period ending September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the

Committee on Oversight and Government Reform.

4352. A letter from the Secretary, Department of Labor, transmitting the Semiannual Report of the Inspector General for the period April 1, 2011 through September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4353. A letter from the Managing Director/CFO, Federal Maritime Commission, transmitting the Commission's Performance and Accountability Report for FY 2011; to the Committee on Oversight and Government Reform.

4354. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2011, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

4355. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's Office of Inspector General Semiannual Report for the period April 1, 2011 through September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

4356. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Inseason Action To Close the Commercial Non-Sandbar Large Coastal Shark Fishery in the Atlantic Region [Docket No.: 0906221072-91425-02] (RIN: 0648-XA781) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4357. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA812) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4358. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 100804324-1265-02] (RIN: 0648-BB47) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4359. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [Docket No.: 110210132-1275-02] (RIN: 0648-XA802) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4360. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders (RIN: 0648-XA803) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4361. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Temporary Removal of Herring Trip Limit in Atlantic Herring Management Area 3 [Docket No.: 0907301205-0289-02] (RIN: 0648-XA805) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4362. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Update to Information on the Effective Date of Atlantic Smoothhound Shark Fishery Management Measures [Docket No.: 110912579-1627-01] (RIN: 0648-BB43) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4363. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Grouper Management Measures [Docket No.: 110819519-1640-02] (RIN: 0648-BB22) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4364. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6 Turbofan Engines [Docket No.: FAA-2010-1151; Directorate Identifier 95-ANE-10-AD; Amendment 39-16855; AD 2011-23-04] (RIN: 2120-AA64) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4365. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Reciprocating Engines [Docket No.: FAA-2010-0683; Directorate Identifier 2010-NE-25-AD; Amendment 39-16852; AD 2011-23-01] (RIN: 2120-AA64) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Ethics. In the matter of Allegations Relating to Representative Don Young (Rept. 112-336). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. STEARNS (for himself and Mr. TOWNS):

H.R. 3737. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to fast track approval of certain orphan drugs; to the Committee on Energy and Commerce.

By Mr. FITZPATRICK:

H.R. 3738. A bill to amend title 18, United States Code, to increase from 1 to 2 years the post employment restrictions on Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. FITZPATRICK:

H.R. 3739. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to terminate payments to States certified under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself, Mr. MCINTYRE, Mr. SHULER, Mr. KISSELL, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, and Mr. WATT):

H.R. 3740. A bill to provide supplemental emergency disaster assistance to agricultural producers for certain crop losses during the 2011 crop year, to eliminate limitations on certain waivers for borrowers eligible for direct farm operating loans, and to suspend the limitation on the period for which borrowers are eligible for guaranteed farm operating loans, for farming or ranching operations in counties subject to a disaster declaration issued in 2011; to the Committee on Agriculture.

By Ms. WILSON of Florida (for herself, Ms. BASS of California, Ms. BROWN of Florida, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. CARNEY, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CHU, Mr. CICILLINE, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFazio, Ms. DEGETTE, Mr. DEUTCH, Mr. DIAZ-BALART, Ms. EDWARDS, Mr. ELLISON, Mr. FATTAH, Mr. FILNER, Ms. FUDGE, Mr. GARAMENDI, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GRIMM, Mr. GUTIERREZ, Ms. HAHN, Ms. HANABUSA, Mr. HASTINGS of Florida, Mr. HIGGINS, Ms. HOCHUL, Mr. HOLT, Mr. HONDA, Mr. HOYER, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KEATING, Mr. KILDEE, Mr. KUCINICH, Mr. JOHNSON of Georgia, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MEEKS, Ms. MOORE, Mr. NADLER, Ms. NORTON, Mr. PALONE, Mr. PAYNE, Mr. POLIS, Mr. POSEY, Mr. RANGEL, Ms. RICHARDSON, Mr. RICHMOND, Mr. RIVERA, Ms. ROSELEHTINEN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Ms. SEWELL, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WATT, Mr. WELCH, Mr. WEST, Ms. WOOLSEY, Mr. HINOJOSA, Ms. MCCOLLUM, Mr. WOLF, Mr. SIREs, Mr. PETERS, Mr. RYAN of Ohio, Mrs. NAPOLITANO, Mrs. LOWEY, Mr. COOPER, Mr. MCGOVERN, Ms. DELAULO, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. PIERLUISI, Ms. PINGREE of Maine, Ms. LORETTA SANCHEZ of California, Mrs. MCCARTHY of New York, Mr. BARLETTA, Ms. LINDA T. SANCHEZ of California, Ms. SPEIER, Mr. CLYBURN, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Mr. ISRAEL, Mr. LIPINSKI, Mr. MILLER of North Carolina, and Mr. SERRANO):

H.R. 3741. A bill to require State child welfare agencies to promptly report information

on missing or abducted children to law enforcement authorities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 3742. A bill to designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the "Edwin L. Mechem United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. LEVIN (for himself, Ms. PELOSI,

Mr. HOYER, Mr. CLYBURN, Mr. LARSON of Connecticut, Mr. BECERRA, Mr. GEORGE MILLER of California, Ms. DELAULO, Mr. ISRAEL, Ms. SLAUGHTER, Mr. VAN HOLLEN, Mr. PALLONE, Mrs. MALONEY, Mr. RANGEL, Mr. STARK, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. ACKERMAN, Mr. ALTMIRE, Mr. ANDREWS, Mr. BACA, Ms. BALDWIN, Ms. BASS of California, Mr. BERMAN, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BRALEY of Iowa, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CARNAHAN, Mr. CARNEY, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mr. CHANDLER, Mrs. CHRISTENSEN, Ms. CHU, Mr. CICILLINE, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COOPER, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CRITZ, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEUTCH, Mr. DICKS, Mr. DINGELL, Mr. DONNELLY of Indiana, Ms. EDWARDS, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GARAMENDI, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HANABUSA, Ms. HAHN, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HIGGINS, Mr. HIMES, Mr. HINCHAY, Mr. HINOJOSA, Ms. HIRONO, Ms. HOCHUL, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KEATING, Mr. KILDEE, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE of California, Mr. LOEBACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LUJÁN, Mr. MARKEY, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNERNEY, Mr. MEEKS, Mr. MICHAUD, Mr. MILLER of North Carolina, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Connecticut, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PASTOR of Arizona, Mr. PAYNE, Mr. PERLMUTTER, Mr. PIERLUISI, Ms. PINGREE of Maine, Mr. POLIS, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. REYES, Ms. RICHARDSON, Mr. RICHMOND, Mr. ROSS of Arkansas, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUPERSBERGER, Mr. RUSH, Mr. RYAN of

Ohio, Mr. SABLAN, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SEWELL, Mr. SHULER, Mr. SIREs, Mr. SMITH of Washington, Ms. SPEIER, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TONKO, Mr. TOWNS, Ms. TSONGAS, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WELCH, Ms. WILSON of Florida, Mr. YARMUTH, Mr. SHERMAN, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. WOOLSEY, Mr. BISHOP of Georgia, Mr. FALCONE, Mr. PETERS, Ms. LINDA T. SÁNCHEZ of California, Mr. DAVID SCOTT of Georgia, Mr. KISSELL, and Mr. KUCINICH):

H.R. 3743. A bill to provide incentives for the creation of jobs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Natural Resources, Foreign Affairs, Financial Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT:

H.R. 3744. A bill to provide that the United States Postal Service shall maintain postal service to rural areas, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. BROWN of Florida:

H.R. 3745. A bill to amend the Federal Credit Union Act with respect to the limitations on member business loans; to the Committee on Financial Services.

By Mr. LOEBESACK:

H.R. 3746. A bill to provide a temporary employee payroll tax cut for 2012; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mr. GARRETT):

H.R. 3747. A bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax exemption amount and index such amount for inflation; to the Committee on Ways and Means.

By Ms. RICHARDSON (for herself, Ms. JACKSON LEE of Texas, and Mr. JOHNSON of Georgia):

H.R. 3748. A bill to establish a grant program for stipends to assist in the cost of compensation paid by employers to certain recent college graduates and to provide funding for their further education in subjects relating to mathematics, science, engineering, and technology; to the Committee on Education and the Workforce.

By Ms. RICHARDSON:

H.R. 3749. A bill to amend the Older Americans Act of 1965 to expand the Senior Community Service Employment Program; to the Committee on Education and the Workforce.

By Ms. RICHARDSON (for herself and Ms. JACKSON LEE of Texas):

H.R. 3750. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to provide grants to States and units of local government for the video recording of custodial interrogations; to the Committee on the Judiciary.

By Ms. RICHARDSON:

H.R. 3751. A bill to establish the History Is Learned from the Living grant program to enable communities to learn about historical movements in the United States in the past century through the oral histories of com-

munity members who participated in those movements, and for other purposes; to the Committee on Natural Resources.

By Ms. RICHARDSON:

H.R. 3752. A bill to amend title 31, United States Code, to require each agency Chief Financial Officer to submit to the Office of Management and Budget a report on and recommendations concerning the adjustment or reduction of fees imposed by the agency for services and things of value it provides; to the Committee on Oversight and Government Reform.

By Ms. RICHARDSON:

H.R. 3753. A bill to establish a grant program to encourage fire stations to establish or upgrade restroom, shower, and changing facilities to create more equitable conditions for women firefighters; to the Committee on Science, Space, and Technology.

By Ms. RICHARDSON:

H.R. 3754. A bill to amend the Small Business Act to improve the program under section 8(a), and for other purposes; to the Committee on Small Business.

By Ms. RICHARDSON:

H.R. 3755. A bill to amend title 38, United States Code, to prohibit demonstrations at places of mourning during a funeral, memorial service, or other bereavement ceremony honoring a deceased veteran; to the Committee on Veterans' Affairs.

By Ms. RICHARDSON:

H.R. 3756. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for interest paid on indebtedness incurred in connection with the purchase of a new automobile or light truck; to the Committee on Ways and Means.

By Ms. RICHARDSON (for herself and Ms. BASS of California):

H.R. 3757. A bill to improve the ability of the National Oceanic and Atmospheric Administration, the Coast Guard, and coastal States to sustain healthy ocean and coastal ecosystems by maintaining and sustaining their capabilities relating to oil spill preparedness, prevention, response, restoration, and research, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, Space, and Technology, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 3758. A bill to ensure that seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a \$250 payment in the event that no cost-of-living adjustment is payable in a calendar year; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. SCHMIDT (for herself, Mr. LATOURETTE, Mr. TURNER of Ohio, Mr. AUSTRIA, Mr. JOHNSON of Ohio, Mr. GIBBS, Mr. STIVERS, Mr. CHABOT, Mr. LATTA, Mr. RYAN of Ohio, Mr. TIBERI, and Mr. RENACCI):

H.R. 3759. A bill to ensure the viability of a technology described in section 1703(b) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIREs:

H.R. 3760. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the programs and activities of the National Institutes of Health with respect to Tourette syndrome; to the Committee on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Ms. ZOE LOFGREN of California, Mr. REYES, Mr. CONYERS, Mr. BERMAN, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. FILNER, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Mr. HONDA, Ms. ROYBAL-ALLARD, and Ms. ROS-LEHTINEN):

H.R. 3761. A bill to amend the Immigration and Nationality Act to protect the well-being of soldiers and their families, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TONKO (for himself and Ms. SCHAKOWSKY):

H.R. 3762. A bill to amend the Public Health Service Act to include occupational therapists as behavioral and mental health professionals for purposes of the National Health Service Corps; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 3763. A bill to amend title 5, United States Code, to provide for additional requirements for public comments submitted in connection with certain proceedings before the Federal Communications Commission; to the Committee on the Judiciary.

By Ms. WATERS:

H.R. 3764. A bill to revise the 90-10 rule under the Higher Education Act of 1965 to count veterans' education benefits under such rule, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK:

H.J. Res. 96. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of terms that a Member of Congress may serve to 4 in the House of Representatives and 2 in the Senate; to the Committee on the Judiciary.

By Mr. YARMUTH (for himself and Mr. JONES):

H.J. Res. 97. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures with respect to Federal elections; to the Committee on the Judiciary.

By Mr. NUGENT:

H. Res. 503. A resolution expressing the sense of the House of Representatives that the United States should leave no member of the Armed Forces unaccounted for in the withdrawal of forces from Iraq and Afghanistan; to the Committee on Armed Services.

By Ms. EDWARDS:

H. Res. 504. A resolution raising a question of the privileges of the House.

By Mr. AUSTRIA:

H. Res. 505. A resolution expressing the sense of sympathy of the House of Representatives to those who perished or were displaced in the Philippines as a result of the

December 16, 2011 flooding; to the Committee on Foreign Affairs.

By Mr. BILLIRAKIS (for himself, Mrs. MALONEY, Mr. GRIMM, Mr. SARBANES, and Ms. BERKLEY):

H. Res. 506. A resolution calling upon the Government of Turkey to facilitate the re-opening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay; to the Committee on Foreign Affairs.

By Mr. COFFMAN of Colorado (for himself, Mr. SMITH of Texas, Mr. BONNER, Mr. LUETKEMEYER, Mr. DUNCAN of Tennessee, Mr. CASSIDY, Mr. BOUTSANY, Mr. HARPER, Mr. CULBERSON, and Mr. SESSIONS):

H. Res. 507. A resolution expressing the sense of the House of Representatives regarding the Government of Antigua and Barbuda and its actions relating to the Stanford Financial Group fraud; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON (for herself, Ms. JACKSON LEE of Texas, Mr. CONYERS, Ms. CLARKE of New York, Mrs. MALONEY, Mr. MEEKS, Mrs. CHRISTENSEN, Ms. NORTON, Mr. GUTIERREZ, Mr. RANGEL, Mr. RUSH, Mr. NADLER, Mr. TOWNS, Ms. MOORE, and Ms. LEE of California):

H. Res. 508. A resolution supporting the goals and ideals of International Day for the Abolition of Slavery, recognizing the tenth anniversary of the adoption by the United Nations of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, and commending the efforts of modern day abolitionists following in the tradition of Frederick Douglass; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII,

172. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to Senate Resolution memorializing the Congress to enact legislation to encourage the annual observance of a national 2-minute moment of silence; to the Committee on Veterans' Affairs.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. STEARNS:

H.R. 3737.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. FITZPATRICK:

H.R. 3738.

Congress has the power to enact this legislation pursuant to the following:

Commerce Power, Art. I, Sec. 8, Cl. 3;

The Necessary and Proper Clause, Art. I, Sec. 8, Cl. 18

By Mr. FITZPATRICK:

H.R. 3739.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8, Cl. 1; General Welfare Clause

By Mr. BUTTERFIELD:

H.R. 3740.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States), clause 3 (relating to the power to regulate interstate commerce), and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Ms. WILSON of Florida:

H.R. 3741.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution, which states: "The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Mr. PEARCE:

H.R. 3742.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2 of the Constitution of the United States grants Congress the power to enact this law.

By Mr. LEVIN:

H.R. 3743.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8.

By Mr. ADERHOLT:

H.R. 3744.

Congress has the power to enact this legislation pursuant to the following:

Clause 7 of section 8 of article I of the Constitution

By Ms. BROWN of Florida:

H.R. 3745.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause of the United States Constitution (Article I, Section 8, Clause 3)

By Mr. LOEBSACK:

H.R. 3746.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution which grants Congress the power to provide for the general Welfare of the United States.

By Mrs. LOWEY:

H.R. 3747.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, of the United States Constitution.

By Ms. RICHARDSON:

H.R. 3748.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 3749.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 3750.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 3751.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 3752.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 3753.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 3754.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 3755.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 14 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 3756.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 3757.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 3758.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mrs. SCHMIDT:

H.R. 3759.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States" and

Article I, Section 8, clause 18: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."

By Mr. SIRES:

H.R. 3760.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution

By Mr. THOMPSON of California:

H.R. 3761.



Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

By Mr. TONKO:

H.R. 3762.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. WATERS:

H.R. 3763.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. WATERS:

H.R. 3764.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States.

By Mr. FITZPATRICK:

H.J. Res. 96.

Congress has the power to enact this legislation pursuant to the following:

The constitutional amendment authority and process set forth in Article V of the U.S. Constitution.

By Mr. YARMUTH:

H.J. Res. 97.

Congress has the power to enact this legislation pursuant to the following:

Article V of the Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Ms. HOCHUL.  
H.R. 139: Mr. LEVIN and Ms. WATERS.  
H.R. 157: Mr. LONG and Mr. JOHNSON of Ohio.

H.R. 178: Mr. LANGEVIN.  
H.R. 210: Ms. BALDWIN and Mr. MCNERNEY.  
H.R. 265: Mr. ELLISON.  
H.R. 266: Mr. ELLISON.  
H.R. 267: Mr. ELLISON.  
H.R. 418: Mr. MCDERMOTT.  
H.R. 507: Mr. FITZPATRICK, Ms. CHU, Mr. STIVERS, Mr. KUCINICH, Ms. SUTTON, and Mr. REICHERT.

H.R. 512: Mr. BUTTERFIELD.  
H.R. 529: Mr. REICHERT.  
H.R. 593: Mr. WITTMAN.  
H.R. 612: Ms. WATERS.  
H.R. 665: Mr. NEUGEBAUER.  
H.R. 676: Mr. THOMPSON of Mississippi.  
H.R. 708: Mr. HANNA.  
H.R. 721: Mr. BRADY of Texas and Mr. AMODEI.

H.R. 733: Mr. BILIRAKIS and Mr. HASTINGS of Florida.

H.R. 750: Mr. SMITH of Texas.  
H.R. 835: Mr. RUPPERSBERGER, Ms. WILSON of Florida, and Ms. JACKSON LEE of Texas.

H.R. 1001: Mr. MCCOTTER.  
H.R. 1116: Mr. PASCRELL.  
H.R. 1148: Mr. GONZALEZ and Ms. ROSELEHTINEN.

H.R. 1167: Mr. JONES, Mr. KINZINGER of Illinois, and Mr. AMODEI.

H.R. 1171: Ms. SCHAKOWSKY.  
H.R. 1244: Mr. RIBBLE and Mr. YODER.

H.R. 1288: Ms. WILSON of Florida.  
H.R. 1289: Mr. AL GREEN of Texas.  
H.R. 1348: Mr. MURPHY of Connecticut.  
H.R. 1370: Mr. GOODLATTE.  
H.R. 1375: Ms. WATERS and Mr. PASCRELL.  
H.R. 1416: Mrs. BACHMANN.  
H.R. 1418: Mr. BONNER.  
H.R. 1426: Mr. MILLER of North Carolina.  
H.R. 1513: Mr. RUPPERSBERGER and Mr. CARNEY.

H.R. 1515: Mr. WEST.  
H.R. 1519: Mr. SMITH of Washington.  
H.R. 1533: Mr. DUFFY, Mr. CLARKE of Michigan, Mr. KEATING, and Mr. MCCOTTER.

H.R. 1546: Mr. BLUMENAUER.  
H.R. 1574: Ms. WATERS.  
H.R. 1621: Mr. THOMPSON of Mississippi.  
H.R. 1697: Mr. BONNER.

H.R. 1704: Mr. MILLER of North Carolina, Mr. DENT, Mr. LEVIN, and Ms. WILSON of Florida.

H.R. 1718: Mr. SCHIFF.  
H.R. 1739: Mr. FRELINGHUYSEN.  
H.R. 1744: Mr. NEUGEBAUER.

H.R. 1761: Mr. MARKEY, Ms. ZOE LOFGREN of California, Mr. FILNER, Mrs. CAPPS, Mr. GRIJALVA, and Mr. GRIMM.

H.R. 1781: Ms. SPEIER.  
H.R. 1834: Mr. MURPHY of Pennsylvania.

H.R. 1865: Mr. MCINTYRE.  
H.R. 1895: Mr. FARENTHOLD.  
H.R. 2020: Mr. LEVIN.

H.R. 2077: Ms. BUERKLE.  
H.R. 2088: Mr. PASCRELL, Mr. TIERNEY, Mr. KUCINICH, and Mr. BACA.

H.R. 2098: Mr. KUCINICH.  
H.R. 2148: Mr. STARK.

H.R. 2159: Mr. HASTINGS of Florida.  
H.R. 2198: Mr. REBERG and Mr. ROKITA.

H.R. 2245: Mr. COHEN and Mr. PASTOR of Arizona.

H.R. 2256: Mr. STARK, Mr. SMITH of Washington, Ms. SLAUGHTER, Mr. LANCE, Mr. BRADY of Pennsylvania, Mr. HONDA, and Mr. ENGEL.

H.R. 2268: Mr. CONNOLLY of Virginia.  
H.R. 2288: Mr. RAHALL and Mr. STARK.

H.R. 2359: Mr. HASTINGS of Florida.  
H.R. 2425: Mr. CONYERS.

H.R. 2492: Ms. JACKSON LEE of Texas and Mr. OWENS.

H.R. 2501: Mr. SERRANO.  
H.R. 2505: Mr. SCHOCK and Mr. GERLACH.

H.R. 2536: Mr. KUCINICH, Mr. SCHOCK, and Mr. REICHERT.

H.R. 2541: Mr. ADERHOLT.  
H.R. 2554: Mr. BLUMENAUER.

H.R. 2683: Mr. DANIEL E. LUNGREN of California.

H.R. 2695: Mr. POSEY.  
H.R. 2696: Mr. POSEY.

H.R. 2697: Mr. TOWNS.  
H.R. 2698: Mr. MCDERMOTT.

H.R. 2866: Mr. SCHILLING.  
H.R. 2962: Mr. BERG and Mr. TIBERI.

H.R. 2966: Mr. CARNEY.  
H.R. 2969: Ms. DEGETTE.

H.R. 2982: Mr. FRELINGHUYSEN.  
H.R. 2997: Mr. GIBBS.

H.R. 3039: Mr. STIVERS.  
H.R. 3042: Mr. HUNTER.

H.R. 3067: Mr. CASSIDY, Mr. HIGGINS, Ms. SCHAKOWSKY, Mr. OWENS, Mr. REED, Mr. BRALEY of Iowa, Mr. KIND, Ms. CHU, Mr. LANGEVIN, Mr. RIBBLE, Mr. KING of Iowa, Mr. SHERMAN, Mr. SMITH of New Jersey, Mr. LOESACK, Mr. DAVID SCOTT of Georgia, Mr. OLVER, and Mrs. LOWEY.

H.R. 3074: Mr. PETRI.  
H.R. 3086: Mr. YOUNG of Florida.

H.R. 3099: Mr. YOUNG of Florida.  
H.R. 3102: Mrs. MALONEY.

H.R. 3142: Mr. KLINE and Mr. HALL.  
H.R. 3167: Mr. CONNOLLY of Virginia and Mr. SCHILLING.

H.R. 3179: Mr. COHEN, Mr. JOHNSON of Georgia, and Ms. PINGREE of Maine.

H.R. 3192: Mr. MORAN.  
H.R. 3200: Ms. LORETTA SANCHEZ of California and Mr. RUSH.

H.R. 3216: Mr. BUCHSHON.  
H.R. 3244: Mr. HUIZENGA of Michigan.

H.R. 3265: Mr. JOHNSON of Ohio.  
H.R. 3269: Mr. WOLF, Mr. PASCRELL, Mr. SAM JOHNSON of Texas, Mr. DAVIS of Kentucky, Mr. BACHUS, Ms. PINGREE of Maine, Mr. SMITH of Texas, Mr. POSEY, and Mr. HUIZENGA of Michigan.

H.R. 3275: Mr. JONES.  
H.R. 3276: Mrs. ADAMS.  
H.R. 3316: Ms. NORTON.  
H.R. 3317: Ms. NORTON.  
H.R. 3323: Mr. GIBBS.

H.R. 3324: Mrs. CHRISTENSEN, Mr. MCDERMOTT, Mr. NADLER, and Mr. STARK.  
H.R. 3346: Mr. RUSH and Mr. PASTOR of Arizona.

H.R. 3365: Mr. WALDEN.

H.R. 3368: Ms. WATERS.

H.R. 3393: Mr. GRIMM.

H.R. 3395: Mr. COURTNEY.

H.R. 3397: Mr. HUNTER.

H.R. 3400: Mr. MCHENRY.

H.R. 3401: Mr. LONG.

H.R. 3410: Mr. HECK.

H.R. 3435: Ms. KAPTUR, Mr. LUJÁN, Mr. REYES, Mr. JOHNSON of Georgia, Mr. INSLEE, Mr. BECERRA, Mr. CUMMINGS, Mr. HOLT, Ms. HOCHUL, Ms. BALDWIN, Mr. SCHRADER, Mr. JONES, Ms. SCHWARTZ, Ms. HIRONO, Mr. KISSELL, Mr. LANGEVIN, Mr. RYAN of Ohio, and Mr. MCNERNEY.

H.R. 3465: Ms. WATERS.

H.R. 3510: Mr. CONYERS, Mr. CARNAHAN, Mr. RIVERA, and Mr. HULTGREN.

H.R. 3511: Mr. CONNOLLY of Virginia.

H.R. 3515: Mr. STARK, Ms. NORTON, and Ms. MOORE.

H.R. 3521: Mr. FLORES.

H.R. 3523: Ms. ESHOO and Mr. MICHAUD.

H.R. 3538: Mr. GOODLATTE.

H.R. 3545: Mr. CRITZ and Mr. GERLACH.

H.R. 3573: Ms. DELAUBO.

H.R. 3575: Mr. FLORES.

H.R. 3576: Mr. FLORES.

H.R. 3578: Mr. FLORES.

H.R. 3579: Mr. FLORES.

H.R. 3580: Mr. DUNCAN of South Carolina, Mr. MCCLINTOCK, Mr. RIBBLE, and Mr. FLORES.

H.R. 3582: Mr. ROSS of Florida and Mr. BROUN of Georgia.

H.R. 3583: Mr. WESTMORELAND.

H.R. 3586: Mr. ROGERS of Michigan.

H.R. 3589: Mrs. SCHMIDT and Mr. JOHNSON of Ohio.

H.R. 3606: Mr. NEUGEBAUER.

H.R. 3614: Mr. JACKSON of Illinois.

H.R. 3643: Mr. MICHAUD and Mr. RIBBLE.

H.R. 3652: Mr. WEST, Mr. REED, Mr. KINGSTON, Mr. LABRADOR, Mr. HARRIS, and Mr. WALSH of Illinois.

H.R. 3661: Mr. LARSON of Connecticut and Mr. SCHOCK.

H.R. 3676: Mr. HUIZENGA of Michigan, Mr. SHERMAN, and Mr. MCDERMOTT.

H.R. 3681: Mr. RENACCI.

H.R. 3702: Mr. TOWNS, Ms. LEE of California, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. ACKERMAN, Mr. RYAN of Ohio, Mr. MCDERMOTT, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. INSLEE, Mr. HONDA, Mr. MCGOVERN, Mr. RANGEL, Mr. ELLISON, and Mr. HASTINGS of Florida.

H.R. 3713: Mr. PETRI.

H.R. 3714: Ms. SCHAKOWSKY.

H.J. Res. 88: Mr. OLVER and Mr. FARR.

H.J. Res. 90: Mr. LARSON of Connecticut and Mr. FARR.



H.J. Res. 92: Ms. NORTON.

H. Con. Res. 85: Mr. PASCRELL, Mr. FARR, Ms. MCCOLLUM, Ms. SPEIER, Mr. FATTAH, and Ms. HOCHUL.

H. Res. 58: Ms. WASSERMAN SCHULTZ, Ms. BORDALLO, and Mr. HOLT.

H. Res. 98: Mr. GIBBS.

H. Res. 367: Mr. HIMES.

H. Res. 374: Mr. KINZINGER of Illinois.

H. Res. 475: Mr. AKIN, Mr. ROSS of Florida, Mr. JOHNSON of Ohio, Mr. THORNBERRY, Mr.

KINGSTON, Mr. AUSTRIA, Mr. OLSON, and Mr. FLORES.

H. Res. 489: Mr. FINCHER, Mr. AUSTRIA, Mrs. CHRISTENSEN, Mr. NUNES, Mr. SULLIVAN, Mrs. BACHMANN, Mr. WITTMAN, and Ms. FOX.

## EXTENSIONS OF REMARKS

HONORING THE SAINT XAVIER UNIVERSITY COUGARS FOOTBALL TEAM FOR WINNING THEIR FIRST NAIA NATIONAL CHAMPIONSHIP

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate the Saint Xavier University Cougars on winning the NAIA Football National Championship on Saturday.

It was another thrilling game, and a fitting way for Saint Xavier to bring home its first National Championship in any sport. From the freshmen to the seniors, from the top-ranked offense to the clutch defense to the special teams—everyone played a part in this victory and the Cougars' amazing season. This was the first time since 1913 that a Chicago college football team has won a national championship. And the Cougars did it with largely homegrown, Illinois talent.

Chicago, Lemont, Joliet, Tinley Park, Oak Lawn, Palos Heights, Park Ridge, Rockford, Frankfort—these and many other towns are well represented on this historic team.

The players, Coach Mike Feminis and his staff, Saint Xavier, Chicago, and Illinois should all be proud. Congratulations to the Cougars.

HELP DISABLED VETERAN-OWNED SMALL BUSINESSES

**HON. BOB FILNER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. FILNER. Mr. Speaker, I recently introduced legislation intended to ensure that the Department of Defense meets its obligation to contract with small businesses owned and controlled by service-connected disabled veterans. (H.R. 3438).

As a nation, we owe an immense debt of gratitude to the men and women who serve in our armed forces. In that spirit, we must do all we can to ensure that disabled veterans' businesses have every opportunity to succeed.

Federal agencies have a government-wide goal that three percent of all federal contracts should be filled by service-disabled veteran-owned small businesses (SDVOSBs). Unfortunately this contracting goal often goes unmet at many agencies.

The current state of affairs is unacceptable! It is unthinkable that an agency like the Department of Defense would not always fill its quota of hiring businesses owned and controlled by disabled veterans.

The solution to this problem is simple: H.R. 3438, will ensure that the Department of De-

fense meets its obligation to America's veterans by requiring the agency to award three percent of its contracts to SDVOSBs.

I invite my colleagues to join with me and help ensure that disabled veterans' businesses are not an afterthought in the government contracting process.

HONORING HUNTER JEFFREY FARIS

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Hunter Jeffrey Faris. Hunter is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Hunter has been very active with his troop, participating in many scout activities. Over the many years Hunter has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Hunter has earned the rank of Firebuilder in the Tribe of Mic-O-Say, led his troop in various leadership positions, and attended the Philmont Scout Reservation High Adventure in 2008. Hunter has also contributed to his community through his Eagle Scout project. Hunter completed the construction of a 280 feet split rail wooden fence at Platte Ridge Park in Platte County, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Hunter Jeffrey Faris for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING KEVIN HARRIGER FOR BEING APPOINTED EXECUTIVE DIRECTOR OF AGRICULTURE PROGRAMS AND TRADE LIAISON AT UNITED STATES CUSTOMS AND BORDER PROTECTION

**HON. MARK S. CRITZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. CRITZ. Mr. Speaker, I rise to recognize Kevin Harriger, a native of southwestern Pennsylvania, for being named Executive Director for agriculture inspection programs at U.S. Customs and Border Protection (USCBP), Office of Field Operations.

In his new capacity, he is responsible for overseeing USCBP's efforts to protect Amer-

ica's agricultural resources against the threats posed by domestic and foreign plant pests and diseases. Mr. Harriger is uniquely qualified to take on this role, as ensuring the safety of naturally-cultivated consumer products has been the principal cause of his career.

Prior to assuming his current position, Mr. Harriger was the Deputy Executive Director for CBP's office of Agriculture Operational Oversight. As such, he was responsible for ensuring that USCP's agricultural inspection policies were being implemented smoothly and consistently. The skillfulness with which he executed the duties of this job are in large part a product of the experience he gained while working for U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), both as a Regional Director in Raleigh and as a Special Assistant to the Deputy Administrator for APHIS-PPQ in Conyers, Ga.

While with APHIS, he honed his knowledge of both agricultural policy and plant pathology. His expertise in both of these areas is a testament to his intelligence and dedication to his craft. While I am deeply impressed by his ability to understand and analyze esoteric scientific subjects and public policy, I am even more impressed by the passion he has shown for using this ability to promote the greater good. All of us should use our talents for such selfless purposes.

Mr. Speaker, I want to congratulate Kevin Harriger on this appointment and thank him for his many years of public service.

RECOGNIZING MR. MARSHAND CRISLER FOR HIS DEDICATION AND SERVICE TO COMMUNITY AND COUNTRY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Marshand Crisler. A lifetime Jackson resident, Mr. Crisler was born in Greenville, Mississippi in 1968 to Johnny and Rosia Crisler. Mr. Crisler attended elementary and junior high school in Utica, Mississippi, before transferring to the Jackson Public Schools District and graduating from Provine High School. He pursued higher education at Hinds Community College where he received his Associate of Applied Science Degree in Criminal Justice.

Mr. Crisler enlisted in the United States Marine Corps where he served in the Persian Gulf War. In 1992, he was honorably discharged from the U.S. Marines and joined the Hinds County Sheriffs Department as a narcotics investigator and held several assignments as a contract agent with the Mississippi Bureau of Narcotics, the FBI and DEA. In

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1993, he received the distinguished meritorious award of valor for acts of courage and being shot in the line of duty.

Mr. Crisler enlisted in the Mississippi Army National Guard where he served as Headquarters Detachment Commander for the 112th Military Police Battalion and later in Operation Iraqi Freedom and was awarded several war time commendations, including the "Army Commendation Medal." He later transferred to the Mississippi Air National Guard's 172nd Security Forces Squadron where he was promoted to the rank of Major and served as Deputy Director of Security Forces. Mr. Crisler recently retired as a Major after 21 years in the U.S. Armed Forces.

While working for the Sheriffs Department, Mr. Crisler graduated from Jackson State University in 1998 with a Bachelor of Science in Criminal Justice and Corrective Services. In January of 1999, he accepted the position of Police Chief of the Utica Police Department, and became the first African American to serve in this capacity. In the summer of 1999 he returned to the Hinds County Sheriffs Department, where he remained for 17 years.

In 2001, Mr. Crisler was elected to the Jackson City Council becoming the first African American to hold the position of Ward 6 Councilman. He served three terms as President of the Jackson City Council. Mr. Crisler continued his studies and received a Master of Public Policy and Administration from Jackson State University in spring 2007. He is currently a Ph.D. candidate in Urban and Regional Planning at Jackson State University and has completed his first year of study.

Mr. Crisler is also actively involved in numerous youth mentoring projects, including a pilot program he initiated and the Excel to Achieve Program which recognizes today's youth for their academic and civic achievements. Mr. Crisler is a member of several noteworthy civic organizations including the Community In Schools (CIS), NAACP, Masonic Order PHA/F&AM, Alpha Phi Alpha, Fraternity, Inc., 100 Black Men of Jackson, Inc., the Willowood Developmental Center Board of Directors, the Mississippi Police and Sheriffs Association, and the Hinds County Community College Dropout Recovery Advisory Board and VFW Post 9832.

Mr. Crisler has been married twenty-four years to the former Charlotte Nichols and they have three wonderful children. Mr. Crisler's goal is to contribute to the success of the generations that follow by setting a positive example and staying actively involved in the advancement and refinement of today's youth.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Marshand Crisler for his dedication to serving others.

#### RECOGNIZING THE 40TH ANNIVERSARY OF CLINICA SIERRA VISTA

##### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. COSTA. Mr. Speaker, today I rise to recognize and congratulate Clinica Sierra Vista, a comprehensive health care organiza-

tion, for 40 years of impeccable service to the people of Central California. For four decades, Clinica Sierra Vista has worked to provide all-inclusive, primary care to medically underserved populations, particularly migrant and seasonal farm workers.

Located in California's agriculturally rich San Joaquin Valley, Clinica Sierra Vista's health centers have served the people of the Central Valley since 1971. The health care network includes 23 primary care community health centers (14 in Kern County, 8 in Fresno County, and 1 in Inyo County); six dental centers; one medical mobile clinic; one dental mobile clinic; six behavioral health centers; and three Family Resource Centers. Clinica Sierra Vista has come a long way since its modest beginnings in a storefront warehouse in rural Lamont, California. Today, Clinica Sierra Vista has more than 900 employees and is one of the largest non-profit health organizations in the nation.

Clinica Sierra Vista has a reputation for providing high quality service, while efficiently managing costs. At Clinica Sierra Vista, no one is ever denied service based on their ability to pay and the patient's well-being is always Clinica Sierra Vista's goal. Accomplishing such a task requires innovative thinking and steadfast leadership. The board members, staff, and health care professionals who have contributed to Clinica Sierra Vista's success should be proud of their work, which is reflected in the health of the community.

In addition to providing primary medical, dental, and behavioral health care to Central California's urban and rural communities, Clinica Sierra Vista also provides lifesaving health education and health promotion programs. These initiatives are instrumental in ensuring that the Valley's communities can have healthy and productive futures.

Clinica Sierra Vista's board and staff recognize that obtaining a healthy community means working closely with external partners, including: government agencies, neighborhood groups, elected officials and community leaders. As one of the largest comprehensive community health centers in the state, Clinica Sierra Vista serves as many people as possible, while maintaining a clear and comprehensive understating of their patient's needs.

Mr. Speaker, I ask my colleagues to join me in congratulating Clinica Sierra Vista as it celebrates its 40th anniversary. The formation and success of Clinica Sierra Vista has been vital to ensuring that members of Central California's urban and rural communities have access to comprehensive medical, dental, and behavioral health care. By maintaining a steadfast focus on the health and future of the San Joaquin Valley and California, Clinica Sierra Vista has been a leader in health care and an asset to the people of the California's Central Valley.

#### RECOGNIZING JON SCHNEIDER

##### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize and honor Jonathan M.

Schneider, my departing Deputy Chief of Staff who was recently appointed the Deputy County Executive for Intergovernmental Affairs for Suffolk County, New York.

Since he became one of my original staffers in 2003, Jon has distinguished himself as a public servant through hard work and dedication to the people of Eastern Long Island. His policy expertise in transportation and environment issues, skill in crafting effective public communications, and perceptive political insights have been invaluable to me over the past nine years.

As district director, Jon led a first-class constituent service program that has assisted thousands of veterans, senior citizens, and others in need of a helping hand. My constituents have also benefited from his skilled advocacy of infrastructure projects including the dredging of Lake Montauk and Shinnecock Inlets and environmental initiatives such as the federal Forge River Study and the Fire Island to Montauk Point Reformulation Study.

Guiding these projects through from conception to completion required close collaboration with officials at all levels of government as well as civic groups and community advocacy organizations. Over the years, Jon has built a sterling reputation for professionalism and collegiality that has aided my efforts to deliver federal solutions for local problems.

Given my first-hand knowledge of Jon's skill as an intergovernmental liaison, I am confident that the people of Suffolk County will benefit tremendously from his service as Deputy County Executive. I am also pleased that his new role will allow us to continue working together, as my Congressional district is contained entirely within Suffolk County.

I am also pleased that Jon will continue to reside in Port Jefferson Station with his wife, Mary Ellen, precocious daughter Ellie, his son future New York Giants linebacker Benjamin, and Boris, the famous tortoise.

Mr. Speaker, on behalf of my staff and the people of the First Congressional District of New York, I sincerely thank Jonathan M. Schneider for his efforts to improve the quality of life on Eastern Long Island and his continuing commitment to public service. I wish him and his family continued success, good health and the best of luck for years to come.

#### CONGRATULATING ROBERT GRIFFIN III

##### HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. CARTER. Mr. Speaker, I submit the following:

H. RES.—

Recognizing and commending Baylor University quarterback Robert Griffin III for winning the 2011 Heisman Trophy and for his academic and athletic accomplishments.

Whereas Robert Griffin III was born on February 12, 1990, to United States Army Sergeants Robert Jr. and Jacqueline Griffin in Okinawa, Japan;

Whereas Robert Griffin III's mother and father have instilled in him an unparalleled work ethic, outstanding leadership, discipline, and a desire to excel;

Whereas Robert Griffin III graduated No. 7 from Copperas Cove High School, in Copperas Cove, Texas, in 2008;

Whereas Robert Griffin III graduated from the Baylor University with a 3.67 GPA in Political Science in December of 2010;

Whereas Robert Griffin III is currently pursuing a Masters degree in Communication at the Baylor University;

Whereas Robert Griffin III became Baylor University's starting quarterback in 2008;

Whereas the University of Baylor football team finished the regular season with a 9-3 record, its best record since 1986;

Whereas the University of Baylor football team is ranked number twelve in the Bowl Championship Series and fifteen in the Associated Press rankings;

Whereas in 2011 Robert Griffin III completed 267 of 369 passes, for 3,998 yards and 36 touchdowns while throwing only 6 interceptions;

Whereas in 2011 Robert Griffin III lead college football with a 192.3 passing efficiency rating, which would break the single-season record in Football Bowl Subdivision history;

Whereas Robert Griffin III has accounted for 10,071 yards passing and 77 touchdowns, with only 17 interceptions, during his career at Baylor University;

Whereas Robert Griffin III is the Baylor career leader in most offensive categories, including passing yards, passing touchdowns, and rushing touchdowns by a quarterback;

Whereas Robert Griffin III was named the Big 12 Conference Offensive Player of the Year for 2011;

Whereas Robert Griffin III was named Academic All-Big 12, 1st Team for 2011;

Whereas Robert Griffin III received the Davey O'Brien Award for the best of all National Collegiate Athletic Association quarterbacks in 2011; and

Whereas on December 10, 2011, Robert Griffin III became the 1st Baylor football player to win the Heisman Trophy, college football's most coveted and prestigious award: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) commends Robert Griffin III for his academic and athletic accomplishments;

(2) congratulates Robert Griffin III for winning the 2011 Heisman Trophy; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Baylor University President Ken Starr and Head Football Coach Art Briles for appropriate display.

#### HONORING CAMERON L. MASON

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Cameron L. Mason. Cameron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Cameron has been very active with his troop, participating in many scout activities. Over the many years Cameron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most no-

tably, Cameron has earned the rank of Brave in the Tribe of Mic-O-Say, led his troop in various leadership positions, and earned the Eagle Scout in 2011. Cameron has also contributed to his community through his Eagle Scout project. Cameron removed and replaced the base for the sign for Holy Trinity Catholic Church in Weston, Missouri, as well as replacing and installing new landscaping around the church.

Mr. Speaker, I proudly ask you to join me in commending Cameron L. Mason for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### HONORING THE LIFE OF MR. TED CAIN

#### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. HALL. Mr. Speaker, I rise today to honor a fellow veteran and treasured citizen of Rockwall, Ted Cain, who passed away on December 18, 2011, at the age of ninety-four.

Ted was born on March 18, 1917 in Rockwall, Texas, to parents Jessie Hubert Cain and Sadonia Estelle (Lillard) Cain. He grew up in the family home on Renfro Street and was one of eight children. Renfro Street bustled with not only the eight Cain children but with many cousins and friends. The home place along with the smoke house and tool shed is still standing.

Ted was preceded in death by his sisters, Lola Faye Phillips, Billie Raye Smith, and Thelma (Pickie) Tucker, and his brother, Hugh Cain. He is survived by three devoted sisters, Jessie Mae Rives and her husband, Billy, of Odessa, Texas, Shirley Cupp and her husband, Danny, of Edgewood, Texas, and Nell Samples and her husband, Clarence, who reside near the old family home on Renfro Street in Rockwall.

During World War II, Ted proudly served as First Sergeant in the United States Army in Africa and Europe from 1942 to 1945.

He was always very active in the Rockwall community. He joined First Baptist Church on December 14, 1941. As an adult, Ted could be found at First Baptist Church on most Sundays, ushering and welcoming everyone. He served on the church building committee when the church moved its location from near the downtown Rockwall square to the current location on Goliad Street.

Ted served many years as a member of the Rockwall Volunteer Fire Department. He was a member of the Rockwall Chamber of Commerce and was past-president of the Rockwall Rotary Club. Ted also helped establish the Rockwall Lions Club and was a member of the Board of Directors of the First State Bank and Independent Bank NA. A thirty-second degree mason, Ted was a member of the East Trinity Masonic Lodge #157 for over 50 years.

Ted served two terms on the Rockwall City Council during which time the first major industry, Texas Aluminum Company, was brought to Rockwall, providing many new jobs for the area.

Ted attended Rockwall schools and has always exemplified what it meant to work hard. From picking cotton and working at his Uncle Gus' gin as a very young boy, to owning and operating his own businesses, Ted's work ethic was unwavering.

All of his businesses were located around or near the downtown Rockwall square, the heart of his beloved hometown. Ted was successful in numerous businesses; from Ted Cain's Real Estate, where he bought and sold property throughout Rockwall County, to Mobile and Texaco service stations where he pumped gas, washed cars, changed countless tires, and distributed a piece of bubble gum with every "fill-up" to happy Rockwall children; from Cain's Variety Store where the shelves were lined with most anything one could want, to his last and perhaps, favorite business, Ted Cain's Used Cars.

Ted opened "the car lot," as it is still affectionately known, after his official retirement. Fulfilling his lifelong love and knowledge of everything pertaining to cars, Ted Cain's used cars were some of the best around. He bought and sold many cars and was always willing to offer the loan of one of the cars to a friend or family member in need.

Over the years, "the car lot" became less about the cars and more about the friends who arrived every morning for a cup of Ted's strong coffee and to share in the camaraderie of the lively conversations and tall tales.

I have met many Saturday mornings at the Ted Cain car lot, where several of us would get together to discuss everything from Rockwall High School football games to politics—local, statewide, and national. One day I prepared two pages of names I had forged on a petition to give us Members of Congress a fifty percent increase in our annual salaries—a raise in pay for Congress. I, of course, was joking, but most of those present were not buying it, and we quickly went back to bad-mouthing all Congressmen! I had never heard so many "what the heck are you doing" and "hey—wait a dadgum minute," to "are you crazy?" We had new problems and topics to discuss every Saturday, and we all miss it now. Ted was a great host, and a man I admired and loved as a brother.

Ted courted and married the true love of his life, Maurine Williamson. They were married on June 8, 1941 in Holdenville, Oklahoma by Maurine's uncle. Ted and Maurine traveled from Rockwall to Holdenville for their wedding in a borrowed car with \$15.00 in Ted's back pocket. They have remained devoted to one another for 70 years.

Ted is survived by his wife, Maurine, and their son and daughter-in-law, Dewayne and Ann Atkins Cain. He adored his two grandchildren, Chris Cain and Amy Cain Cox, and Amy's husband, Wendell Cox, and three great-grandchildren, Jackson Luke Cox, John Nash Cox, and Virginia Ann Cox.

Ted's family thanks the wonderful group of ladies who have provided and continue to provide such kind and professional care: Miatta, Patricia, Jane, Esther, Maria, and Teresa. They are also grateful to everyone at Seanson's Hospice.

Ted's heart was made of gold. He never met a stranger. Greeting everyone with a smile and a kind word, Ted loved to share a

laugh and a good story. "You've got to have a little fun every day," was his motto, and more often than not, a goal he met regularly.

Throughout the course of his long illness, Ted cherished his wife, his family, and his many friends. While mind and body grew weak, his kind and gentle disposition remained ever strong, and an occasional glimpse of his charming quick wit surfaced to warm the hearts of his family and remind them to "have a little fun every day."

Ted's son, Dewayne, served as a page with me in the Texas Senate, and I was always proud that he called me "Old Dad." Ted and Maurine were made for one another, and Maurine was there for him in his last days on this earth. There had never been a better guy—no better husband, father, and grandfather—and no better citizen than Ted Cain. We will miss him, and Mr. Speaker, I ask you to close this session of the House of Representatives today in his honor.

CONGRATULATIONS TO MRS.  
ANDRIANNA FERRI ON HER ONE  
HUNDREDTH BIRTHDAY

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor Mrs. Andrianna Ferri, who will be celebrating her one hundredth birthday tomorrow. Throughout her life, Mrs. Ferri has been a great asset to the community, and truly deserved to be praised for her accomplishments.

Andrianna was born in New London, Connecticut, on December 21, 1911. She is the proud mother of three children and has also been blessed with nine grandchildren, fifteen great-grandchildren and ten great-great-grandchildren. Mrs. Ferri has been a longtime resident of Bucks County, Pennsylvania, in the 8th Congressional District.

It is my pleasure to commend Mrs. Andrianna Ferri on this great accomplishment. I praise her for a long life filled with generosity and caring for the well-being of others. I am honored to represent Mrs. Ferri in Congress. I wish her many more years of joy and happiness.

RECOGNIZING THE SERVICE OF  
COLONEL JOSEPH P. RICHARDS,  
USMC

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Colonel Joseph P. Richards, Commander, Marine Aviation Training Support Group 21, upon his retirement after more than 31 years of faithful and dedicated service to the United States Marine Corps.

Colonel Richards' long and distinguished career has been marked by his selfless dedication to duty and his unwavering love of country. He enlisted in the Marine Corps Reserve

in 1980 and trained as an aircraft mechanic. Colonel Richards attended Westfield State College as a Criminal Justice major, graduating in 1985 before embarking on his career as a commissioned officer and Naval Aviator.

During his remarkable career, Colonel Richards served in a number of flying squadrons, deploying overseas with the 13th, 15th, 31st, and 24th Marine Expeditionary Units. On one such deployment, he participated in Operations Allied Force and Noble Anvil, supporting the air campaign over Yugoslavia in 1999. In addition to his operational experience, he has also served in a number of training billets, instructing new pilots and teaching officers at senior level schools. His record of accomplishment is well-documented and earned him command opportunities at every level from detachment to group.

Colonel Richards has served as Commander of Marine Aviation Training Support Group at Naval Air Station Pensacola since May 2009. His leadership and professionalism during his tenure have been nothing short of superb.

Colonel Richards' professional achievements have been rewarded on numerous occasions during his career. His personal decorations include the Defense Meritorious Service Medal, two Meritorious Service Medals, two Navy and Marine Corps Commendation Medals, two Navy and Marine Corps Achievement Medals, and various campaign and service medals.

Mr. Speaker, I am pleased to recognize the career and accomplishments of Colonel Joseph P. Richards. His service to country and Corps has been exceptional. My wife Vicki and I wish him, his wife Susan, and three children—Matthew, Michael, and Meghan—all the best.

WELCOMING THE ORLANDO DEANERY  
BOYCHOIR AND GIRLS  
CHOIR TO WASHINGTON, DC

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. WEBSTER. Mr. Speaker, it is my pleasure to welcome the Orlando Deanery Boychoir and Girls Choir to Washington, DC. An outreach ministry of the Cathedral of St. Luke in Orlando, the choirs are founded on European models and affiliated with the Royal School of Church Music in England. Students participating in the choirs develop the ability to create beautiful music and learn teamwork, professionalism, and respect for other cultures.

As representatives of Central Florida, the choirs serve our community, nation, and world. In addition to frequently performing in the greater Orlando area, the choirs have toured venues in the United States including Carnegie Hall, and abroad in many countries, such as Canada, Austria, Japan, and the Czech Republic.

Recently, President Barack Obama recognized the choirs' talent and invited them to perform at the White House on Tuesday, December 20, 2011. The parents and directors of these choirs should be pleased with these ex-

emplary students due to the discipline and dedication required to achieve this level of recognition.

On behalf of the citizens of Florida's 8th Congressional District, I am pleased to recognize the Orlando Deanery Boychoir and Girls Choir and congratulate the students for their hard work and accomplishment.

RECOGNIZING RETIRED SERGEANT  
ELISHA LANGDON II FOR HIS  
CONTRIBUTIONS AND SERVICE  
TO COMMUNITY AND COUNTRY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable veteran, Retired Sergeant Elisha Langdon II. Mr. Langdon is a lifelong resident of the Mississippi Delta.

Sergeant Langdon was drafted to serve in United States Army after graduating from Alcorn High School. Sgt. Langdon served during the time of the World War II. While serving our great country, he spearheaded a protest letter to General Douglas MacArthur, Commander of the 8th Army, President Harry S. Truman, and the U.S. Department of Armed Services to abolish segregated armed services in the United States and overseas.

As a result of Mr. Langdon taking a stance against segregation, President Truman, prior to the Korean War issued Executive Order #9981 establishing equality of treatment and opportunity in the Armed Services for people of all races, religions, and national origins. This brought about the abolishment of all-black units in the United States.

Sergeant Langdon earned the rank of Sergeant and an Honorable Discharge after his tour of duty. Upon completion of his tour of duty, he returned to the Mississippi Delta to continue his education at Alcorn State College in Lorman, Mississippi where in 1951 he received his Bachelor of Science Degree in Vocational Agriculture, and then on to Tuskegee Institute in Tuskegee, Alabama where he received a Masters of Education in Vocational Agriculture.

Sergeant Langdon has broken many racial barriers. He became the first African American employed with the USDA Farmers Home Administration in Tunica, Mississippi, and in 1978 he was appointed as an United States Department of Agriculture Farm Service Equal Employment Opportunity Commission Counselor, serving seven southern states and the island of Puerto Rico.

In 1989, Sgt. Langdon was also the first African American elected to the City of Ruleville's Board of Alderman. Mr. Langdon is married to late Ms. Everett Wims-Langdon and proud parents of one child.

Mr. Speaker, please join me and our colleagues in recognizing Retired Sergeant Elisha Langdon II for his dedication to serving our great country.

BACKGROUND INFORMATION FROM  
YOCUT: SAVES UP TO \$1.2 BIL-  
LION OVER TEN YEARS

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. FITZPATRICK. Mr. Speaker, the federal government collects fees from coal mining companies to restore abandoned mining sites. Money from those fees is paid to states to restore abandoned mines within their state. However, several states have successfully restored all of their abandoned mining sites and now are permitted to use the federal mine cleanup payments for anything they want to spend it on. Effectively, for the states that have been "certified" as having successfully restored critical mining sites, the mine payments serve as an unrestricted federal subsidy. Several tribal governments also receive payments despite having already remediated all contaminated mining sites on their land. The Obama administration has proposed terminating these mine reclamation payments to states that no longer use them for their intended purpose.\*

FROM THE BUDGET COMMITTEE

Here's suggested text to reform the Abandoned Mine Lands program. It's more narrow than the Administration language that adds on whole bunches of bells and whistles, like advisory boards and councils and a competitive grant component without guaranteeing a net reduction in payments. CBO scored our draft language with an initial estimate of \$1 B. This language was in the Joint Committee's Republican proposal.

\*FROM THE PRESIDENT'S PROPOSED BUDGET

TERMINATION: UNRESTRICTED ABANDONED MINE LANDS  
PAYMENTS

Department of the Interior

The Administration proposes to terminate mandatory payments from the Treasury to States and tribes that have finished restoring their abandoned coal mines. These payments can now be used for any purpose, and therefore do not contribute to the goal of addressing these hazards.

This proposal is modified from previous Budget proposals in 2010 and 2011 to competitively allocate the remaining funding to address reclamation of the Nation's highest priority abandoned coal mine sites.

FUNDING SUMMARY \$1.2 BILLION

JUSTIFICATION

Coal producers pay a fee on production to fund the reclamation of abandoned coal mines around the country. This abandoned mine land (AML) fee was created so that the coal industry as a whole would take responsibility for cleaning up abandoned coal mines, regardless of where the fees were collected or where the mines were located. However, the funds were authorized to be distributed by a formula based in part on the production volume in each state. Over time, as some States completed their coal reclamation sites and were "certified" as complete, the goal of the AML Program was increasingly distorted as "certified" States and tribes continued to receive the formula grant payments equal to half of the fees collected within their borders.

These payments to "certified" States and tribes may be used for any purpose, so they do not contribute to the original purpose of restoring abandoned coal mine lands. The Administration proposes to focus AML fees on coal mine reclamation by eliminating these unrestricted payments to certified States and tribes, saving approximately \$140 million in 2012 and \$1.2 billion over 10 years. This action will affect four States and three tribes, in addition to any States that become certified in the future.

Noncertified States will continue to receive payments, but the allocation process would be reformed to address the Nation's most hazardous sites each year. Instead of the current production-based formula, a new competitive grant program would be used to ensure that the Nation's highest priority coal sites are addressed before the AML fee expires.

In December 2010, the President's National Commission on Fiscal Responsibility and Reform recommended this termination, eliminating payments to States and Tribes that have already been certified as completing this reclamation of abandoned coal mines.

THE LEGACY OF WARREN  
HELLMAN

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to the life and legacy of Warren Hellman: a community leader, a San Francisco legend, and an American success story. Sadly, Warren passed away on December 18th, surrounded by his loving family.

Warren was a tremendously successful businessman: at 28, he was the youngest partner in Lehman Brothers history; at 39, he became the firm's president. It was his business acumen that allowed him to pursue his true passion: philanthropy.

With his deep generosity, intellectual curiosity, and visionary dynamism, he changed the face of our city. His legacy will live on through his contributions to education, music, and civic life.

When Warren saw an opportunity to enrich our city, he acted upon it. He strengthened and beautified Golden Gate Park. He worked to end homelessness. He supported the San Francisco Free Clinic, and he endowed aquatic sports at UC Berkeley, where he had played water polo as a student. Concerned about dwindling local news coverage in the Internet age, he helped form the Bay Citizen online journalism site. Warren served on the board of Mills College and University of California, Berkeley's Haas School of Business.

Warren was a lover of music, a lover of family, and a lover of life. The three-day concert he founded, Hardly Strictly Bluegrass, held each year in Golden Gate Park, has allowed hundreds of thousands of fans each year to enjoy the music that enriched his life. Warren was involved in every aspect of the festival, including personally recruiting musicians he admired. It is so fitting that Speedway Meadow, the site of the festival, was re-

named Hellman Hollow just last week. I know this pleased Warren immensely.

With the passing of Warren Hellman, San Francisco has lost a beloved champion. But we can honor his memory and his enthusiasm by celebrating his many contributions.

Warren Hellman excelled at everything he did, including being a friend. I was proud to call Warren my friend. I hope it is a comfort to his wife Chris and the entire Hellman family whom he cherished that so many mourn his loss and are praying for them at this sad time.

HONORING PATRICK V. MURPHY

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in honoring Patrick V. Murphy, an unheralded leader in law enforcement and an early advocate for community policing, for his distinguished service as the first public safety director for the District of Columbia overseeing both the police and fire departments during turbulent times. As well for his work in New York, Connecticut, and Detroit.

Patrick Murphy served as the District's first public safety director, transforming both the police and fire departments during his tenure. He is most well-known here for how he handled the historic rioting that took place in April 1968 in the aftermath of the assassination of Dr. Martin Luther King Jr. The rioting here was as destructive as anywhere in the country, but Patrick Murphy used sound judgment while our nation's capital was in turmoil. Murphy said violence begets violence, ordering his officers not to shoot looters and rioters during the riots. Murphy said that he would rather resign than order the shootings of looters. While our city was experiencing unfathomable chaos and wanted justice, Murphy dispersed the mobs of residents gently, and with as few arrests as possible. Because of his efforts and that decision, fewer people were killed in the District of Columbia than in cities that had less widespread riots.

In less trying times, Murphy transformed how his officers interacted with District residents, establishing the "Cop on the Block" program, which allowed police officers to get to know personally the residents they served. This program would serve as a model nationwide as many cities turned to (community policing) tactics.

Patrick Murphy, the son of a police officer, was born and raised in Brooklyn, New York. Before Patrick joined the Brooklyn Police Department in 1945, he was a Navy Bomber pilot in World War II. After the war, he came back home and decided to follow in his brothers' and father's footsteps and became a beat cop in the Red Hook District of Brooklyn. Patrick rose quickly through the ranks, becoming deputy inspector and later deputy chief, all while still attending college. Patrick moved to Washington, D.C., in 1965, during a time when race relations between police officers and residents were reaching a boiling point. He was first appointed by President Lyndon B. Johnson to

the Office of Law Enforcement Assistance and later took the helm as the District's first public safety director, overseeing the local fire and police departments. He was a nationally recognized force in policing, and after serving the District, went on to become the police commissioner in Detroit and New York City.

In addition to his stellar career, Patrick Murphy was a wonderful husband to his wife, Martha E. Murphy; supportive father of eight, Gerard, Patrick Jr., Kevin, Paul, Mark, Sallie, Eileen, and Anne; and grandfather of 21.

Mr. Speaker, I ask the House to join me in honoring Patrick V. Murphy for his accomplishments in law enforcement and his dedication to justice. Law enforcement in the United States is better because of his service.

HONORING WITTENBERG UNIVERSITY TIGERS, THE 2011 NCAA DIVISION III WOMEN'S VOLLEYBALL CHAMPIONS

**HON. STEVE AUSTRIA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. AUSTRIA. Mr. Speaker, on November 20, 2011, the Wittenberg University Tigers Women's Volleyball team won their first NCAA Championship. After ending the regular season with a 37-3, 16-0 NCAC record, the Tigers advanced through the post-season tournament to sweep the title in a 3-0 match against Christopher Newport University. This championship represents years of hard work and dedication by these volleyball players and their coaches. This achievement is also a reflection of the support these women have received from their families, Wittenberg University, and the Springfield, Ohio community.

Members of the 2011 Women's Volleyball team include Hallie Donathan (Tipp City, Ohio); Tessa Litman (Magnolia, Ohio); Hillary Monnin (Russia, Ohio); Katie Sumner (Dublin, Ohio); Ali Hock-James (Cincinnati, Ohio); Kiah Murray (Yorktown, Ind); Hannah Riley (Minerva, Ohio); Miranda Sagle (Springfield, Ohio); Kimmie Dyer (Copley, Ohio); Kate Shoemaker (Vallonia, Ind.); Courtney Lauber (Zionsville, Ind.); Christine Simpson (Dublin, Ohio).

The Wittenberg University Women's Volleyball team was lead by Head Coach Paco Labrador and Assisted by Laura Jensen and Amy Cox. The team was also heavily supported by Athletic Director Garnett Purnell, and University President Dr. Mark H. Erikson.

Thus, today I ask my colleagues to join me and the constituents of the Ohio's Seventh Congressional District in congratulating the Wittenberg Tiger Women's Volleyball team.

HONORING FREEHOLDER  
BERNADETTE P. MCPHERSON

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor my dear friend,

Freeholder Bernadette P. McPherson, for her service to our community as an elected member of Bergen County Board of Chosen Freeholders. Bernadette has dedicated herself in service to her community, and I am pleased to recognize her as she completes another chapter in her distinguished career.

In 1999, Bernadette was elected Councilwoman in the Borough of Rutherford, serving as the first female Fire Department Liaison. She also served as the Borough's Mayor from 2000 until 2007.

Bernadette was first elected to the Bergen County Board of Chosen Freeholders in 2002, serving as the Board's Freeholder Chairwoman from 2002 through the 2006 term. She currently chairs both the Law and Public Safety Committee and the Organization and Internal Affairs Committee. Freeholder McPherson is also a member of the Budget and Finance, Cultural and Historic Affairs, Veterans Liaison, and New Jersey Legislature committees.

Bernadette graduated Magna Cum Laude from LaSalle University with a Bachelor of Arts degree in Political Science and English in 1983. She attended both Seton Hall Law School and then Temple University School of Law where she earned her J.D. in 1986.

Bernadette has lived in Rutherford since 1987 with her husband David, an outstanding and highly-regarded attorney, and their four wonderful children.

Mr. Speaker, today I rise to congratulate my dear friend and constituent, Freeholder Bernadette McPherson, on her final Freeholder meeting. I join with all her family and friends, as well as the grateful residents of Bergen County in thanking her for innumerable contributions to our community.

RECOGNIZING MR. ROBERT E.  
MOORE FOR HIS HONORABLE  
SERVICE TO OUR COUNTRY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mr. Robert E. Moore, who was born in Greenwood, Mississippi. He graduated from Amanda Elzy High School in 1962. From 1966-1969, Mr. Moore was active in the United States Marines Corp where he obtained several medals and commendations. He participated in operations in Danang, Vietnam and in Swanee in the vicinity of An Hoa. Mr. Moore went on to participate in other operations, including Operation Prairie II, Operation Prairie III, Operation Prairie IV, Operation Hickory, Operation Cimarron, Operation Buffalo, Operation Hickory II and Operation King Fisher.

Mr. Moore has received several service medals: National Defense Service Medal, Vietnamese Campaign Medal, Vietnamese Campaign Medal, Presidential Unit Citation and Purple Heart Medal for a gunshot wound to the abdomen during the Vietnam Conflict.

After completing his military obligations, Mr. Moore attended Jackson State University and graduated with a Bachelor of Arts degree in Sociology. He furthered his education at the

University of Southern Mississippi with a Masters of Science degree in Social Work.

Mr. Moore was elected to the Leflore County Board of Supervisors in 1986 and was recently elected to another four year term. He has worked as a college professor and Director of Social Work at Mississippi Valley State University (MVSU). In 1994, he became the Director of University Center for Economic Development at MVSU and retired in 2006.

In his spare time Mr. Moore enjoys reading, hunting, and community development activities. He is an active member of the American Legion Post 200, the Greenwood Voter's League, and various mentoring programs in Leflore County.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Robert Moore for serving our country honorably.

HONORING TED SHERRY

**HON. CHARLES J. "CHUCK"  
FLEISCHMANN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. FLEISCHMANN. Mr. Speaker, I rise today with great appreciation for a long and accomplished career of public service to honor Ted Sherry on his retirement from the Department of Energy in his role as Manager of the Site Office at the Y-12 National Security Complex. Ted served with great distinction in support of our country's national defense and nuclear security as a submarine officer in the U.S. Navy and for the last 5 years as manager of a National Nuclear Security Administration premier manufacturing facility in Oak Ridge, Tennessee.

Under his management, Y-12 has dramatically increased the dismantlement of components for nuclear weapons, supported Nuclear Nonproliferation Programs through uranium recovery missions around the globe, and opened the Highly Enriched Uranium Materials Facility, our nation's central repository for highly enriched uranium.

As a testament to Ted's many achievements, he earned the NNSA Administrator's Gold Medal Award and is widely regarded as one of NNSA's best managers. Ted has made many significant accomplishments throughout his 25 year career with the U.S. government and so today we proudly salute Ted Sherry, an American patriot.

RECOGNITION OF CHIEF GREGORY  
STEWART, UNION CITY POLICE  
DEPARTMENT

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Chief Gregory Stewart. Chief Stewart is retiring from the Union City, California Police Department on December 30, 2011.

Chief Stewart began his career with the Union City Police Department in November of

1975. After beginning his career as a Public Services Cadet he was then appointed to the position of Reserve Police Officer in 1977. Soon after, he was hired by the Alameda County Sheriff's Department as a Deputy. After his work at the Sheriff's Department he returned to the Union City Police Department and began his duties as a police officer on May 1, 1978.

He quickly ascended the ranks of the Police Department. On December 16, 1986 he was promoted to Sergeant; to Lieutenant on October 1, 1996; to Captain on December 25, 2000. After years of exemplary service to the city and its citizens he was appointed as the Department's seventh Chief of Police on December 21, 2006.

During his career, Gregory Stewart served with distinction in a number of assignments. These have included Patrol, Investigations, Field Training, Supervisor of Patrol, Traffic, Crime Prevention, Research and Analysis, team leader of the Specialized Emergency Response Team as well as Field Operations and Support Services Commander.

Chief Stewart developed an affiliation with Union City's Youth and Family Services department, which led to a cooperative effort to apply the philosophy of the "Boston Cease Fire" program which aimed to reduce teen violence. He also implemented the "Crime Free" program, a citywide effort to improve the quality of life for Union City residents.

Chief Stewart has continually displayed astuteness, veracity, diligence, and objectivity in executing his duties as Chief Police. Throughout his tenure, these traits have earned him the respect and admiration of his subordinates, peers, other Law Enforcement professionals, and the community of Union City.

Thank you Gregory Stewart for 35 years of dedicated service in Law Enforcement and for 33 years as a sworn officer with the Union City Police Department. Your commitment and leadership have been exemplary and will leave a lasting legacy.

#### HONORING JUSTIN ADINOLFI

#### HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to note with great sadness the passing of Justin Adinolfi, a leader and inspiration in my home town of Cheshire, Connecticut.

Justin was born and raised in Connecticut and spent most of his life there. After receiving his undergraduate degree from Boston College and his MBA from William & Mary, Justin helped countless corporations while serving as a consultant at Anderson Consulting (later Accenture), DH Andrews and Cognizant. He started and ran a business of his own where he continued his work.

Justin was also a pillar of our community of Cheshire. He was a member of our town's council as well as our Planning and Zoning Commission. He served actively on the boards of several important institutions in our community, including the Cheshire Education Founda-

tion and MidState Medical Center. He was active in his church as well, serving as a Eucharistic Minister at St. Bridget's Church in Cheshire.

To me, Justin was a mentor and friend. When I moved to town in 2005, Justin took me under his wing to help me understand who and what was important in Cheshire. His public service became an example for me, and for many others. His hallmark, to me, was his approachability. He made you feel instantly comfortable, and people felt good knowing a "regular guy" was such an important community leader.

Mr. Speaker, Justin's achievements at work and his community only begin to tell his story. The rest of his story will live on through his family—his wife Jane and his wonderful children, Justin, Charlotte and Thomas. We grieve with them today.

Justin was taken from us too soon. I was proud to consider him a friend and I will miss him.

On behalf of this entire House, I pass on my sincerest condolences to Jane, Justin, Charlotte and Thomas, as well as his siblings, nieces, nephews, in-laws, friends and neighbors whose lives he touched so deeply. He will be missed by all of us.

#### RECOGNIZING THE IMPORTANCE OF OVARIAN CANCER AWARENESS

#### HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Ms. BUERKLE. Mr. Speaker, the National Institute of Health estimates that over 15,000 American Women will die from ovarian cancer and an additional 22,000 new women will be diagnosed with the disease this year alone. Each year, ovarian cancer is a heartbreaking tragedy and a threat to the lives of thousands of women.

To that end, Mr. Speaker, I would like to take this opportunity to recognize the remarkable inspiration of one mother who is taking up her daughter's passionate fight against ovarian cancer. In my district of New York, Frieda Weeks has dedicated her efforts to promoting research, awareness, and community support through "Hope for Heather."

"Hope for Heather" is a not-for-profit organization in memory of Heather Weeks, who lost her life to cancer at age 24. Heather was an advocate for women's cancer awareness, who was committed to educating all women on the symptoms of ovarian cancer and raising funds to find a cure.

Mr. Speaker, I encourage all of my colleagues to join me in raising awareness of ovarian cancer, and today I honor Heather, whose dream remains alive and strong today within the central New York community.

#### RECOGNIZING MR. SHERMAN WILLIAMS FOR HIS CONTRIBUTIONS AND SERVICE TO OUR COUNTRY

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable veteran, Mr. Sherman Williams, who was born March 29, 1922, to the late Jim Williams and Betty Johnson Williams in Bolton, Mississippi. Mr. Williams joined the Mt. Olive M. B. Church at an early age and was baptized by the late Reverend Mack Sanders. He attended school at Mt. Olive Learning School and later farmed for many years.

Mr. Williams served in the United States Army from December 8, 1942 to August 5, 1946 when he was released with an honorable discharge. After leaving the Army, he worked 27 years at the Tri-State Brick and Tile Company in Jackson, Mississippi.

Mr. Williams is the loving father of four wonderful children: Roosevelt Williams (preceded him in death), of Jackson, Mississippi; Edward Lee Mack and Barbara Gale Anderson both of Byram, Mississippi; and Ezell Dotson of Clinton, Mississippi. He has eleven grandchildren and five great-grandchildren. Mr. Williams has a host of loving nieces and nephews.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Sherman Williams for his dedication to serving others.

#### IN HONOR OF DR. JOHN BOYD NOFTSINGER

#### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. GOODLATTE. Mr. Speaker, I rise today along with Representatives WOLF and RUPERSBERGER to honor the memory of a constituent, an educator, a community leader and most importantly a friend, the late Doctor John Boyd Noftsinger, Jr.

On November 10, 2011, James Madison University (JMU) lost one of their most innovative leaders and passionate advocates with the passing of John Noftsinger. John was the face of JMU on Capitol Hill and dedicated his career to public service through education.

Dr. Noftsinger was born in Roanoke, Virginia. After graduating from William Fleming High School in 1981, he officially started his career at James Madison University when he arrived on campus as a freshman that fall. We're sure when he stepped onto campus for the first time he never could have imagined the profound effect he would have on the University over the course of his life.

John went on to graduate cum laude with a double major in political science and public administration and a minor in business administration. Upon graduation, he entered the Ohio State University where he would later earn his master of arts degree in higher education administration.

In 1989, John once again found himself on the campus of JMU. He would begin a long



and distinguished professional career where he would most recently serve as vice provost for research and public service. Additionally, he would serve as executive Director of the Institute for Infrastructure and Information Assurance, professor of integrated science and technology and strategic leadership, and as the president and chair of James Madison Innovations.

In a profile of Dr. Noftsinger on the JMU website he is quoted as saying "my connections with the community were forged early in my career here and are now embedded in my philosophy of education and my work." These words exemplify John Noftsinger.

Dr. Noftsinger's dedication and hard work was not limited to the university he so loved. He was truly committed to his community as a whole and the city of Harrisonburg is better because of his hard work.

Dr. Noftsinger was a founder and served as the first president of the Shenandoah Valley Technology Council. He served as a board member for the Shenandoah Valley Partnership and Shenandoah National Park Trust. He was the past vice president and board member of the Harrisonburg-Rockingham Chamber of Commerce and the former chairman of the board of directors of the Blue Ridge area food bank. He also served as a former board member and president of Big Brothers/Big Sisters of Harrisonburg/Rockingham County.

Dr. Noftsinger's legacy is one that will not be soon forgotten. We will greatly miss our friend. We pray for his family—his wife Lucinda Bosley Shaheen and his three sons, Joshua, Zachary and Jacob. We join the entire JMU community in mourning this great leader.

#### ANNOUNCING THE INTRODUCTION OF THE FAITH-BASED LENDING PROTECTION ACT OF 2011

#### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Ms. BROWN of Florida. Mr. Speaker, today I introduced the Faith-Based Lending Protection Act of 2011. The bill modifies the Federal Credit Union Act to make it easier for credit unions to lend money to ministries. Specifically, the bill exempts loans to nonprofit religious organizations from the Credit Union Act's caps on the volume of loans credit unions can make to businesses.

Mr. Speaker, many churches are in crises because they cannot get access to credit. In 2006, only two churches in the United States lost their buildings to foreclosure or short sale. Last year the number grew to 95.

Like many homeowners, they took out loans when times were good, but now their income has dropped and they need to refinance. Some have balloon payments that would be impossible to pay even in the best of times. The trouble is that many lenders do not want to do business with churches. Credit unions are in an excellent position to help. Credit unions get capital from their members and loan it to their members all of whom share a common bond. They know how to keep money in their communities and they want to do more. This bill will let them.

This non-partisan language has passed the House several times—sometimes on a voice vote. Now is the time to make it law. Churches cannot wait.

#### RECOGNIZING MR. DALLAS WICKS FOR HIS HONORABLE SERVICE TO OUR COUNTRY

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable veteran, Mr. Dallas Wicks, who was born on December 11, 1930, in Pelahatchie, Mississippi. He was the third child of twelve children to Minister McAllister and Mrs. Maggie Ella Wicks. His early years of education began at Pelahatchie Elementary School and continued on to Carthage High School, Fayette High School and culminating with him graduating from Lanier High School in Jackson, Mississippi.

Mr. Wicks entered the U.S. Army on April 8, 1951, where he served in the Korean War. He received basic training in Scofield Barracks Hawaii in Honolulu, Hawaii and upon completion, was deployed to Korea and served in the 2nd Army Division in 1951. He has also done other foreign tours of duty that include Germany, France, Lebanon, and Vietnam in addition to a host of state tours including Forts Myles, Hood, and Eustis. During his first tour of duty in Korea, Mr. Wicks received the Purple Heart Medal in October 10, 1951. He has also received the Korean Service Medal with three Bronze Stars, U.N. Service Medal, National Defense Service Medal, Bronze Star Medal, Good Conduct Medal, Republic of Vietnam Campaign, Presidential Unit Citation, Meritorious Unit Commendation, Republic of Korea Presidential Unit Citation and Vietnam Presidential Unit Citation.

Mr. Wicks is a member of the Mount Pleasant United Methodist Church, where he serves as an auxiliary lay leader. He is also a member of the Prince Hall Jefferson #202 Lodge.

Mr. Wicks is happily married to his wife of 56 years, Mrs. Matiele Wicks. They have no children but several nieces and nephews.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Dallas Wicks for his dedication to serving others.

#### HONORING SPECIALIST RONALD WILDRICK, JR.

#### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. GARRETT. Mr. Speaker, I rise today to honor a recently fallen warrior, Specialist Ronald Wildrick, Jr. Specialist Wildrick served with the Army's 2nd Battalion, 35th Infantry Regiment, 3rd Brigade Combat Team, out of Schofield Barracks in Hawaii.

Ron was raised in Byram, New Jersey and graduated from Lenape Valley High School. Specialist Wildrick joined the Army in 2008

with the hope of making a better life for his wife and two daughters, Kaylee and Leah, through service to his nation. In September, he was deployed to Afghanistan's Kunar Province as a part of Operation Enduring Freedom. On December 11, 2011, his unit was attacked in the Kunar Province with an improvised explosive device. Sadly, Specialist Wildrick was killed in the line of duty while serving his nation.

As a result of his sacrifice, Specialist Wildrick was posthumously awarded a Bronze Star Medal. His dedication to country and loyalty to his fellow soldiers was evident throughout his Army career. Prior to his deployment to Afghanistan he had the solemn duty of serving with the U.S. Army Old Guard at Arlington National Cemetery, where he regularly recognized the sacrifices made by his fallen comrades. Ronald Wildrick is a true American hero, and he will never be forgotten by his friends, his family, or the country he fought for. My thoughts and prayers, as well as the thoughts and prayers of a grateful nation, are with his family and friends during this difficult time.

#### HONORING THE VICTIMS OF THE BOMBING OF PAN AM FLIGHT 103

#### HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Ms. BUERKLE. Mr. Speaker, I rise to honor the victims of the bombing of Pan Am flight 103 and recognize the twenty-third anniversary of the tragedy.

Pan American Airways Flight 103 departed London Heathrow Airport for John F. Kennedy Airport in New York City on December 21, 1988. The flight would never reach its destination as a bomb exploded on the aircraft killing its 259 passengers and crew, along with 11 people on the ground in Lockerbie Scotland.

Among the passengers killed were 189 Americans, including 37 people from my own district; a couple from the Town of Clay and 35 Syracuse University students returning home from Christmas after a semester abroad in London.

As we prepare to celebrate the holiday season with our loved ones let us remember those who can no longer do so because of this senseless act of terrorism. Twenty-three years have passed, but nothing can replace the loved ones lost in the attack. We must never forget the innocent victims who were killed on Flight 103, nor the families that they left behind. May we use their memory to remind us to stay vigilant in the fight against terrorism and in committing ourselves to creating a safer world.

#### IN MEMORY OF THOMAS WILLIAMS

#### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. GALLEGLY. Mr. Speaker, I rise in memory of Tom Williams, a big man with an even

bigger heart who died last week in a tragic car accident.

Tom, 56, was an engineer for the Naval Air Warfare Center Weapons Division, based at Point Mugu in my district and China Lake, for 38 years. Most of his career was spent working on simulations of radar systems that could be used by America's enemies.

The War Center's mission is to test weapon systems and Tom often assumed the persona of the "bad guy" to design and implement countermeasures.

He was known as a great troubleshooter. Navy officials told the local newspaper that Tom "could make complex radar systems work in the most hostile environments."

Tom's work had real-life implications and saved countless lives. During Desert Shield, he was sent to the Persian Gulf, where he developed a technique that allowed Navy aviators to jam Iraq's radar. That allowed the aviators to remain safe during their missions when Desert Shield became Desert Storm.

Tom graduated from the Senior Executive Management Development Program at the Naval Air Systems Command (NAVAIR) and was chosen to be a NAVAIR Associate Fellow, recognizing his expertise in the development of threat simulators. Tom eventually became the head of the Airborne Threat Simulation Team, serving at the Integrated Program Team Lead.

A second-generation Californian, Tom began at the Warfare Center as an intern after graduating from Buena High School and retired in 2010, although he returned part-time nine months later to mentor and train new engineers.

When not working at the base, Tom was active in local politics and helping colleagues with home improvement projects. Woodworking was a hobby, and he enjoyed playing golf, pursuing photography, and traveling with his wife, Barbara. Barbara also worked at the Warfare Center, where the two met, and retired in 2009.

In addition to Barbara, Tom is survived by their son, David, and David's fiancée, Kaylan Danielson.

Mr. Speaker, I know my colleagues join my wife, Janice, and me in remembering our personal friend Thomas Williams, in thanking him for his lifetime of work to protect our military men and women, and in offering our sincere condolences to Barbara, David, Kaylan, and to all who knew and loved him. He will be missed.

#### RECOGNIZING LIEUTENANT PATRICK MILLER FOR HIS DEDICATION AND SERVICE TO OUR COUNTRY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the distinguished life of Lieutenant Patrick Miller.

Lieutenant Miller was commissioned a second lieutenant in the Marine Corps in 1961. As a Marine officer for over 23 years, Lt. Miller

served multiple tours as an artilleryman with the 2nd and 3rd Marine Divisions, including two tours in Vietnam.

Lieutenant Miller earned the Medal of Honor on December 18, 1965 in Vietnam. His other decorations include Meritorious Service Medal and Navy Commendation Medal.

Mr. Speaker, I ask my colleagues to join me in recognizing Lieutenant Patrick Miller for his service to our country.

#### RECOGNIZING THE WOMEN OF THE ALTAR AND ROSARY SOCIETY OF THE BASILICA OF ST. MICHAEL THE ARCHANGEL FOR THEIR SERVICE TO OUR TROOPS STATIONED ABROAD

**HON. MARK S. CRITZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. CRITZ. Mr. Speaker, I rise to recognize the women of the Altar and Rosary Society of the Basilica of St. Michael the Archangel in Loretto, Pennsylvania for bringing comfort and solace to the members of our military stationed abroad during the holiday season over the last 25 years. In the spirit of giving that defines this magical time of year, these selfless women provide assistance to the Support Our Troops military mail campaign in the lead up to Christmas. This campaign sends letters of support and gratitude to our troops overseas in an attempt to bridge the oceans and continents that separate them from their loved ones.

Dolly Haird, Barb Bender, Maggie Biter, Mae Karabinos, Lucy Mock and the rest of the women of the of the Altar and Rosary Society at St. Michael the Archangel gather thousands of Christmas cards from individuals, families, schools and churches starting in October and send them to Fort Bragg in December, where they are sorted and sent to military bases overseas. This year alone, these women gathered over 21,000 holiday greetings. Their ability to motivate so many members of the various communities of southwestern Pennsylvania to express their support for our troops stationed abroad is a testament to the strength and infectiousness of their altruism.

The women of the Altar and Rosary Society have received a number of awards for their service. They have also enlisted a number of local veterans' organizations in their efforts, illustrating the great appreciation retired servicemen and women have for their efforts.

The men and women of our armed forces who are stationed overseas spend the holidays away from their families so that we do not have to. No one appreciates this fact more than the women of the Altar and Rosary Society. The work that they do to support our troops clearly illustrates their abiding belief in the importance of sacrifice for the greater good.

Mr. Speaker, as we prepare to begin the New Year, all of us should resolve to emulate the kindness and generosity these women have demonstrated in their efforts to bring smiles to the faces of our men and women in uniform. I want to congratulate them on 25 years of fruitful service.

#### A TRIBUTE TO HONORING THE LIFE OF PATRICIA CECILE DUNN-JAHNKE

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Ms. ESHOO. Mr. Speaker, I rise today to honor the life and accomplishments of Patricia Cecile Dunn-Jahnke, known as Pattie Dunn. A former Chairwoman of Hewlett-Packard, she passed away on December 4, 2011, in Orinda, California, surrounded by her family. While her life was too short, her accomplishments were recognized and respected by colleagues across the country.

Pattie Dunn's life was a "rags-to-riches" story. Her parents were Las Vegas casino workers. Her father, a vaudeville actor, died of a heart attack when she was a teen, and her mother, a model, left the runway to raise the family's three children. Her childhood was not easy, but Pattie persevered, eventually working her way through college at the University of Oregon and the University of California at Berkeley.

Pattie was a journalist by training and harbored dreams of being the next great American reporter. But after graduation, she instead took a job as a secretary with Wells Fargo Investment Advisers. What she made of her "accidental career" is truly nothing short of extraordinary. She rose quickly through the ranks of her firm, now Barclays Global Investors, and held a myriad of titles, including Chief Operating Officer, Chief Investment Officer, and even Chief Executive Officer. Pattie broke the glass ceiling for women in investment banking.

Pattie then joined the Board of Hewlett-Packard. While her time there was not without rough patches, she will always be remembered as a courageous woman who typified the characteristics we hope to instill in our daughters. By the time she left, Pattie had risen to be its Chairwoman and helped right the ship at HP.

I will always remember Pattie's valiant personal struggle with cancer, and her fight to raise awareness of the disease. Perhaps a columnist remembering her summed up Pattie best—"She rose from modest circumstances to the pinnacle of global finance, earning a legion of admirers who revere her business acumen, her integrity, her philanthropy and her dedication to family."

Mr. Speaker, I ask my colleagues to join me in extending our deepest condolences to Pattie Dunn's husband, Bill Jahnke; her children, Janai Brengman, Michelle Cox, and Michael Jahnke; siblings Paul Dunn and Debbie Lammers; ten grandchildren and many other family members. The world lost a giant in Pattie Dunn. How proud and grateful I am to have known her and to have called her my friend.

RESOLUTION HIGHLIGHTING ACTIONS OF THE GOVERNMENT OF ANTIGUA AND BARBUDA

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, I come to the floor today to introduce a resolution highlighting the actions taken by the Government of Antigua and Barbuda, in the operation of their financial and judicial systems, that are manifestly contrary to the public policy of the United States.

This resolution asks that all further direct or indirect aid or assistance, including assistance derived from Federal funds, by the United States Government to the Government of Antigua and Barbuda should be suspended until the Government of Antigua and Barbuda provides complete redress of the violations by their government against the rights of American citizens.

Antigua and Barbuda should give full cooperation in investigating the Stanford Financial Group fraud, and should agree to be bound by U.S. courts that adjudicate claims arising from the Stanford fraud.

The resolution also asks the Government of Antigua and Barbuda to fulfill its obligations relating to the expropriation of the Half Moon Bay Resort, which was owned by a group of U.S. citizens.

I ask for its swift passage.

RECOGNIZING RETIRED FIRST SERGEANT LANDRES CHEEKS FOR HIS DEDICATION AND SERVICE TO COMMUNITY AND COUNTRY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to take this opportunity to recognize the many accomplishments of Retired First Sergeant Landres Cheeks of Canton, Mississippi. First Sergeant Cheeks is a true patriot of our country and served as an integral part of his community for more than 60 years. He dedicated his life, after serving our country for three decades, to giving back to the people of Canton. His mission to economically empower, inspire and motivate the people of Canton is one of great resolve.

Sergeant Cheeks served in the United States Army Medical Corps for 30 years participating in World War II (Germany and France) and the Vietnam War. He is a decorated serviceman, having received the National Defense Medal, Army Commendation Medal, Vietnam Service Medal, Vietnam Campaign Medal, Army of Occupational Medal of Germany, Bronze Star Medal, World War II Victory Medal, American Campaign Medal, and 9th Good Service Conduct Medal. In 2001 he was awarded the Blue Cross Blue Shield Ageless Hero Award. This honor is given in celebration of the spirit and vitality of our Na-

tion's seniors aged 65 and over who have proven themselves exemplarily in the areas of Community Involvement, Creativity, Good Neighbor, Love of Learning, New Beginnings and Vitality. Sgt. Cheeks has proven himself to be a role model of his community.

After having been honorably discharged from the military it was later discovered that Sgt. Cheeks had contracted Agent Orange and developed post-traumatic stress syndrome. Nevertheless, Sgt. Cheeks persevered and began actively assisting the people of Canton with searches for employment and with formulating and sponsoring extracurricular activities for the youth of Canton. He also served as a volunteer crossing guard for Holy Child Jesus School in Canton for more than 25 years.

In 1975, Sgt. Cheeks took his 18 years of experience in coaching little league baseball in the military and sponsored a little league baseball team in Madison County (MS). He also took the discipline and resourcefulness learned in the United States military to organize both Boy and Girl Scouts' troops in Canton, Mississippi.

Sergeant Cheeks' commitment to individual and community wealth building was the driving force behind much of his pledge to serving the citizens of Canton. To that end, he served as the Chairman of the Madison County Union for Progress, a private organization that helps citizens seek and secure employment; he served on the Board of Directors for the Canton Housing Authority, an organization in which he currently still serves as a chief advisor; he served on the G.A. Carmichael Family Health Center's Board of Trustees and Madison General Hospital's Board of Trustees. Sgt. Cheeks has also been the Utility Commissioner for the City of Canton for three years in addition to volunteering with the Full Gospel Fellowship Church under the direction of Pastor Toni Brooks to serve hot meals to senior citizens at their homes once a week. He graciously took care of the personal needs of several senior citizens and hosted a talk show twice per month at WONG radio station that addresses various issues within the community.

Not only is Sgt. Cheeks committed to economic equality and bettering the community, but he is also committed to civic engagement and involvement. He currently sits on the Voter Registration committee and serves as the Chairman of the Membership Committee for the Canton Branch of the National Association for the Advancement of Colored People (NAACP). Even with all this on his plate, Sgt. Cheeks still made time to own and manage Winn-n-Cheeks Grocery Store for over twenty years after retiring from the Army. Sergeant Cheeks has been a pillar in his community more than half a century and has served our country honorably; I cannot find anyone nobler or better suited to have a federal building named in their honor.

Mr. Speaker, I ask my colleagues to join me in recognizing First Sergeant Landres Cheeks for his dedication to serving others.

HONORING THE MEN AND WOMEN IN OUR ARMED SERVICES

**HON. ANN MARIE BUERKLE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Ms. BUERKLE. Mr. Speaker, I rise today to remember and pay tribute to our men and women in uniform during this holiday season.

While we must always remember those who make the ultimate sacrifice for our country, it is especially important to remember them as we celebrate this holiday season. What should be a time of joy, will be a difficult time for many families who are dealing with the loss of a loved one who has died in service to our Nation.

Two families in my own district are coping with the tragic loss of their loved ones this year. Marine Corporal Kyle Schneider of Phoenix, New York was killed by an improvised explosive device while serving in Helmand province, Afghanistan. He is survived by his parents, Richard and Lorie Schneider, his brother Kevin, and his fiancée Theresa Lynn Dodge.

Chief Warrant Officer Brad Gaudet, a native of my colleague Mr. GOHMERT's district, was killed in Afghanistan after his helicopter crashed near Kabul. He is survived by his wife Ginny, of Liverpool, New York, and two young daughters.

In this season of giving we must remember not only those who have fallen, but also the families they have left behind.

In addition to remembering those we have lost, we must continue to honor those who currently serve. We must remember that there are soldiers who will spend their Christmas in a war zone fighting for our freedom; soldiers who have not seen their families for months.

We must also remember veterans at this holiday time. While their service is over, the debt of gratitude we owe to them for their sacrifice should never be forgotten.

Christmas is an important time to stop and pay tribute to our men and women in our armed services. We are privileged to live in the greatest nation in the history of the world because of their service and sacrifice.

RECOGNIZING ERIC FOSS

**HON. KEVIN YODER**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. YODER. Mr. Speaker, I rise today to acknowledge the hard work of Eric Foss, my legislative assistant.

Eric has worked in my office since I came to Congress and is leaving Washington, D.C. to return to Kansas. He has been a valued and reliable member of my staff, and it has been my honor to work with him as we serve the great people of the State of Kansas.

Eric is a proud Jayhawk, and a graduate of the University of Kansas and KU law. He has been a great source of information in my office, and my entire staff and I are sad to see Eric leave. We wish him the best of luck in his

future endeavors in Kansas, and know Eric will do great things.

We thank Eric for his service to the 3rd District of Kansas.

RECOGNIZING REALTOR ASSOCIATION OF GREATER FORT LAUDERDALE

**HON. DEBBIE WASSERMAN SCHULTZ**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to recognize the 90th anniversary of the Realtor Association of Greater Fort Lauderdale.

The Association has a long, successful history of growth and success that mirrors the community growth and economic development of the City of Fort Lauderdale and surrounding South Florida community.

From its humble founding in 1922 by six local real estate professionals as the Fort Lauderdale Board of Realtors, the Realtor Association of Greater Fort Lauderdale has grown over the past nine decades into one of the largest realtor Associations in the state of Florida.

Today, the Realtor Association of Greater Fort Lauderdale serves more than 7,500 members across Broward, Palm Beach, and Miami-Dade counties who in turn assist tens of thousands of South Floridians.

Since its inception, the Realtor Association of Greater Fort Lauderdale has helped its membership conduct thriving businesses and along the way has promoted the highest standards of professional practice in the real estate community.

As a Member of Congress, I have been particularly proud of the Association's work over the years as a constant champion for consumers in our local communities.

In cities and towns across America, realtors provide expert advice and guidance to current and future property owners on what often is the biggest investment a family makes. Realtors promote affordable housing, expand home ownership, and work to end housing discrimination wherever it exists.

The Realtor Association of Greater Fort Lauderdale does all of these things while maintaining the highest level of professionalism. The Association's realtors study long hours to hone their professional skills and adhere to the Code of Ethics set out by the National Association of Realtors.

The last few years have been extremely difficult for the housing market nationally, and especially in South Florida. Yet, realtors have stood ready to assist with the challenges of the current market because they know—as all of us who live in South Florida know—that our community is one of the best places in the country to live, work, and raise our families.

I am pleased to join in celebrating the Realtor Association of Greater Fort Lauderdale on their 90th anniversary and wish to honor all of Florida's realtors who serve our communities.

I look forward to continuing to work with the Realtor Association of Greater Fort Lauderdale as it continues its long tradition of excellence to the South Florida community.

A TRIBUTE TO THE LIFE OF  
DAVID LOWRY WIDELL

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. COSTA. Mr. Speaker, I rise today with my colleagues Mr. THOMPSON, Mr. FARR, Mr. MILLER, Mr. GARAMENDI, and Mr. CARDOZA to pay tribute to the life of David Lowry Widell who recently passed away at the age of 44. His advocacy and passion for Central California's wetlands, wildlife, and water issues made him a distinguished community leader and notable conservationist. He served our great state in a number of capacities, most recently as the General Manager and Governmental Affairs Director for the Grassland Water District.

Dave was born on May 17, 1967 in Watsonville, California, and was raised in the agriculturally rich city of Los Banos, California. Dave grew up hunting and fishing, and it was at this time that his deep appreciation for the Valley's wildlife and resources developed. His love of the Valley led to a fulfilling career, one where he was able to seek political solutions to some of Central California's most pressing issues.

Dave's reverence for the San Joaquin Valley was enhanced by the knowledge he gained through his education. Upon graduating from Los Banos High School in 1985, Dave studied at Modesto Junior College, and then transferred to the University of California, Davis, where he earned a Bachelor's degree in History in 1990.

Dave spent his adult life working in the public's best interests. He served our nation in the United States Air National Guard and served our state in several capacities, such as a field representative for former Assembly Member Rusty Areias, and later as Assistant Secretary at the California Resources Agency. Dave also worked for the City of Los Banos as Planning Commissioner, and Director of the Merced County Farm Bureau Board. In 1992, Dave joined the Grassland Water District and served as Assistant General Manager.

Prior to returning to the Grassland Water District in 2007 as General Manager, Dave dedicated his time to a number of organizations, and served in a number of roles, including Chief Deputy Director of Governmental Affairs at the California Waterfowl Association and as Director of Conservation Policy for Ducks Unlimited. Dave's breadth of experience gave him a unique combination of intellect and enthusiasm, which allowed him to serve the San Joaquin Valley—and its people, water, and wildlife—with tact and influence.

Whether he was working on issues important to the Valley or spending time with his son Ty, currently a student at Purdue University, Dave lived a full and rich life. His dedication and service will leave a lasting legacy, and we will miss his insights and his humor.

Mr. Speaker, we ask our colleagues to join us in paying tribute to the life of David Lowry Widell, a respected and joyous man with a steadfast commitment to protecting the Central Valley's natural resources.

A TRIBUTE HONORING THE LIFE  
OF EVELYN HAUSNER LAUDER

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Ms. ESHOO. Mr. Speaker, I rise today to honor the life and extraordinary accomplishments of Evelyn Hausner Lauder, who passed away at her home in New York City on November 12, 2011. Evelyn was a loving wife and mother, a savvy business woman, a devoted philanthropist, and a noble citizen of our country who put the "active" in the word activist.

Evelyn Hausner married into one of America's most distinguished families, but her beginnings were humble. In 1936, Evelyn fled Nazi-occupied Europe with her parents, making their way to America and eventually settling in New York City. While attending Hunter College, Evelyn met her future husband, Leonard Lauder. In 1959, they married and worked together to help grow the Estee Lauder Company.

With only six products when she joined, Evelyn recalled that "it was a baby company"—something to grow and nourish. Today, Estee Lauder stands as one of the most respected companies in the world. Evelyn herself created the Clinique product line and was an integral part of the fabric of the company.

Evelyn's real fame, however, was found in her role as an advocate for the one in eight women in the United States who develops breast cancer. Evelyn herself was a survivor. When she learned of her cancer diagnosis in 1989, she fought back—and won. She went on to personally help build the Evelyn H. Lauder Breast Center, founded the Breast Cancer Research Foundation, and launched the Pink Ribbon campaign. Evelyn's pink bows today are recognized symbols of hope for a cure for breast cancer, as does her lipstick Pink Ribbon.

I have always admired Evelyn's work from afar, and I have the honor and privilege of representing her son, Gary Lauder, her daughter-in-law, Laura Lauder, and grandchildren, Ellie and Josh, and having them as my dear friends.

Mr. Speaker, I ask my colleagues to join me in extending our deepest condolences to Evelyn Lauder's husband, Leonard Lauder; her children, William Lauder and Gary Lauder; her daughter-in-law, Laura Lauder; and her beloved grandchildren. Evelyn Lauder's life is instructive to all of us of the significance that one person can have for an entire nation . . . to literally insert an issue into the national dialogue and consciousness. As the poet wrote, "and so she passed on, and all the trumpets sounded on the other side."

IN RECOGNITION OF THE CAREER  
AND HUMANITARIAN ACHIEVE-  
MENTS OF FAROOQ KATHWARI

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. ACKERMAN. Mr. Speaker, I rise today to seek Congressional recognition of the exceptional achievements and outstanding charitable and humanitarian works of Farooq Kathwari.

Just this month, Mr. Kathwari received yet another prestigious honor, as the United States Institute of Peace, USIP, dedicated the Farooq Kathwari Amphitheater in recognition of both his long standing work with USIP, as well as his decades of humanitarian efforts across the globe. Not only has Farooq enjoyed a long and illustrious business career, but throughout his life he has also dedicated himself unflinchingly to numerous humanitarian causes. I have always marveled at the way he balances such a successful business career with his commitment to giving back and "paying it forward." Farooq Kathwari is a most fitting recipient of this singular honor from USIP. While leading a Fortune 500 company, he generously lends his valuable time and energy to promote world peace through advocacy and by serving on the boards of numerous human-rights organizations.

The life story of Farooq Kathwari illustrates what our great country stands for, and the bountiful opportunities the United States offers its citizens. Farooq Kathwari came to America over 40 years ago as a political refugee from strife-torn Kashmir, and he now leads one of the Nation's largest and prestigious companies. He arrived in New York City at age 20 armed with a B.A. in English and political science, and with a determination to live and grow in a free society. Two years later he earned an MBA, went to work for Newcourt Securities, where he rapidly rose to the position of vice president, and simultaneously launched his own importing business. Soon thereafter, the iconic American company, Ethan Allen, purchased an interest in his company. In 1980, the firms merged, and Farooq Kathwari became vice president of Ethan Allen. By 1989, he had risen to the post of Chairman, President, and CEO. Farooq has been the top executive at Ethan Allen Interiors for 26 years; under his leadership, the company has become a leading competitor in interior design and home furnishings, while also fostering a business that values environmental and social responsibility. He is a national leader in the furniture industry; where he serves as the director and chairman of the National Retail Federation and director and is the former chairman and president of the American Home Furnishings Alliance. The industry also inducted him into the American Furniture Hall of Fame.

While Farooq's professional accomplishments are impressive, his most laudable contribution is his tireless dedication to foster world peace and to bettering the lives of others. His humanitarian efforts extend to those people displaced by conflict zones and who end up in refugee camps, and to those facing

religious persecution in the Middle East and elsewhere. Most recently, Farooq was honored by the Office of the United Nations High Commissioner of Refugees for his steadfast dedication to raising consciousness of the plight of refugees worldwide. He also serves on the President's Advisory Commission on Asian Americans and Pacific Islanders, and has received numerous awards for his peace activism, including the humanitarian award from the Anti-Defamation League. Farooq is a director and former chairman of Refugees International, a director of the International Rescue Committee, director of the Institute for the Study of Diplomacy at Georgetown University and the Henry L. Stimson Center, and a member of the Council on Foreign Relations. He is also my friend.

Mr. Speaker, Farooq's life's work is to help foster a dialogue for peace in much-troubled regions, and to promote human rights around the world. I ask all my colleagues in the House of Representatives to stand and join me now in honoring Farooq Kathwari, a most compassionate and selfless citizen. May his good works serve as a model for countless others to follow.

HONORING SGT. TIMOTHY K.  
GILBOE

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate Sgt. Timothy K. Gilboe on being awarded the Silver Star for his heroic action in Afghanistan.

In 2006, Sgt. Gilboe left his home in Jackman, Maine to serve in the Army. After enlisting, Sgt. Gilboe showed outstanding qualities as a soldier, earning him membership to the 4th Brigade's Combat Team, 10th Mountain Division at Fort Polk. Eventually, he was sent to Afghanistan.

On April 28th, 2011, insurgents opened fire on Gilboe's platoon, wounding the leader and squad leader. Sgt. Gilboe returned fire while suppressing the flames that ignited on a comrade's backpack. When an insurgent ran towards him with a rifle, an unarmed Sgt. Gilboe physically arrested the belligerent, despite gun-shot wounds he had sustained to his leg. After a fellow soldier was able to neutralize the insurgent, Sgt. Gilboe delayed medical treatment to help secure the area and aid his wounded comrades.

There is no question that that Sgt. Gilboe's actions saved the lives of his comrades that day. His remarkable heroism and devotion to his fellow soldiers are an inspiration to all that know him or have heard his story. Beyond the great honor of the Silver Star, our nation owes Sgt. Gilboe our everlasting thanks and appreciation. I am proud and greatly humbled to stand here today and honor such an individual.

Mr. Speaker, please join me in honoring Sgt. Timothy Gilboe for his incredible heroism.

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300-132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,104,054,667,691.48. We've added \$10,302,649,492,397.20 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

COMMENDING KEVIN FAY FOR RE-  
CEIVING THE 2012 JAMES L.  
EICHBERG LIFETIME ACHIEVE-  
MENT AWARD

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to commend Kevin Fay for being named the recipient of the inaugural James L. Eichberg Lifetime Achievement Award for his many years of tremendous service to our community.

Kevin has been an Executive Committee member of the Leukemia Ball for 15 years, helping to raise more than \$3 million for research funding. In 2001, he founded The Leukemia & Lymphoma Society's Congressional Honors Program helping to educate those of us in Congress on the many challenges these deadly diseases pose, and the effectiveness of research funding in leading to advances in diagnosing and treating them.

Kevin has served on the Fairfax County Park Authority since 2003, improving the quality of life for local residents. He has helped provide new athletic fields, a fully accessible playground for children of all abilities, additional County trails and the preservation of historic sites. He has chaired several Park Authority committees, as well as serving as a liaison to the Fairfax County Public Schools.

Additionally, Kevin has assisted in the fundraising efforts of numerous charitable organizations such as St. Patrick's Foundation, The World's Children Choir and McLean Little League. Thanks to his tireless efforts, Kevin has helped raise millions of dollars in funding for these and other worthy organizations.

I have been privileged to know Kevin Fay for many years and I have marveled at his generosity of spirit in his many volunteering capacities throughout our region. I know that our community has benefited greatly from his good deeds. Mr. Speaker, I ask my colleagues to join me in commending Kevin Fay for being named the 2012 recipient of the James L. Eichberg Lifetime Achievement Award, and to offer our thanks for his lifetime of work on behalf of others.

EXTENDING CONDOLENCES TO THE  
PEOPLE OF THE PHILIPPINES**HON. EDWARD R. ROYCE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. ROYCE. Mr. Speaker, I rise to express my condolences to the people of the Philippines in the aftermath of the destructive typhoon and flood that swept across Mindanao, devastating the coastal areas around Cagayan de Oro, Iligan, and Bukinan.

This past weekend, Typhoon Washi struck the Philippines with turbulent winds, overwhelming the region with a month's worth of rain over just 12 hours. The heavy rain caused rivers to overflow and, in the middle of the night, the fast rising waters ravaged the populated villages. An estimated 167,000 Filipinos have been impacted, with 957 losing their lives. Sadly, these numbers rise as each day passes.

Right now, these areas are suffering from crowded evacuation centers, inundated medical facilities, and destroyed homes. As the Philippines and the United States have an historically close relationship, it is important to ensure that we assist the Filipino people as best we can, and help the many suffering rebuild and heal. The needs in these destroyed areas are substantial.

I also commend the quick community efforts of U.S. based Filipino organizations, such as Kagay-anon International of Southern California (KISC), for answering the call to help. Within 24 hours, KISC already collected 15 boxes worth of clothing, food, and water. It is organizations like this that truly bring hope to those in need and make a difference in a crisis.

Again, I express my deepest condolences to the people of the Philippines. As the holidays approach, know that we support and stand by you as you work to recover from this natural disaster.

HONORING ASHER B. DURAND AND  
THE HUDSON RIVER SCHOOL OF  
PAINTERS**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mrs. MALONEY. Mr. Speaker, I rise today to honor two important paintings in the Capitol Visitors Center that were recently placed for public viewing by the Architect of the Capitol. I refer to the famous 19th century painter Albert Bierstadt's works "The Discovery of the Hudson River" and "Entrance into Monterey," which can be viewed near the starting point for visitor tours through the Capitol. These paintings represent a uniquely American point of view as part of the Hudson River School of Painting.

Within my district in New York City, there are many connections to this first indigenous American school of painting and its artists. One artist, Asher Durand, stands out in particular.

Durand helped found what is known today as the National Academy Museum and School, which I am proud to have in my district. Durand was a very accomplished artist of the 19th century and he served as president of the Academy for many years. His style was highly detailed, a hallmark of the School, and one of his most famous pieces, "Kindred Spirits," is often cited as one of the works most emblematic of the School's ideals. This painting, which resided in the iconic New York Public Library in my district for over 100 years, cemented Durand's place at the forefront of the movement created by the Hudson River School.

As the School's prominence grew, many of the painters traveled abroad to study and were introduced to the culture of the capitals of Europe, the Middle East, and North Africa. These travels inspired many of the artists to join with other leaders to found the Metropolitan Museum of Art in New York City in 1870. Located in my district on Fifth Avenue, around 5 million visitors walk up the steps of this landmark institution each year. Some of the School's painters later served as trustees and members of the Executive Committee for the Met. Today, many works from the Hudson River School, including several by Durand, hang there.

Some painters also traveled to the American West, which at the time, was an exciting, undiscovered region that captivated Americans in the East. The members of Congress were so inspired by the works produced on these trips that they dedicated national parks, such as Yellowstone and Yosemite, to protect the awe-inspiring landscapes many had only ever witnessed on canvas. This spirit of environmental conservation became more and more popular, and these paintings were later used to support the creation of the National Parks Service in 1916.

Mr. Speaker, I would like to recognize the importance of painters like Asher Durand and his contemporaries of the Hudson River School, whose contributions to our country's art, culture, and society are innumerable and still important to every American today.

H.R. 3029, THE REDUCING THE SIZE  
OF THE FEDERAL GOVERNMENT  
THROUGH ATTRITION ACT OF  
2011**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. ISSA. Mr. Speaker, earlier this week, the Committee on Oversight and Government Reform filed a report to accompany H.R. 3029, the Reducing the Size of the Federal Government Through Attrition Act of 2011. The purpose of the legislation is to reduce the size of the federal civilian workforce by ten percent through attrition. The bill also makes the federal government subject to a hiring freeze if the size of the workforce exceeds ninety percent of its size as of September 30, 2011. The legislation requires tough, but necessary, choices to control government spending.

As discussed in the committee report, H.R. 3029 provides the President, acting through the Office of Management and Budget and in consultation with the Office of Personnel Management, broad flexibility to achieve the necessary reduction in the size of the federal civilian workforce and to prioritize staffing needs across the federal government. The Committee cites federal law enforcement as an occupational category that meets the requirements for an exemption from both the required workforce reduction and the hiring freeze.

The Committee recognizes that the federal government's law enforcement responsibilities have expanded in the aftermath of the September 11, 2001 terrorist attacks. The national security and homeland security challenges our nation faces are increasingly complex, and require a dedicated workforce of federal civilian employees. In exercising the waiver authority provided in the bill, the Committee believes the President should give every consideration to members of the federal law enforcement community whose duties include (1) the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States; (2) the protection of officials of the United States against threats to personal safety; or (3) the protection of life and property, such as government institutions performing emergency work involving the safety of human life or the protection of property.

The Committee will carefully monitor implementation of H.R. 3029 to ensure the federal government's law enforcement mission is appropriately protected.

HONORING THE LIFE AND LEGACY  
OF DANIEL BUCKNER PRICE**HON. CEDRIC L. RICHMOND**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. RICHMOND. Mr. Speaker, I rise today to honor the life and legacy of Daniel Buckner Price and the steadfast faith and goodwill of the Price family. Daniel was brutally murdered at the age of 28 in San Francisco while trying to protect his high school sweetheart and wife, Sarah Abbott Price, from an attacker.

A native of my hometown of New Orleans, Louisiana, Daniel was a loving husband, brother, son, and friend. During his short life, in addition to being remembered as a devoted family man, we remember Daniel as a talented artist and gifted athlete.

Family, friends, and strangers alike remember Daniel for his infectious spirit and creativity.

An inspiration to all whose lives he touched, Daniel had the ability to find beauty in even the simplest pleasures.

Daniel's parents, Dr. Steve and Mrs. Catherine Price are great parents and loving members of the New Orleans community. Following his tragic death, his family created the Daniel Price Memorial Fund for Aspiring Artists to give talented fine arts graduates of the New Orleans Center for Creative Arts (NOCCA) an opportunity to pursue higher educational studies in the arts. Instead of giving up on the

good in people and becoming jaded, they doubled down on their faith and in the future of New Orleans' best product and our future: our children. The scholarship will enable future generations of young, talented artists like Daniel Price to follow their artistic passion while obtaining a college degree. One criterion for the scholarship is that the applicant must also demonstrate an ongoing commitment to the New Orleans artistic community. This will ensure that the beneficiaries of the scholarship continue to contribute to New Orleans' future in the years ahead.

While we continue to grieve the loss of such a precious and innocent life, let us find the strength to be inspired to be kind and generous, and to live our lives with the same vitality and integrity that Daniel Buckner Price lived his life. The Price family represents the best of what New Orleans has to offer. Their dedication to the city and its future brings hope and promise to ensuring that New Orleans remains one of the most beautiful and unique places in the world.

RECOGNIZING RETIRED SERGEANT  
MAJOR CHARLES SCOTT SR. FOR  
HIS HONORABLE SERVICE TO  
OUR COUNTRY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable veteran, Retired Sergeant Major Charles Scott, Sr., United States Army. Mr. Scott was born on August 7, 1928, in Vicksburg, Mississippi. He is the sixth of nine children born to Oscar and Evelyn Scott. His early years of education began at Cherry Street School and from there he went on to Magnolia High School.

Mr. Scott entered the U.S. Army on November 27, 1950, where he served in the Korean War with the 96th Field Artillery as an Artillery Crewman. He served four tours of duty in Germany totaling ten years. He also toured twice in Vietnam with the 101st Airborne Division; coordinating artillery fire, mortar fire, attacking enemy helicopters and close air strikes by the Air Forces.

During his last five years in service, Mr. Scott was the advisor to the U.S. Army Reserve in South Mississippi. Sergeant Major Scott retired in 1983 accumulating more than 30 years of service in the United States military. His Awards include: The Bronze Star Medal, Meritorious Service Medal with One Oak Leaf Cluster, Army Commendation Medal with Three Oak Leaf Clusters, Good Conduct Medal 10th Awards, Army of Occupation Medal (Germany), National Defense Service Medal with One Oak Leaf Cluster, Korean Service Medal with Two Stars, Vietnam Service Medal with Three Stars, Army Service Ribbon, NCO Professional Development Ribbon, United Nations Service Medal, Republic of Vietnam Campaign, Presidential Unit Citation, Valorous Unit Award, Meritorious Unit Commendation, Republic of Korea Presidential Unit Citation, Vietnam Presidential Unit Citation, Republic of Vietnam Cross of Gallantry with

Palm Unit Citation, Republic of Vietnam Civil Action Unit Citation and Honorable Order of St. Barbara.

Retired Major Scott is a member of Mount Heroden Baptist Church where he is the Chairman of the Trustee Board. He is also a member of the American Legion Tyner-Ford Post 213, and the former commander of the American Legion Department of Mississippi from 2005 through 2006 with 18,000 members. He is presently the sixth district Vice Commander. On the National Level, he is the Vice Chairman of the Americanism Council for Children and Youth Department, a Life member of American Legion 101st Airborne Association, Veterans of Foreign Wars, Disable American Veterans Post #22, the National Association for Uniformed Service, a member of the AARP and a member of the American Legion Legislative Division.

Mr. Scott is happily married to his wife of 24 years, Mrs. Lillie M. Scott and they have six children, seventeen grandchildren and six great-grandchildren and a host of nieces and nephews.

Mr. Speaker, I ask my colleagues to join me in recognizing Retired Sergeant Major. Charles Scott, Sr. for the dedication of service he's given to our country.

RECOGNITION OF COMMANDER  
DONNA SHEARN, NEWARK, CALI-  
FORNIA POLICE DEPARTMENT

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Commander Donna Shearn. Commander Shearn is retiring after serving 25 years as a member of the Newark, California Police Department.

Commander Shearn began her career with the Newark Police Department as a police officer on August 16, 1986. While serving as an officer, she was assigned to patrol and the Special Enforcement Unit. Additionally, she was a member of the Hostage Negotiation Team. Commander Shearn was one of the first three original D.A.R.E. officers and also worked as a School Resource Officer. To show her commitment to the citizens of Newark, Commander Shearn was active in the creation of the Newark Police Department's Vision Statement.

In July 1991, Commander Shearn was promoted to the rank of Sergeant, the first and only female to make Sergeant in the Department's history. She served as Administrative Sergeant, as well as Acting Detective Division Commander. In addition to her Patrol Sergeant responsibilities, she supervised a number of Department programs. These programs included, Field Training Officer, Acting Supervisor, Explorers, Hostage Negotiations, Trauma Response, Vehicle Abatement, Safety Patrol, and Patrol Scheduling and Staffing.

On July 1, 2004, Commander Shearn was promoted to Police Lieutenant. She was the first female Police Lieutenant in the Department's history. During her time as Lieutenant, she served as the Administrative Lieutenant

and the Patrol Operations Lieutenant. The Lieutenant position was reclassified to the rank of Police Commander on January 1, 2009. Commander Shearn is the first female Police Commander in the department's history.

Commander Shearn was named Employee of the Quarter for Fall 2003. She received this award for organizing and coordinating a Board of Corrections jail inspection. The Newark Police Department passed this inspection with significant recognition. In 2009, she received the honor of the City of Newark Employee of the Year award from Mayor Dave Smith at the annual Employee Service Awards. She received this award for her dedicated efforts to advance the Police Department, despite the limited resources allocated to the Department.

Commander Shearn was awarded the Chiefs Challenge Coin of Special Recognition for her outstanding work, loyalty to the organization, and tireless efforts in the development and promotion of the Mission, Vision, and Values of the Newark Police Department. This coin is issued only to members of the Police Department who consistently perform at exemplary levels or rise above with a single act of excellence.

I join in saluting Commander Shearn for her commitment to excellence, thanking her for her exemplary service, and wishing her well on her retirement.

CELEBRATING THE SERVICE OF  
DON L. RIDING

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. COSTA. Mr. Speaker, I rise today to recognize Mr. Don L. Riding, Fresno Field Office Director with the U.S. Citizenship and Immigration Services (USCIS). After 39 years of dedicated service, Don is retiring so he can spend more time with his family.

Don began his career in 1972 with the federal agency we then called Immigration and Naturalization Service (INS). He was based in El Paso, Texas as an Immigration Inspector. In 1975, Don was transferred to the INS Baltimore, Maryland office as a Criminal Investigator, where he investigated immigration fraud. Don was promoted in 1980 to Course Developer/Instructor at the Immigration Officer Academy in Glynnco, Georgia. He remained at the Academy for 2 more years before he became the Port Director at Laredo, Texas in 1982. In 1984, our community was lucky when Don was transferred to Fresno as Officer in Charge. He has remained in Fresno ever since and was promoted in September 2003 to Field Officer Director for the now U.S. Citizenship and Immigration Services (USCIS) in Fresno. Don has been doing a tremendous job in Fresno for almost three decades.

Before the INS, Don spent two years in the U.S. Army and then two years on a church mission in Brazil. Don received his B.A. degree from Brigham Young University in 1972. I applaud Don Riding for his many years of tireless work on behalf of the United States government. I know he will enjoy more time



with his wife, Donna, his five children and four grandchildren.

Mr. Speaker, it should be noted that in addition to his countless gifts to our community, Don has been a true champion for my constituents. In my office the majority of our constituent casework is immigration issues. These are sensitive cases that can sometimes take a great deal of time to resolve. My Fresno staff has worked closely with Don Riding on immigration issues for twenty years and proudly recollects Don always being available to discuss cases and work together on issues of concern. I ask my colleagues to join me today in recognizing the commitment, dedication and success of Don Riding and wish him well as he embarks on new endeavors.

#### HONORING VACLAV HAVEL

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 20, 2011*

Mr. WOLF. Mr. Speaker, today I rise to recognize and pay tribute to former Czech president and play-wright Vaclav Havel. He began as one of Czechoslovakia's best-known dissidents as he pushed for democratic change during the dark days of the Soviet Union. He went on to become the first president of the Czech Republic.

I submit for the RECORD an article from Monday's Washington Post where post columnist Michael Gerson, recalled Havel's message to a joint session of Congress in which he urged Americans to put "morality ahead of politics" and to foster "responsibility—responsibility to something higher than my family, my country, my company, my success." This same message could not come at a more timely moment. I commend it to my colleagues.

[From the Washington Post, Dec. 19, 2011]

#### HAVEL'S REVOLUTION OF TRUTH

(By Michael Gerson)

As the heroes of the Cold War walk off into the mist—Ronald Reagan, then John Paul II, now Vaclav Havel—each departure makes

that world more distant and foreign. But it is too early for forgetfulness, which would also be ingratitude.

Once in a nightmare, European dissidents lived in prison, in whole nations that were prisons. They were confirmed to mental hospitals by governments sustained through the promotion of mass delusion. They were forced to make confessions of imagined crimes by regimes that were criminal enterprises.

And then the government of Czechoslovakia went a step too far. In 1976, it arrested a band called The Plastic People of the Universe for offenses against cultural conformity. This was a perfect symbol of communism: a system that could not tolerate the unauthorized singing of songs. The regime's stupidity undermined its capacity to intimidate. Havel—a countercultural intellectual and rock fan—co-founded the Charter 77 human rights movement. Never has bad popular music been put to better use.

In history's great refutation of historical pessimism, Europe's nightmare turned out to be a "fairy tale"—a phrase Havel used to describe his experience. On Oct. 27, 1989, Havel was sent to prison for the fourth time. That December, 300,000 Czechs turned out in Wenceslas Square to chant, "Havel to the Castle!" By New Year's Day, Havel could declare, "People, your government has returned to you!" In February, he addressed a joint session of Congress as the leader of a free Czechoslovakia. It was four months from prisoner to visiting president.

Havel helped overthrow communism by discrediting its central tenet. Scientific socialism taught that history is the outworking of massive economic and social forces that the individual could not hope to budge. Ideals, Marx sniffed, were "phantoms formed in the human brain." As Winston Churchill might have said of Havel: Some phantom. Some brain. Havel relentlessly exposed communist ideology as a confidence game, a Ponzi scheme, dependent on broad deference to obvious lies. One ideal—a commitment to truth—proved to be a lever long enough to move the world.

Reading back over Havel's landmark 1978 essay, "The Power of the Powerless," is like wading through molasses scattered with diamonds. The intellectual jargon is thick—and then comes a crystalline phrase, a perfectly polished insight. Communist regimes require people to "live within a lie," demanding de-

humanizing rituals of loyalty. He describes his country as plastered with slogans but lacking in genuine belief. "Each person," he says, "somehow succumbs to a profane trivialization of his inherent humanity." They drift together "down the river of pseudolife."

Yet in a society ruled by lies, truth gains a "singular, explosive, incalculable political power." The desire to live authentically is the equivalent of a fifth column—a revolution hidden in a whole society. Truth advances in a political speech, in a hunger strike, in a play, in a song. "It is a bacteriological weapon, so to speak," says Havel, "utilized when conditions are ripe by a single civilian to disarm an entire division." Havel was a historical prophet of the first order—and the fulfillment of his own prophecy.

"Living within the truth," according to Havel, is an inherently moral enterprise. It requires sacrifice, which presupposes a "sense of responsibility" for others—a belief in love, friendship and compassion. In the company of John Paul II and Alexander Solzhenitsyn, Havel believed that political renewal starts in moral and personal renewal. In one letter from prison he wrote, "But who should begin? Who should break this vicious circle? The only possible place to begin is with myself . . . . Whether all is really lost or not depends entirely on whether or not I am lost."

Uncomfortably, Havel also applied this moral vision to the prosperous nations of the West. He criticized "a selfish cult of material success" and "the absence of faith in a higher order of things." Consumerism and relativism, he warned, could also strip people of humanity and responsibility. Even the wealthy and powerful can live within the lie. In his speech to Congress, Havel urged Americans to put "morality ahead of politics" and to foster "responsibility—responsibility to something higher than my family, my country, my company, my success."

American intellectual Noam Chomsky called Havel's speech an "embarrassingly silly and morally repugnant Sunday School sermon"—itself a statement both silly and repugnant.

The Czech Republic had this rare advantage: Its leading intellectual believed in the ideals of Western civilization. And by his faith in civilization, he helped to save it.



## HOUSE OF REPRESENTATIVES—Wednesday, December 21, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FITZPATRICK).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 21, 2011.

I hereby appoint the Honorable MICHAEL G. FITZPATRICK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Michael Wilker, Lutheran Church of the Reformation, Washington, D.C., offered the following prayer:

Gracious God, You give us light in the darkness. We praise You for the galaxies, stars, planets, and Moon that shine in the night. We bless You for lamps and candles that illumine our communities. We thank You for the fires that warm our homes and energize our work.

We repent for the ways we pollute the beauty of the night, the ways we extinguish the light of companionship, the ways we fail to share Your warmth.

Enlighten our darkness. Be the dayspring for those suffering from addiction and illness. Be the bright morning star for those who are grieving. Be the Sun of justice for those living under oppression and in poverty. Be the cleansing fire for those who survive violence and warfare.

Traveling, send us with Your light to share with friends and strangers. Welcoming, light our gatherings with Your love. Searching for justice and peace, light our way.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 493, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. VAN HOLLEN) come forward and lead the House in the Pledge of Allegiance.

Mr. VAN HOLLEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 493, the House stands adjourned until 10 a.m. on Friday, December 23, 2011.

Accordingly (at 10 o'clock and 2 minutes a.m.), the House adjourned until Friday, December 23, 2011, at 10 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4366. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule — Investment of Customer Funds and Funds Held in an Account for Foreign Futures and Foreign Options Transactions (RIN: 3038-AC79) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4367. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Liquidity and Funding (RIN: 3052-AC54) received December 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4368. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the submission of the report on DoD purchases from foreign entities; to the Committee on Armed Services.

4369. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the State of Missouri since May 22, 2011, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

4370. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

4371. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-51, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4372. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of

State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

4373. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4374. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting 2 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4375. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4376. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4377. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on the administration of the Surface Transportation Project Delivery Pilot Program, pursuant to Public Law 109-59, section 6005(h); to the Committee on Transportation and Infrastructure.

4378. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Relief With Respect to IRAs Whose Owners Have Entered Into Certain Agreements With Brokers or Other Financial Institutions [Announcement 2011-81] received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4379. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Ronald Andrew Mayo and Leslie Archer Mayo v. Commissioner, 136 T.C. 81 (2011) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4380. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2011-100] received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4381. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2011 Cumulative List of Changes in Plan Qualification Requirements [Notice 2011-97] received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4382. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding Foreign Base Company Sales Income [TD 9563] (RIN: 1545-BI45)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4383. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Guidance on the Measurement of Continuity of Interest [TD 9565] (RIN: 1545-BG15) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4384. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule

— Reporting of Specified Foreign Financial Assets [TD 9567] (RIN: 1545-BK17) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4385. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tax Return Preparer Penalties Under Section 6695 [TD 9570] (RIN: 1545-BK16) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UPTON: Committee on Energy and Commerce. Second Semiannual Report of the Activities of the Committee on Energy and Commerce for the 112th Congress (Rept. 112-337). Referred to the Committee of the Whole House on the state of the Union.

## EXTENSIONS OF REMARKS

RETIREMENT OF MS. LINDA  
MOODY AFTER NEARLY 50  
YEARS OF SERVICE

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 21, 2011*

Mr. BUTTERFIELD. Mr. Speaker, today I rise to recognize Ms. Linda Moody for her lifetime commitment to public service. For the past 47 years, Ms. Moody has worked tirelessly with the Northampton County Department of Social Services, most recently as an Administrative Officer. In her role, she facilitated in helping those in need and advocated for the proper care of children and citizens who are blind and visually impaired.

Linda Moody helped grow the organization during its infant stages by providing counseling and instruction to hundreds of employees. She successfully trained and mentored an army of social workers, who now follow in her footsteps. Ms. Moody has been recognized by her peers on several occasions for her outstanding contribution to the social services unit of Northampton County. And, Ms. Moody is even a charter member of the North Carolina Social Services Association, an outlet that allows her to continue advocacy on behalf of disadvantaged families and raise funds for their well-being.

However, in her nearly five decades-long career, Ms. Moody credits her primary achievement as helping to ensure the welfare of children and parents.

In addition to her outstanding professional achievements, Ms. Moody is an active member of many civic organizations including her church, Seaboard United Methodist Church, where she is the Music Director and Sunday School Superintendent.

Mr. Speaker, Linda Moody is a living illustration of the kindheartedness and selfless spirit that makes North Carolinians great. On behalf of the people of the First Congressional District of North Carolina, I thank Ms. Linda Moody for her invaluable contribution to her community and state.

RETIREMENT OF DR. DAVID  
WENTZY AFTER MORE THAN 40  
YEARS OF SERVICE

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 21, 2011*

Mr. BUTTERFIELD. Mr. Speaker, the book of Matthew describes a well-known scene where the highest deity separates men based on their capacity to sympathize with those who are most in need in their community. In the Bible verse, Jesus admonished a group of men who refused to help him when he was hungry, poor, and sick. These same men asked in response, Jesus when were you hungry, poor, and sick for we would have helped in your time of need.

Jesus response, "Truly I tell you, whatever you did for one of the least of these brothers and sisters of mine, you did for me."

Mr. Speaker, I stand today to recognize the unyielding service of Dr. David Wentzy, a man who has spent his entire life working for the least of those in our beloved community. Dr. Wentzy has amassed 42 years of service as a member of the U.S. Armed Forces and as the Director of Northampton County Department of Social Services, where he helped to care for the county's disadvantaged citizens.

Throughout his professional career, Dr. Wentzy has served on three North Carolina General Assembly Study Commissions and Councils, was active in the North Carolina Association of County Commissioners, and represented the state through the National Association of Counties, just to name a few. In addition, Dr. Wentzy was an active member of many fraternal, professional, military, and civic organizations. All of these demonstrate his exemplary leadership and commitment to the interests of Northampton County citizens.

Mr. Speaker, On December 31, 2011, Dr. Wentzy will retire as Director of the Northampton County Department of Social Services, opening the door for someone else to aspire to his impressive track record. But, although Dr. Wentzy is retiring from Social Services, I am certain he will continue to be a blessing to his community in an equally rewarding and selfless endeavor.

Mr. Speaker, on behalf of the people of the First Congressional District of North Carolina, I thank Dr. David Wentzy for 42 years of public service to our state and country. It is greatly appreciated.

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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**SENATE—Friday, December 23, 2011**

The Senate met at 9:30 and 21 seconds a.m., and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

**RECOGNITION OF MAJORITY  
LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**UNANIMOUS CONSENT  
AGREEMENT—H.R. 3765**

Mr. REID. Mr. President, I ask unanimous consent that if the House passes and sends to the Senate a bill which is identical to the text which is at the desk, a 2-month extension of the reduced payroll tax, unemployment insurance, TANF, and the Medicare payment fix, the bill be considered read three times and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and any statements related to the bill be printed in the RECORD as if read; further, that when the Senate receives a message from the House requesting a conference with respect to H.R. 3630, the Senate agree to the request for a conference and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 4 to 3; that if the House does not act by January 1, 2012, with respect to passage of a bill providing the 2-month extension, the Senate action with respect to a conference on H.R. 3630 be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**MESSAGES FROM THE HOUSE  
RECEIVED DURING ADJOURNMENT**

**ENROLLED BILLS SIGNED**

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on December 19, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 789. An act to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office".

H.R. 1264. An act to designate the property between the United States Federal Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a historical/identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson.

H.R. 1892. An act to authorize appropriations for fiscal year 2012 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 2422. An act to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the "Sergeant Angel Mendez Post Office".

H.R. 2845. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

H.R. 3421. An act to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001.

H.R. 3672. An act making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes.

S. 278. An act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills were signed on December 19, 2011, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on December 20, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendments of the Senate to the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers on the part of the House:

For consideration of the aforementioned bill and the Senate amendments, and modifications committed to conference: Mr. CAMP, Mr. UPTON, Mr. BRADY of Texas, Mr. WALDEN of Oregon, Mr. PRICE of Georgia, Mr. REED of New York, Mrs. ELLMERS, and Ms. HAYWORTH.

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on December 21, 2011, during the adjournment of the Senate, received a message from the House that the House agrees to the amendments of the Senate to the bill (H.R. 515) to reauthorize the Belarus Democracy Act of 2004.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1059) to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1801) to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2056) to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

**ENROLLED BILLS SIGNED**

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 515. An act to reauthorize the Belarus Democracy Act of 2004.

H.R. 1059. An act to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

H.R. 1540. An act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 1801. An act to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

H.R. 2055. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

H.R. 2056. An act to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills were signed on December 21, 2011, during the adjournment of the Senate, by the Acting president pro tempore (Mr. REID).

Under the order of the Senate of January 5, 2011, the Secretary of the Senate, on today, December 23, 2011, during the adjournment of the Senate, received a message from the House announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3765. An act to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 3765. An act to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills were signed on today, December 23, 2011, during the adjournment of the Senate, by the Acting president pro tempore (Mr. REID).

The message further announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes:

For the consideration of the aforementioned bill and the Senate amendments, and modifications committed to conference: Mr. LEVIN of Michigan, Mr. BECERRA of California, Mr. VAN HOLLEN of Maryland, Ms. SCHWARTZ of Pennsylvania, and Mr. WAXMAN of California.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by division P of

the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), the Minority Leader re-appoints the following members on the part of the House of Representatives to the United States-China Economic and Security Review Commission: Ms. Carolyn Bartholomew of Washington, DC and Jeffrey L. Fiedler of Great Falls, Virginia.

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ADJOURNMENT UNTIL TUESDAY,  
DECEMBER 27, 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 12 p.m. on Tuesday, December 27, 2011.

Thereupon, the Senate, at 9:31 and 46 seconds a.m., adjourned until Tuesday, December 27, 2011.

## HOUSE OF REPRESENTATIVES—Friday, December 23, 2011

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

Reverend Patrick Riffle, St. Peter's Catholic Church, Washington, DC, offered the following prayer:

O God, Who arranges all things according to a wonderful design, graciously receive the prayers we pour out to You for our country, that through the wisdom of its leaders and the integrity of its citizens, harmony and justice may be assured.

As we pause in these coming days of celebration and rest to be with our families and friends, prepare our hearts to welcome a new year that is filled with Your guidance and grace.

Heavenly Father, in this joyful season be most especially with our military and all who serve our country, especially those separated from family and friends, and may they and their loved ones know the gratitude and esteem we have for them and for their service.

We ask this all in Your most holy name.

Amen.

### THE JOURNAL

The SPEAKER. Pursuant to section 3(a) of House Resolution 493, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Missouri (Mrs. EMERSON) come forward and lead the House in the Pledge of Allegiance.

Mrs. EMERSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### TEMPORARY PAYROLL TAX CUT CONTINUATION ACT OF 2011

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent that the Committees on Ways and Means, Energy and Commerce, Transportation and Infrastructure, Natural Resources, Foreign Affairs, Financial Services, and the Budget be discharged from further consideration of the bill (H.R. 3765) to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consid-

eration of the Keystone XL pipeline, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

Mr. HOYER. Mr. Speaker, reserving the right to object, and I will not object, I know that the American people are pleased that we have come together to agree on this extension to give certainty and peace of mind to the 160 million Americans who are concerned about losing their tax cut, the 48 million seniors who were concerned about their Medicare, and the 2.3 million people who are unemployed and seeking work who were fearful of losing their benefits.

I thank the Speaker, I thank the gentlewoman from Missouri, and I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The text of the bill is as follows:

H.R. 3765

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Temporary Payroll Tax Cut Continuation Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—TEMPORARY PAYROLL TAX RELIEF

Sec. 101. Extension of payroll tax holiday.

#### TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS

Sec. 201. Temporary extension of unemployment compensation provisions.

Sec. 202. Extended unemployment benefits under the Railroad Unemployment Insurance Act.

#### TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS

Sec. 301. Medicare physician payment update.

Sec. 302. 2-month extension of MMA section 508 reclassifications.

Sec. 303. Extension of Medicare work geographic adjustment floor.

Sec. 304. Extension of exceptions process for Medicare therapy caps.

Sec. 305. Extension of payment for technical component of certain physician pathology services.

Sec. 306. Extension of ambulance add-ons.

Sec. 307. Extension of physician fee schedule mental health add-on payment.

Sec. 308. Extension of outpatient hold harmless provision.

Sec. 309. Extending minimum payment for bone mass measurement.

Sec. 310. Extension of the qualifying individual (QI) program.

Sec. 311. Extension of Transitional Medical Assistance (TMA).

Sec. 312. Extension of the temporary assistance for needy families program.

#### TITLE IV—MORTGAGE FEES AND PREMIUMS

Sec. 401. Guarantee Fees.

Sec. 402. FHA guarantee fees.

#### TITLE V—OTHER PROVISIONS

Subtitle A—Keystone XL Pipeline

Sec. 501. Permit for Keystone XL pipeline.

Subtitle B—Budgetary Provisions

Sec. 511. Senate point of order against an emergency designation.

Sec. 512. PAYGO scorecard estimates.

#### TITLE I—TEMPORARY PAYROLL TAX RELIEF

##### SEC. 101. EXTENSION OF PAYROLL TAX HOLIDAY.

(a) IN GENERAL.—Subsection (c) of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (26 U.S.C. 1401 note) is amended to read as follows:

“(c) PAYROLL TAX HOLIDAY PERIOD.—The term ‘payroll tax holiday period’ means—

“(1) in the case of the tax described in subsection (a)(1), calendar years 2011 and 2012, and

“(2) in the case of the taxes described in subsection (a)(2), the period beginning January 1, 2011, and ending February 29, 2012.”.

(b) SPECIAL RULES FOR 2012.—Section 601 of such Act (26 U.S.C. 1401 note) is amended by adding at the end the following new subsection:

“(f) SPECIAL RULES FOR 2012.—

“(1) LIMITATION ON SELF-EMPLOYMENT INCOME.—In the case of any taxable year beginning in 2012, subsection (a)(1) shall only apply with respect to so much of the taxpayer's self-employment income (as defined in section 1402(b) of the Internal Revenue Code of 1986) as does not exceed the excess (if any) of—

“(A) \$18,350, over

“(B) the amount of wages and compensation received during the portion of the payroll tax holiday period occurring during 2012 subject to tax under section 3101(a) of such Code or section 3201(a) of such Code.

“(2) COORDINATION WITH DEDUCTION FOR EMPLOYMENT TAXES.—In the case of a taxable year beginning in 2012, subparagraph (A) of subsection (b)(2) shall be applied as if it read as follows:

“(A) the sum of—

“(i) 59.6 percent of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined after the application of this section) on so much of self-employment income (as defined in section 1402(b) of such Code) as does not exceed the amount of self-employment income described in paragraph (1), plus

“(ii) one-half of the portion of such taxes attributable to the tax imposed by section 1401(a) of such Code (determined without regard to this section) on self-employment income (as so defined) in excess of such amount, plus.”.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(c) RECAPTURE OF EXCESS BENEFIT.—Section 601 of such Act (26 U.S.C. 1401 note), as amended by subsection (b), is further amended by adding at the end the following new subsection:

“(g) RECAPTURE OF EXCESS BENEFIT.—

“(1) IN GENERAL.—There is hereby imposed on the income of every individual a tax equal to 2 percent of the sum of wages (within the meaning of section 3121(a)(1) of the Internal Revenue Code of 1986) and compensation (to which section 3201(a) of such Code applies) received during the period beginning January 1, 2012, and ending February 29, 2012, to the extent the amount of such sum exceeds \$18,350.

“(2) REGULATIONS.—The Secretary of the Treasury or the Secretary’s delegate shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including guidance for payment by the employee of the tax imposed by paragraph (1).”.

(d) TECHNICAL AMENDMENTS.—Paragraph (2) of section 601(b) of such Act (26 U.S.C. 1401 note) is amended—

(1) by inserting “of such Code” after “164(f)”,

(2) by inserting “of such Code” after “1401(a)” in subparagraph (A), and

(3) by inserting “of such Code” after “1401(b)” in subparagraph (B).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to remuneration received, and taxable years beginning, after December 31, 2011.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (d) shall take effect as if included in the enactment of section 601 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

## **TITLE II—TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS**

### **SEC. 201. TEMPORARY EXTENSION OF UNEMPLOYMENT COMPENSATION PROVISIONS.**

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “January 3, 2012” each place it appears and inserting “March 6, 2012”;

(B) in the heading for subsection (b)(2), by striking “JANUARY 3, 2012” and inserting “MARCH 6, 2012”; and

(C) in subsection (b)(3), by striking “June 9, 2012” and inserting “August 15, 2012”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “January 4, 2012” each place it appears and inserting “March 7, 2012”; and

(B) in subsection (c), by striking “June 11, 2012” and inserting “August 15, 2012”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “June 10, 2012” and inserting “August 15, 2012”.

(4) Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(A) in subsection (d), in the second sentence of the flush matter following paragraph (2), by striking “December 31, 2011” and inserting “February 29, 2012”; and

(B) in subsection (f)(2), by striking “December 31, 2011” and inserting “February 29, 2012”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking “and” at the end; and

(2) by inserting after subparagraph (G) the following:

“(H) the amendments made by section 201(a)(1) of the Temporary Payroll Tax Cut Continuation Act of 2011; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312).

### **SEC. 202. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.**

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312), is amended—

(1) by striking “June 30, 2011” and inserting “August 31, 2011”; and

(2) by striking “December 31, 2011” and inserting “February 29, 2012”.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

## **TITLE III—TEMPORARY EXTENSION OF HEALTH PROVISIONS**

### **SEC. 301. MEDICARE PHYSICIAN PAYMENT UPDATE.**

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

“(13) UPDATE FOR FIRST TWO MONTHS OF 2012.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), and (12)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for the period beginning on January 1, 2012, and ending on February 29, 2012, the update to the single conversion factor shall be zero percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on March 1, 2012, and ending on December 31, 2012, and for 2013 and subsequent years as if subparagraph (A) had never applied.”.

### **SEC. 302. 2-MONTH EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.**

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008

(Public Law 110-275), sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 102(a) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “September 30, 2011” and inserting “November 30, 2011”.

(b) SPECIAL RULE FOR OCTOBER AND NOVEMBER 2011.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including for purposes of the implementation of paragraph (2) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), for the period beginning on October 1, 2011, and ending on November 30, 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 18, 2011 (76 Fed. Reg. 51476), and any subsequent corrections.

(2) EXCEPTION.—In determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall, for the period beginning on October 1, 2011, and ending on November 30, 2011, include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subsections (a) and (b) by not later than December 31, 2012.

### **SEC. 303. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.**

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2012” and inserting “before March 1, 2012”.

### **SEC. 304. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.**

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

### **SEC. 305. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.**

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), section 3104 of the Patient Protection and Affordable Care Act (Public Law 111-148), and section 105 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “and 2011” and inserting “2011, and the first two months of 2012”.

### **SEC. 306. EXTENSION OF AMBULANCE ADD-ONS.**

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “January 1, 2012” and inserting “March 1, 2012”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2012” and inserting “March 1, 2012” each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of Public Law 111-148 and section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking “January 1, 2012” and inserting “March 1, 2012”.

**SEC. 307. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.**

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 107 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended by striking “December 31, 2011” and inserting “February 29, 2012”.

**SEC. 308. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.**

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 108 of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “January 1, 2012” and inserting “March 1, 2012”; and

(B) in the second sentence, by striking “or 2011” and inserting “2011, or the first two months of 2012”; and

(2) in subclause (III)—

(A) in the first sentence, by striking “2009, and” and all that follows through “for which” and inserting “2009, and before March 1, 2012, for which”; and

(B) in the second sentence, by striking “2010, and” and all that follows through “the preceding” and inserting “2010, and before March 1, 2012, the preceding”.

**SEC. 309. EXTENDING MINIMUM PAYMENT FOR BONE MASS MEASUREMENT.**

Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b)—

(A) in paragraph (4)(B), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(B) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(ii) in subparagraph (C), by striking “and 2011” and inserting “, 2011, and the first 2 months of 2012”; and

(2) in subsection (c)(2)(B)(iv)(IV), by striking “or 2011” and inserting “, 2011, or the first 2 months of 2012”.

**SEC. 310. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.**

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2011” and inserting “February 2012”.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (O);

(B) in subparagraph (P), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraphs:

“(Q) for the period that begins on January 1, 2012, and ends on February 29, 2012, the total allocation amount is \$150,000,000.”.

**SEC. 311. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).**

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking “December 31, 2011” and inserting “February 29, 2012”.

**SEC. 312. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.**

Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than under subsections (a)(3) and (b) of section 403 of such Act) shall continue through February 29, 2012, in the manner authorized for fiscal year 2011, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the applicable portion of the second quarter of fiscal year 2012 at the pro rata portion of the level provided for such activities through the second quarter of fiscal year 2011.

**TITLE IV—MORTGAGE FEES AND PREMIUMS**

**SEC. 401. GUARANTEE FEES.**

Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by adding after section 1326 (12 U.S.C. 4546) the following new section:

**“SEC. 1327. ENTERPRISE GUARANTEE FEES.**

“(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) GUARANTEE FEE.—The term ‘guarantee fee’—

“(A) means a fee described in subsection (b); and

“(B) includes—

“(i) the guaranty fee charged by the Federal National Mortgage Association with respect to mortgage-backed securities; and

“(ii) the management and guarantee fee charged by the Federal Home Loan Mortgage Corporation with respect to participation certificates.

“(2) AVERAGE FEES.—The term ‘average fees’ means the average contractual fee rate of single-family guaranty arrangements by an enterprise entered into during 2011, plus the recognition of any up-front cash payments over an estimated average life, expressed in terms of basis points. Such definition shall be interpreted in a manner consistent with the annual report on guarantee fees by the Federal Housing Finance Agency.

“(b) INCREASE.—

“(1) IN GENERAL.—

“(A) PHASED INCREASE REQUIRED.—Subject to subsection (c), the Director shall require each enterprise to charge a guarantee fee in connection with any guarantee of the timely payment of principal and interest on securities, notes, and other obligations based on or backed by mortgages on residential real properties designed principally for occupancy of from 1 to 4 families, consummated after the date of enactment of this section.

“(B) AMOUNT.—The amount of the increase required under this section shall be determined by the Director to appropriately reflect the risk of loss, as well as the cost of capital allocated to similar assets held by other fully private regulated financial institutions, but such amount shall be not less than an average increase of 10 basis points for

each origination year or book year above the average fees imposed in 2011 for such guarantees. The Director shall prohibit an enterprise from offsetting the cost of the fee to mortgage originators, borrowers, and investors by decreasing other charges, fees, or premiums, or in any other manner.

“(2) AUTHORITY TO LIMIT OFFER OF GUARANTEE.—The Director shall prohibit an enterprise from consummating any offer for a guarantee to a lender for mortgage-backed securities, if—

“(A) the guarantee is inconsistent with the requirements of this section; or

“(B) the risk of loss is allowed to increase, through lowering of the underwriting standards or other means, for the primary purpose of meeting the requirements of this section.

“(3) DEPOSIT IN TREASURY.—Amounts received from fee increases imposed under this section shall be deposited directly into the United States Treasury, and shall be available only to the extent provided in subsequent appropriations Acts. The fees charged pursuant to this section shall not be considered a reimbursement to the Federal Government for the costs or subsidy provided to an enterprise.

“(c) PHASE-IN.—

“(1) IN GENERAL.—The Director may provide for compliance with subsection (b) by allowing each enterprise to increase the guarantee fee charged by the enterprise gradually over the 2-year period beginning on the date of enactment of this section, in a manner sufficient to comply with this section. In determining a schedule for such increases, the Director shall—

“(A) provide for uniform pricing among lenders;

“(B) provide for adjustments in pricing based on risk levels; and

“(C) take into consideration conditions in financial markets.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted to undermine the minimum increase required by subsection (b).

“(d) INFORMATION COLLECTION AND ANNUAL ANALYSIS.—The Director shall require each enterprise to provide to the Director, as part of its annual report submitted to Congress—

“(1) a description of—

“(A) changes made to up-front fees and annual fees as part of the guarantee fees negotiated with lenders;

“(B) changes to the riskiness of the new borrowers compared to previous origination years or book years; and

“(C) any adjustments required to improve for future origination years or book years, in order to be in complete compliance with subsection (b); and

“(2) an assessment of how the changes in the guarantee fees described in paragraph (1) met the requirements of subsection (b).

“(e) ENFORCEMENT.—

“(1) REQUIRED ADJUSTMENTS.—Based on the information from subsection (d) and any other information the Director deems necessary, the Director shall require an enterprise to make adjustments in its guarantee fee in order to be in compliance with subsection (b).

“(2) NONCOMPLIANCE PENALTY.—An enterprise that has been found to be out of compliance with subsection (b) for any 2 consecutive years shall be precluded from providing any guarantee for a period, determined by rule of the Director, but in no case less than 1 year.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be interpreted as preventing the Director from initiating and implementing an enforcement action against



an enterprise, at a time the Director deems necessary, under other existing enforcement authority.

“(f) EXPIRATION.—The provisions of this section shall expire on October 1, 2021.”

#### SEC. 402. FHA GUARANTEE FEES.

(a) AMENDMENT.—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by adding at the end the following:

“(C)(i) In addition to the premiums under subparagraphs (A) and (B), the Secretary shall establish and collect annual premium payments for any mortgage for which the Secretary collects an annual premium payment under subparagraph (B), in an amount described in clause (ii).

“(ii)(I) Subject to subclause (II), with respect to a mortgage, the amount described in this clause is 10 basis points of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

“(II) During the 2-year period beginning on the date of enactment of this subparagraph, the Secretary shall increase the number of basis points of the annual premium payment collected under this subparagraph incrementally, as determined appropriate by the Secretary, until the number of basis points of the annual premium payment collected under this subparagraph is equal to the number described in subclause (I).”

(b) PROSPECTIVE REPEAL.—Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended by striking subparagraph (C), as added by subsection (a), effective on October 1, 2021.

(c) REPORT REQUIRED.—Not later than 30 days before the date on which the Secretary of Housing and Urban Development makes a determination under subsection (b)(2), the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

- (1) explains the basis for the determination; and
- (2) identifies the date on which the Secretary plans to make the determination.

### TITLE V—OTHER PROVISIONS

#### Subtitle A—Keystone XL Pipeline

##### SEC. 501. PERMIT FOR KEYSTONE XL PIPELINE.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 60 days after the date of enactment of this Act, the President, acting through the Secretary of State, shall grant a permit under Executive Order 13337 (3 U.S.C. 301 note; relating to issuance of permits with respect to certain energy-related facilities and land transportation crossings on the international boundaries of the United States) for the Keystone XL pipeline project application filed on September 19, 2008 (including amendments).

##### (b) EXCEPTION.—

(1) IN GENERAL.—The President shall not be required to grant the permit under subsection (a) if the President determines that the Keystone XL pipeline would not serve the national interest.

(2) REPORT.—If the President determines that the Keystone XL pipeline is not in the national interest under paragraph (1), the President shall, not later than 15 days after the date of the determination, submit to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Rep-

resentatives, and the minority leader of the House of Representatives a report that provides a justification for determination, including consideration of economic, employment, energy security, foreign policy, trade, and environmental factors.

(3) EFFECT OF NO FINDING OR ACTION.—If a determination is not made under paragraph (1) and no action is taken by the President under subsection (a) not later than 60 days after the date of enactment of this Act, the permit for the Keystone XL pipeline described in subsection (a) that meets the requirements of subsections (c) and (d) shall be in effect by operation of law.

(c) REQUIREMENTS.—The permit granted under subsection (a) shall require the following:

(1) The permittee shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the United States facilities.

(2) The permittee shall obtain all requisite permits from Canadian authorities and relevant Federal, State, and local governmental agencies.

(3) The permittee shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, operation, and maintenance of the United States facilities.

(4) For the purpose of the permit issued under subsection (a) (regardless of any modifications under subsection (d))—

(A) the final environmental impact statement issued by the Secretary of State on August 26, 2011, satisfies all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and section 106 of the National Historic Preservation Act (16 U.S.C. 470f);

(B) any modification required by the Secretary of State to the Plan described in paragraph (5)(A) shall not require supplementation of the final environmental impact statement described in that paragraph; and

(C) no further Federal environmental review shall be required.

(5) The construction, operation, and maintenance of the facilities shall be in all material respects similar to that described in the application described in subsection (a) and in accordance with—

(A) the construction, mitigation, and reclamation measures agreed to by the permittee in the Construction Mitigation and Reclamation Plan found in appendix B of the final environmental impact statement issued by the Secretary of State on August 26, 2011, subject to the modification described in subsection (d);

(B) the special conditions agreed to between the permittee and the Administrator of the Pipeline Hazardous Materials Safety Administration of the Department of Transportation found in appendix U of the final environmental impact statement described in subparagraph (A);

(C) if the modified route submitted by the Governor of Nebraska under subsection (d)(3)(B) crosses the Sand Hills region, the measures agreed to by the permittee for the Sand Hills region found in appendix H of the final environmental impact statement described in subparagraph (A); and

(D) the stipulations identified in appendix S of the final environmental impact statement described in subparagraph (A).

(6) Other requirements that are standard industry practice or commonly included in Federal permits that are similar to a permit issued under subsection (a).

(d) MODIFICATION.—The permit issued under subsection (a) shall require—

(1) the reconsideration of routing of the Keystone XL pipeline within the State of Nebraska;

(2) a review period during which routing within the State of Nebraska may be reconsidered and the route of the Keystone XL pipeline through the State altered with any accompanying modification to the Plan described in subsection (c)(5)(A); and

(3) the President—

(A) to coordinate review with the State of Nebraska and provide any necessary data and reasonable technical assistance material to the review process required under this subsection; and

(B) to approve the route within the State of Nebraska that has been submitted to the Secretary of State by the Governor of Nebraska.

(e) EFFECT OF NO APPROVAL.—If the President does not approve the route within the State of Nebraska submitted by the Governor of Nebraska under subsection (d)(3)(B) not later than 10 days after the date of submission, the route submitted by the Governor of Nebraska under subsection (d)(3)(B) shall be considered approved, pursuant to the terms of the permit described in subsection (a) that meets the requirements of subsection (c) and this subsection, by operation of law.

(f) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing in this section alters the Federal, State, or local processes or conditions in effect on the date of enactment of this Act that are necessary to secure access from private property owners to construct the Keystone XL pipeline.

#### Subtitle B—Budgetary Provisions

##### SEC. 511. SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.

Section 314 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following:

“(e) SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.—

“(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(2) SUPERMAJORITY WAIVER AND APPEALS.—

“(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

“(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.”

#### SEC. 512. PAYGO SCORECARD ESTIMATES.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of “The Temporary Payroll Tax Cut Extension Act of 2011.” This bill is an updated version of H.R. 3630, as amended by the Senate that sends the right message at a critical time for Americans.

At the final hour, with less than three days before millions of Americans decide between whether to buy a toy for their child or turn up their heat, my colleagues on the other side of the aisle have finally recognized the importance of working in a bipartisan fashion to provide a tax break to middle class families, to support the unemployed, and to prevent cuts to the payments Medicare provides to doctors.

It appears returning home and facing constituents who would not be able to pay rent or place food on the table for their families, have caused House Republicans to realize that political posturing impacts the lives of those who can least afford it. I stand firm in my support of measures that will help families and those who are trying their best to weather the challenges caused by this economy.

I supported the measure the Senate passed last Saturday. Although not perfect I believed then as I do now that it would grant the American people the certainty they need as we head into a new year.

The Senate Amendment to H.R. 3630 received overwhelming bipartisan support in the Senate; passing by a margin of 89 to 10. After a period of negotiation, language has been added to provide simplicity for payroll administrators, and mollify my colleagues on the other side.

The Senate version would allow employees to continue to pay a 4.2 percent tax on wages, and the self-employed would be required to pay 10.4 percent; which represents a 2 percentage point cut in taxes.

This tax cut would provide a much-needed boost to the economy as the resulting tax savings could be used for investment, savings accounts, and for the purchase of both goods and services. This kind of commercial activity is what will keep the economy moving.

The Senate Amendment removes onerous unemployment provisions from H.R. 3630. Namely, the provisions that would allow states to test those who apply for unemployment benefits for illegal drugs and a provision that would require a GED, a high school diploma, or attendance in a course to attain a GED prior to being able to qualify for unemployment benefits. These provisions stigmatize the unemployed and penalize those who without benefits may not be able to afford job training.

In addition, the Senate amendment to H.R. 3630 removes a \$300 million special interest provision, which had passed the House. These funds would have only helped a handful of specialty hospitals while cutting billions of dollars in funding from community hospitals. In effect, the Senate Amendment rejected the assault on the elderly, the unemployed, and the middle class that could be found in the original House version.

#### RULES COMMITTEE’S LAST MINUTE CHANGE TO THEIR AGENDA

Earlier this week, the Rules Committee was originally scheduled to convene an emergency meeting at 7:05 p.m. The purpose of their meeting was to discuss a motion to concur with the Senate amendment to H.R. 3630. I arrived at the Rules Committee prepared to give testimony to buttress the two amendments I proposed to the measure and to give my support to the Senate Amendment to H.R. 3630.

The Committee refused to accept my amendments and also refused to accept testimony; to add insult to injury, they delayed the meeting from 7:05 p.m. to 9:15 p.m. Again, I was prepared to speak on the measure and my amendments. To my surprise, the Rules Committee failed to discuss or bring up the motion to concur with the Senate Amendment to H.R. 3630.

It is my belief that something must have occurred prior to and immediately after the 7:05 p.m. meeting that would cause the Republican led Rules Committee to drastically change its agenda.

By 9:15 p.m. Rules began to address a completely different agenda which did not include the Motion to Concur with the Senate Amendment. I am askance by the Committee’s failure to address this issue head on and rather choosing to bend to whatever pressures they received prior to meeting on the Senate amendment.

My amendments would have made it clear that hedge fund managers would finally be required to pay their due share of carried interest; at minimum they would be required to pay the same amount in taxes, as their housekeepers.

In addition my second amendment would have ensured that millionaires would also pay their fair share of taxes. Because of the actions of the Republican led Rules Committee, I never got the opportunity to express my support for these important amendments, nor did I have the opportunity to support the Senate Amendment. This was an unforeseen and drastic change to the agenda.

#### CERTAIN REPUBLICANS NEVER INTENDED TO SUPPORT A PAYROLL TAX CUT

There is little doubt that there have been factions within the Republican Party who never intended to support a payroll tax cut for

middle class Americans. When the idea of a payroll tax cut initially surfaced there was an instantaneous reaction against the idea among certain conservative Republicans. The behavior of the Rules Committee, which changed the agenda at the last minute, is a probable example of these internal disagreements. Why else would they fail to bring forth the Motion to Concur with the Senate Amendment to allow the Full House to decide whether or not the Senate Amendment was the right choice for the American people.

Less than two weeks ago a Tea Party Republican made it clear that he did not support a payroll tax cut. In order to convince him to support H.R. 3630 it seems that other provisions had to be added, provisions like the Keystone Pipeline.

A Tea Party Republican made it clear that “[Republican Leadership] certainly seem to be dragging me kicking and screaming to the ‘yes’ line” Such is the comment of a Member of Congress who wants us all to believe that he was undecided on a payroll tax cut. I wonder how many promises had to be given before the American middle class could have a chance of receiving a much needed cut in taxes.

This Tea Party Republican’s position was also shared by a Senator, who is part of the Senate Republican Leadership. This Senate Republican Leader voted four times against proposals to keep the tax holiday. According to this Republican Leader “We get paid to vote . . .” and he certainly did his duty and voted, he voted against payroll tax cuts for the middle class. These are examples of people who never intended to support a payroll tax cut, if less than two weeks ago they were firmly against this position. In the case of one of the two, commonsense and reason prevailed. In the case of the other, partisan politics and in-fighting appears to have won out, and the middle class will be paying the price.

Washington Republicans, in general, found themselves in a quandary. Should they support a measure that would protect provisions in Medicare, extend unemployment, and provided a payroll tax cut or stick to partisan politics? Washington Republicans apparently did not believe that a break, which would have lowered the payroll tax from 6.2 percent to 4.3 percent, would help job growth next year.

Then there are those, like one Republican Member of Congress, who express a greater concern with not giving the President what some would consider a victory.

The victory would not be for the President, the victory would be for the American people. For the moms and dads who as a result of the payroll cut would be able to buy their child a new pair of shoes, place an additional meal on the table, or pay their rent.

It is not a surprise that those Republicans, who dug their heels into the ground, long before today, are the very Republicans who are allowing the American people to bear the brunt of this stalemate.

As referenced above, the version of H.R. 3630 that passed in the House had a list of poison pills. These nightmare provisions would have harmed not only the health of Americans but the health of the American Economy.

## UNEMPLOYMENT

Republicans targeted the unemployed by slashing 40 weeks of unemployment insurance. Such an action would have negatively impacted the lives of millions of families.

These are the very families who are still struggling under the weight of the worst economic downturn since the Great Depression. The Senate rejected this assault on families and the elderly.

It was clear that our failure to act to support the Senate amendment to H.R. 3630 would have resulted in twenty-two jurisdictions with the highest unemployment rates being the hardest hit these states are: My home state of Texas, Alabama, California, Connecticut, DC, Florida, Georgia, Illinois, Idaho, Indiana, Kentucky, Michigan, Missouri, Nevada, New Jersey, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee and Washington.

According to report released by the Department of Labor just two weeks ago, 3.3 million Americans would lose unemployment benefits as a result of H.R. 3630 compared to a continuation of current law. In my home state of Texas alone, 227,381 people will lose their sole source of income by the end of January.

There is nothing normal about this recession. Republicans seem to want to blame the unemployed for their unemployment. Until it was clear that the American people would not stand behind Republican efforts, House Republicans continued to put in jeopardy tax cuts for the middle class and aid for the unemployed. In this economy the unemployed are not to blame; it is the failure of Republican leadership to bring forth any job creating measures before this house. Currently, there are over four unemployed workers for every available job, and there are nearly 1 million fewer jobs in the economy today compared to when the recession started in December 2007. In our nation's history there has never been so many unemployed Americans without work for such a long period of time. Republicans are clearly out of touch.

For every dollar spent on unemployment insurance, a study found an increase in economic activity of two dollars. According to the Economic Policy Institute extending unemployment benefits could prevent the loss of over 500,000 jobs. Further, a study by IMP AQ International and the Urban Institute found unemployment insurance benefits reduced the fall in GDP by 18.3 percent. This resulted in nominal GDP being \$175 billion higher in 2009 than it would have been without unemployment insurance benefits.

If Congress fails to act before the end of the year, Americans who have lost their jobs through no fault of their own will begin losing their unemployment benefits in January. By mid-February, 2.1 million will have their benefits cut off, and by the end of 2012 over 6 million will lose their unemployment benefits.

We must act now to extend unemployment insurance and remove dastardly provisions related to drugs and education that do nothing more than insult the integrity of the jobless.

Currently, 9.8 million people are receiving unemployment insurance in some form. We have 7 days to act. On December 31, federal unemployment insurance benefits are set to expire, which means nearly 2 million will be

cut off from unemployment insurance early next year if Congress doesn't act now.

And if partisan politics is not to blame, I am not sure what else the issue could be as Congress has never allowed emergency unemployment benefits to expire when the unemployment rate is anywhere close to its current level of 9.1 percent.

## THE IMPACT ON AMERICANS POISON PILLS IN H.R. 3630

The reforms to unemployment and other provisions that we sent over to the Senate, sweeping as they were, may have been lost amid other features of the Republican package.

## DRUG TESTING

Under current law, states are not allowed to deny workers unemployment insurance for reasons other than on-the-job misconduct, fraud or earning too much money from part-time work. H.R. 3630 would have allowed states to screen those who applied for unemployment benefits for illegal drugs. The drug testing requirement in H.R. 3630 is burdensome and onerous.

Unemployment is at its highest in twenty-five years, the economy is in a downward spiral, millions of people are just getting by and the Republicans want to further degrade them.

A worker advocacy group recently described the drug testing element in the House-passed bill, the "most disturbing" part of the Republican unemployment reforms. "Devising new ways to insult the unemployed only distracts from the current debate over how to best restore the nation's economy to strong footing and the discussion over how to best support the unemployed and get them back to work"

No evidence has been presented that the drug testing requirement is necessary because there is no evidence to support that the average person who applies for unemployment insurance is an illegal drug user. The inference that those who need this benefit must be screened for drugs is offensive. Hardworking Americans are depending on a benefit they worked to attain. The Senate amendment to H.R. 3630 removes this offensive provision.

## GED/HIGH SCHOOL DIPLOMA REQUIREMENT

In addition, the Senate amendment does not blame the unemployed for being unemployed. By this I mean, the version of H.R. 3630 which passed the House would deny unemployment benefits to individuals who did not have or were not attempting to attain a high school diploma or a GED.

As supported by House Republicans, H.R. 3630 denies unemployment insurance benefits to the most vulnerable workers, those without a high school diploma or GEDs, if they can't demonstrate they are enrolled in a program leading to a credential.

It is true that workers with less than a high school diploma are unemployed at significantly higher rates than workers with a bachelor's degree (13.2 percent v. 4.4 percent). I understand the rationale behind wanting to advance the skills of our nation's work force.

Frankly, the hardships faced by those who have not attained a GED or high school diploma are indisputable. The labor force participation rate for persons without a high school diploma is 20 percentage points lower than the labor force participation rate for high school graduates. Further, approximately 70

percent of all students graduate from high school, but African-American and Hispanic students have a 55 percent or less chance of graduating from high school.

If this measure had passed as written, without the Senate Amendment, African-Americans and Hispanics who are already the hardest hit by this economic downturn will now lose access to unemployment benefits at a greater rate, solely based upon their educational attainment. This is not fair.

Only 52 percent of students in the 50 largest cities in the United States graduate from high school. That rate is below the national high school graduation rate of 70 percent, and also falls short of the 60-percent average for urban districts across the Nation. Over his or her lifetime, a high school dropout earns, on average, about \$260,000 less than a high school graduate, and about \$1 million less than a college graduate.

I vehemently disagree with how H.R. 3630 chooses to address increasing the skills of our workforce. I do not believe we should blame those who for a variety of reasons were not able to attain a high school diploma or GED.

We should not punish them by excluding them from benefits that they have earned. We should be focused on programs to encourage and retrain our workforce. Programs like those offered by organizations like the National Urban League.

## MEDICAID

My colleagues on the other side in H.R. 3630 singled out Medicare premium increases that would have permanently increased seniors' costs by \$31 billion. The Senate Amendment addresses the Medicare Sustainable Growth Rate, SGR, extending physician payment rates and preventing a 27.4 percent cut through February 29th; and it addresses Medicare and Medicaid Extenders policies through February 29th as well. It also includes a simple extension of TANF through February 29th.

If we do not pass the Senate version of H.R. 3630 this would result in significant changes to Medicaid, threatening healthcare resources for the 60 million people, half of them children that rely on this program to stay healthy.

A block grant for funding or a cap on federal Medicaid spending would increase the cost for states and the low income families who benefit from the program.

Harris County has one of the highest Medicaid enrollment records in Texas. Limits and cuts to Medicaid funds would significantly hurt the citizens of Texas' 18th District. Harris County averages between 500,000 and 600,000 Medicaid recipients monthly, thousands of people who may not have access to healthcare under this budget.

These cuts would hurt the doctors trying to serve soldiers and their families. Just the other day, I was visiting a hospital in Riverside. The doctors and staff were committed to the care of veterans and their families, many of who were suffering from PTSD. The quality of their care could be jeopardized without the "Doc Fix" which would prevent a significant decrease in doctor reimbursements from Medicare and will impact TRICARE as well.

Currently, the Center for Medicare & Medicaid Services has announced plans to delay processing of physician claims in the hope a

fix will soon be enacted, they can only do so until January 17 when they will have to start paying at lower rates with a 27-percent cut. January 17 is the very day the House convenes for the 2nd session of the 112th Congress, which means there will be no opportunity for Congress to pass a fix before the cut kicks in.

If my colleagues on the other side of the aisle continue to block a short term extension, the following will take place: 650,000 physicians and practitioners would see payment delays and a 27-percent cut in payments when payments are made; Over 800 rural hospitals would lose eligibility for "hold harmless" payments that help cover the cost of outpatient hospital services and roughly 90 hospitals would receive payments that do not reflect the competitive wage environment in which they operate; Physical therapists, occupational therapists and speech language pathologists would no longer be allowed to use an exceptions process that protects seriously injured patients from hitting an arbitrary dollar cap on therapy services and halting their access to needed care later in the year; Over half a million (520,000) low-income Medicare beneficiaries would no longer receive financial assistance with their Medicare premiums.

This is an untenable situation to place our veterans, soldiers, their families, and millions of other Americans who rely upon Medicare and the doctors who provided that care.

Again, I want to emphasize that if there is a single federal program that is absolutely critical to people in communities all across this nation at this time, it would be unemployment compensation benefits. Unemployed Americans must have a means to subsist, while continuing to look for work that in many parts of the country is just not there. Families have to feed children.

Personal and family savings have been exhausted and 401(k)s have been tapped, leaving many individuals and families desperate for some type of assistance until the economy improves and additional jobs are created. The extension of unemployment benefits for the long-term unemployed is an emergency. You do not play with people's lives when there is an emergency. We are in a crisis. Just ask someone who has been unemployed and looking for work, and they will tell you the same.

I am committed to producing tangible results in suffering communities through legislation that creates jobs, fosters minority business opportunities, and builds a foundation for the future. We cannot now, or ever, allow partisan politics to keep us from addressing the needs of American families, the unemployed and seniors. I encourage my colleagues on the other side of the aisle to drop these harmful policy riders and support the "Temporary Payroll Tax Cut Continuation Act of 2011."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER laid before the House the following communication from the

Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,  
Washington, DC, December 21, 2011.

Hon. JOHN BOEHNER,  
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (22 U.S.C. 7002), amended by the Division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), I am pleased to reappoint the following individuals to the United States-China Economic and Security Review Commission.

Ms. Carolyn Bartholomew, Washington, DC  
Mr. Jeffrey L. Fiedler, Great Falls, VA  
Thank you for your attention to these appointments.

Sincerely,

NANCY PELOSI,  
House Democratic Leader.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Wednesday, December 21, 2011:

H.R. 515, to reauthorize the Belarus Democracy Act of 2004;

H.R. 1059, to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes;

H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes;

H.R. 1801, to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces;

H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes;

H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

#### APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2011

The SPEAKER. The Chair appoints the following additional conferees on H.R. 3630:

Messrs. LEVIN, BECERRA, VAN HOLLEN, Ms. SCHWARTZ, and Mr. WAXMAN.

The Clerk will notify the Senate of the change in conferees.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills

of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 515. An act to reauthorize the Belarus Democracy Act of 2004.

H.R. 1059. An act to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

H.R. 1540. An act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 1801. An act to amend title 49, United States Code, to provide for expedited security screenings for members of the Armed Forces.

H.R. 2055. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

H.R. 2056. An act to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

#### ADJOURNMENT

The SPEAKER. Pursuant to section 3(b) of House Resolution 493, the House stands adjourned until 1 p.m. on Tuesday, December 27, 2011.

Accordingly (at 10 o'clock and 8 minutes a.m.), the House adjourned until Tuesday, December 27, 2011, at 1 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4386. A letter from the Management Analyst, Department of Agriculture, transmitting the Department's final rule — Implementation of Regulations Required Under Title XI of the Food, Conservation and Energy Act of 2008; Suspension of Delivery of Birds, Additional Capital Investment Criteria, Breach of Contract, and Arbitration (RIN: 0580-AB07) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4387. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4388. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-119, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4389. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-094, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4390. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting Transmittal No. DDTC 11-144, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4391. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-081, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4392. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-130, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4393. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-084, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4394. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-131, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4395. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-110, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4396. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-135, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4397. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-120, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4398. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

4399. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-138, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4400. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-123, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4401. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-087, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4402. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-127, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4403. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-098, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4404. A letter from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Sudanese Sanctions Regulations received December 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4405. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2011-0907; Directorate Identifier 2011-NM-146-AD; Amendment 39-16790; AD 2011-18-08] (RIN: 2120-AA64) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4406. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications in 2012 (RIN: 2900-AO28) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[The following actions occurred on December 22, 2011]*

Mr. KLINE: Committee on Education and the Workforce. Second Semiannual Report on the Activities of the Committee on Education and the Workforce During the 112th Congress (Rept. 112-338). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. Second Semiannual Report on the Activity of the Committee on Small Business During the 112th Congress (Rept. 112-339). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCAS: Committee on Agriculture. Second Semiannual Report on the Activity of the Committee on Agriculture During the 112th Congress (Rept. 112-340). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. Second Semiannual Report of the Activities of the Committee on Veterans' Affairs During the 112th Congress (Rept. 112-341). Referred to the Committee of the Whole House on the state of the Union.

*[Filed December 23, 2011]*

Mr. UPTON: Committee on Energy and Commerce. H.R. 1173. A bill to repeal the CLASS program; with an amendment (Rept. 112-342 Pt. 1). Ordered to be printed.

Mr. BACHUS: Committee on Financial Services. H.R. 2682. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes (Rept. 112-343 Pt. 1). Ordered to be printed.

Mr. BACHUS: Committee on Financial Services. H.R. 2779. A bill to exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act; with an amendment (Rept. 112-344 Pt. 1). Ordered to be printed.

Mr. BACHUS: Committee on Financial Services. H.R. 2586. A bill to refine the definition of swap execution facility in the pro-

visions regulating swap markets added by title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act; with amendments (Rept. 112-345 Pt. 1). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Natural Resources. Second Semiannual Report of the Legislative and Oversight Activities of the Committee on Natural Resources During the 112th Congress (Rept. 112-346). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALL: Committee on Science, Space, and Technology. Second Semiannual Report of Activities of the Committee on Science, Space, and Technology for the 112th Congress (Rept. 112-347). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. Second Semiannual Report of the Activities of the Committee on Transportation and Infrastructure for the 112th Congress (Rept. 112-348). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. Second Semiannual Report of the Activities of the Committee on Oversight and Government Reform for the 112th Congress (Rept. 112-349). Referred to the Committee of the Whole House on the state of the Union.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

*[The following action occurred on December 23, 2011]*

H.R. 1173. Referral to the Committee on Ways and Means extended for a period ending not later than February 1, 2012.

H.R. 2586. Referral to the Committee on Agriculture extended for a period ending not later than February 1, 2012.

H.R. 2682. Referral to the Committee on Agriculture extended for a period ending not later than February 1, 2012.

H.R. 2779. Referral to the Committee on Agriculture extended for a period ending not later than February 1, 2012.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CAMP:

H.R. 3765. A bill to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Natural Resources, Foreign Affairs, Financial Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; considered and passed.

By Mr. FITZPATRICK (for himself, Mr. MEEHAN, and Mr. MCKINLEY):

H.R. 3766. A bill to amend title 18, United States Code, to provide penalties with respect to employers' conduct relating to persons engaging in sexual conduct with children, and for other purposes; to the Committee on Education and the Workforce, and

in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself, Mr. TURNER of Ohio, Mr. ROE of Tennessee, Mr. HUIZENGA of Michigan, Mr. WITTMAN, Mr. WOMACK, Mr. KISSELL, Mr. MICHAUD, Mr. JONES, Mr. MANZULLO, and Mr. FORBES):

H.R. 3767. A bill to grant the Congressional Gold Medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution

By Mr. CAMP:

H.R. 3765.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 7 and Clause 18 of Section 8, of Article 1 of the United States Constitution.

By Mr. FITZPATRICK:

H.R. 3766.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8, Cl. 3; Commerce Clause

Art. I, Sec. 8, Cl. 1; General Welfare Clause

By Mr. MILLER of Florida:

H.R. 3767.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

#### ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 205: Mr. SHERMAN.

H.R. 304: Mrs. NAPOLITANO.

H.R. 750: Mr. GOSAR.

H.R. 835: Mr. CARNEY and Mr. PIERLUISI.

H.R. 1111: Mr. MURPHY of Pennsylvania.

H.R. 1167: Mr. ROSS of Florida.

H.R. 1172: Mr. TOWNS.

H.R. 1219: Mr. GRAVES of Georgia.

H.R. 1351: Mr. TURNER of New York.

H.R. 1513: Mr. COSTELLO and Mr. SHULER.

H.R. 1653: Mr. SHULER.

H.R. 1681: Ms. HANABUSA.

H.R. 1738: Ms. WATERS.

H.R. 1956: Mr. POSEY.

H.R. 1964: Mr. MURPHY of Pennsylvania.

H.R. 1978: Mr. RIVERA and Ms. DELAURO.

H.R. 2090: Mr. ROHRABACHER.

H.R. 2412: Mr. ACKERMAN.

H.R. 2492: Mr. TOWNS and Mr. CARNEY.

H.R. 2524: Mr. McDERMOTT.

H.R. 2529: Mr. KISSELL.

H.R. 3200: Mr. GERLACH.

H.R. 3269: Mr. GRAVES of Georgia, Mrs. HARTZLER, Mr. PETERS, and Mr. CRAVACK.

H.R. 3307: Mr. CLARKE of Michigan.

H.R. 3324: Mr. SMITH of Washington, Ms. WATERS, and Mrs. DAVIS of California.

H.R. 3506: Mr. WELCH.

H.R. 3589: Mr. CARTER and Mr. ROYCE.

H.R. 3608: Mr. BROUN of Georgia.

H.R. 3698: Mr. WOLF, Mr. BROOKS, Mr. LONG, and Mr. BURTON of Indiana.

H.R. 3702: Mr. FARR.

H.R. 3713: Ms. SCHWARTZ.

H.R. 3743: Mr. COHEN.

H.J. Res. 80: Ms. HIRONO, Mr. VAN HOLLEN, and Mr. MURPHY of Connecticut.

H. Res. 489: Mr. FLEMING.

H. Res. 505: Mr. HONDA, Mr. ROYCE, Mr. CROWLEY, and Mr. SMITH of Washington.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 3765, the "Temporary Payroll Tax Cut Continuation Act of 2011," do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

## EXTENSIONS OF REMARKS

### HONORING THE MEMORY OF BENJAMIN GUPTA

#### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 23, 2011*

Mr. QUIGLEY. Mr. Speaker, I rise today to ask that all Members of the House of Representatives join me in honoring the memory of Benjamin Kane Gupta. Ben served the people of the Illinois Fifth District as a staff member for my predecessor Rahm Emanuel in 2007 before going on to work at the U.S. State Department's Global Partnership Initiative. Ben was pursuing Law and Business degrees as a George Washington University graduate student when he died in his sleep Monday. He was 28 years old.

Ben accomplished a lot in his short life. He grew up in Omaha, Nebraska, before attending the Phillips Exeter Academy and Boston University, graduating with degrees in economics and psychology. As a Staff Assistant for Congressman Emanuel he put in long hours staffing the Congressman, serving constituents, and doing whatever was necessary to get the job done. At the State Department, Ben helped bring together public and private resources to solve global economic, health and sustainability challenges.

But the greatest achievement Ben leaves behind is in the memories of those who knew him as a kind and generous spirit who had an incredible work ethic and an infectious sense of humor. When his beloved Red Sox made it to the World Series, he was relentless in his pursuit of tickets not just for himself but for his coworkers as well. He collected every episode of *The Simpsons* and never passed up a trip to Rockland's to get barbeque for the office.

I ask all my colleagues to join me in remembering this dedicated staffer who died too soon but made the most of the time he had. I offer my deepest condolences to his parents Vinod and Bonnie Gupta, his stepmother Laurel Gottesman Gupta, and his brothers Jess and Alex Gupta. Ben will always live on in the hearts and memories of those that knew him best.

### PERSONAL EXPLANATION

#### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 23, 2011*

Mr. SMITH of Washington. Mr. Speaker, on Tuesday, December 13, 2011, I was detained

in a meeting and was unable to be present for a vote in a series of recorded votes. I request the record show that had I been present, I would have voted "no" on rollcall vote No. 917 (on the question of consideration of H. Res. 491).

### H.R. 1540—THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012, DECEMBER 14, 2011

#### HON. MIKE KELLY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 23, 2011*

Mr. KELLY. Mr. Speaker, under the Constitution, Congress has the solemn responsibility to the American people "to provide for the common defense." Congress exercises this responsibility through passage of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. Three guiding principles for this legislation are discussed below.

First, the conference report for H.R. 1540 provides the members of our armed forces with all of the resources necessary to complete their missions in Iraq, Afghanistan, and around the world. The brave men and women who make up our armed forces have a high calling—to protect the American people—and it is incumbent upon us as the Congress to do everything we can to give them the resources they need to get the job done quickly and safely.

Further, this conference report provides military personnel and their families with the support that they need and which is rightfully theirs. Serving as a soldier, sailor, airman, or Marine is no ordinary job, and members of our armed forces as well as their families need to know that no matter what happens here in Washington, DC, there will be no interruption to their pay or benefits as they work night and day to keep us safe.

Lastly, this conference report provides for investment in the future of our nation's security by ensuring that our armed forces are capable of responding to the threats of today and the threats of tomorrow. Our enemies around the world are not standing still; they are actively probing for any weaknesses in our nation's defenses, and we must be vigilant in maintaining both our current capabilities and developing future capabilities. For the sake of our country and our allies who depend on us, we must sustain a strong, flexible, and effective force structure.

The conference report provides authorization for national defense spending in the fol-

lowing amounts: \$554 billion for the base budget and \$115.5 billion for overseas contingency operations, i.e. the war on terrorism. This is a significant reduction in funding from the original House-passed version to comply with the first tier of the Budget Control Act's requirement to cut defense spending by an estimated \$465 billion over ten years. Specifically, this authorized funding has been reduced \$19 billion from the Fiscal Year 2011 National Defense Authorization Act, \$21.8 billion from the House-passed version of the Fiscal Year 2012 National Defense Authorization Act, and \$24.1 billion from President Obama's budget. While our nation's economic plight has forced us all to tighten our belts, we cannot put Americans at risk by engaging in irresponsibly deep cuts to our defense spending that would hollow out our nation's military. This conference report strikes the right balance between the important priorities of reducing wasteful government spending and providing for a strong, robust, national defense.

The conference report also sets forth key policies that will help to ensure the safety of our nation and the effectiveness of our military. A few examples are discussed below.

The conference report provides for new sanctions on entities that engage in financial transactions with the Central Bank of Iran, including other state central banks. The provisions apply to the purchase of petroleum, which is of course one of Iran's key natural resources. The threat from Iran has only grown in recent weeks and months. Iran has continued its relentless drive towards developing nuclear weapons; continued its unceasing promotion of terrorism, including a brazen attempt to assassinate the Ambassador from Saudi Arabia to the United States, on American soil; sought to exert its malign influence over key countries in the region, including the nascent democracy of Iraq; and threatened America's strongest ally in the Middle East, the nation of Israel. Cutting off Iran's access to international financial transactions will help stop Iran from making progress towards any of these harmful goals.

Further, the conference report codifies conscience protections for military chaplains. Chaplains are crucial to the well-being of the members of our armed forces, who rely on them for guidance and spiritual nourishment especially when they are serving overseas. Chaplains shall never be forced to act against their consciences. Accordingly this conference report protects chaplains from being forced to perform same-sex marriages in violation of their conscience or their moral principles.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Lastly, the conference report forbids government funding from being used to transfer or release Guantanamo Bay detainees into the United States. To permit known terrorists to enter the U.S. would create an unacceptable threat to the safety of the American people and the conference report rightly prevents such an unthinkable scenario from occurring.

In short, this conference report provides crucial funding and sets forth key policies to ensure our nation's defense.

I unequivocally urge my colleagues to vote for this important legislation.

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PERSONAL EXPLANATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 23, 2011*

Mr. SMITH of Washington. Mr. Speaker, on Tuesday, December 20, 2011, I was unable to

be present for a series of recorded votes. I request the record show that had I been present, I would have voted: "no" on rollcall vote No. 947 (on the motion to table H. Res. 504), "yes" on rollcall vote No. 831 (on the motion to instruct conferees on H.R. 3630), and "no" on rollcall vote No. 832 (on agreeing to H. Res. 501).



**SENATE—Tuesday, December 27, 2011**

The Senate met at 12 noon and 1 second, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, December 27, 2011.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. REID thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL FRIDAY,  
DECEMBER 30, 2011, AT 11 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 11 a.m. on Friday, December 30, 2011.

Thereupon, the Senate, at 12 noon and 31 seconds, adjourned until Friday, December 30, 2011, at 11 a.m.

# HOUSE OF REPRESENTATIVES—Tuesday, December 27, 2011

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 27, 2011.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

## PRAYER

Reverend Avelino Gonzalez, St. Joseph's Catholic Church, Washington, D.C., offered the following prayer:

Dear Lord, God of history, and our Father:

Culture is that particular form of human endeavor in which mankind elevates to the state of excellence the four dimensions of his personal life: his relationship with his neighbor, with his environment, with himself, and with his transcendent Creator. In doing so, mankind forms the essential values that define not just a nation, but civilization.

Inspire us today, O Lord, through Your Holy Spirit, the men and women that serve this Nation in this House of Representatives, that they may recognize and promote the most noble and authentic of human values. Give this governing body the proper vision of the human person so that all the deliberations today, and always, may elevate the culture of this great Nation and inspire its citizens to moral excellence. We ask this in Your most holy and eternal name.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 493, the Journal of the last day's proceedings is approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 23, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 23, 2011 at 11:16 a.m.:

That the Senate agreed to without amendment H.R. 3765.

Appointment:

The United States-China Economic Security Review Commission.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Friday, December 23, 2011:

H.R. 3765, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

## ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3765. An act to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

## ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 493, the House stands adjourned until 1 p.m. on Friday, December 30, 2011.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House adjourned until Friday, December 30, 2011, at 1 p.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4407. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 16-11 informing of an intent to sign a Memorandum of Understanding Among Australia, Canada, United Kingdom of Great Britain and Northern Ireland; to the Committee on Foreign Affairs.

4408. A letter from the Acting Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "District of Columbia Agencies' Compliance with Fiscal Year 2010 Small Business Enterprise Expenditure Goals", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4409. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's fiscal year 2011 financial report; to the Committee on Oversight and Government Reform.

4410. A letter from the Secretary, Department of Education, transmitting the forty-fifth Semiannual Report to Congress on Audit Follow-up, covering the six month period ending September 30, 2011 in compliance with the Inspector General Act Amendment of 1988; to the Committee on Oversight and Government Reform.

4411. A letter from the Administrator, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4412. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-1232; Directorate Identifier 2011-NM-039-AD; Amendment 39-16873; AD 2011-24-09] (RIN: 2120-AA64) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4413. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524G2-19; -524G2-T-19; -524G3-19; -524G3-T-19; 524H2-19; -524H2-T-19; -524H-36; and -524H-T-36 Turbofan Engines [Docket No.: FAA-2011-1109; Directorate Identifier 2011-NE-33-AD; Amendment 39-16863; AD 2011-23-12] (RIN: 2120-AA64) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4414. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Israel Aircraft Industries, Ltd.) Airplanes [Docket No.: FAA-2011-0716; Directorate Identifier 2011-NM-013-AD; Amendment 39-16858; AD 2011-23-07] (RIN: 2120-AA64) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4415. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. Turboshift Engines [Docket No.: FAA-2011-1159; Directorate Identifier 2011-NE-34-AD; Amendment 39-16864; AD 2011-23-13] (RIN: 2120-AA64) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4416. A letter from the Trial Attorney, Department of Transportation, transmitting

the Department's final rule — Railroad Workplace Safety; Adjacent-Track On-Track Safety for Roadway Workers [Docket No.: FRA-2008-0059, Notice No. 4] (RIN: 2130-AB96) received November 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. ROS-LEHTINEN: Committee on Foreign Affairs. Second Semiannual Legislative Review and Oversight Activities of the Committee on Foreign Affairs for the 112th Con-

gress (Rept. 112-350). Referred to the Committee of the Whole House on the state of the Union.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 835: Mr. TOWNS.

H.R. 1236: Mr. KISSELL.

H.R. 1964: Mr. CHABOT.

H.R. 3400: Mr. LONG, Mr. CONAWAY, and Mr. JOHNSON of Ohio.

H.R. 3581: Mr. FLORES.

H. Res. 490: Mr. KINGSTON, Mr. MANZULLO, Mr. NUGENT, and Mr. HECK.

## EXTENSIONS OF REMARKS

HONORING THE LIFE OF COL.  
WILLIAM M. "MIKE" HIX SR.

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 27, 2011*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor the life of Colonel William M. "Mike" Hix Sr. of Falls Church, Virginia. Col. Hix died November 6, 2011, at the age of 71, and I would like to recognize his distinguished service to our intelligence community and his efforts to combat discrimination within the military.

Col. Hix was born July 1, 1940 in Fort Worth, Texas. He graduated with a B.S. in Chemistry from Texas A&M University in 1962. He and his wife, Mary, relocated to Falls Church in the late 1960s.

During his long career with the U.S. Army, Col. Hix served two tours in Vietnam, earned a M.S. in Operations Research and Systems Analysis from the University of Rochester, and served as deputy staff director of President Carter's Commission on Military Compensation. His last post was executive to the Deputy Chief of Staff for Army Intelligence in 1989. As a reflection on his dedication, skills and valor, he was awarded the Defense Superior Service Medal, the Legion of Merit and a Bronze Star.

He soon began a second career as Senior Analyst and Associate Director of the Arroyo

Center at the RAND Corporation. He contributed to reports on Army personnel functions and Gulf War illnesses, assisted police departments in New Orleans and New York City, and worked to end discrimination against gays in the military. Col. Hix retired from the RAND Corporation in 2006.

He was an active member of Grace Episcopal Church in Alexandria. He leaves behind his wife of 46 years, three children, and a brother.

Mr. Speaker, I ask my colleagues to join me in recognizing the accomplished life of Col. William M. "Mike" Hix Sr., expressing our gratitude to his family for his service to our nation and extending our sympathies for their loss.

TRIBUTE TO DAN TERRELL,  
MAYOR OF MITCHELL, INDIANA

**HON. TODD ROKITA**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 27, 2011*

Mr. ROKITA. Mr. Speaker, it is my great privilege as the representative of Indiana's Fourth District to rise and pay tribute to Mr. Dan Terrell, Mayor of Mitchell, Indiana.

Mayor Terrell is a man of deep civic conviction, a loving father of 6, and a devoted grandfather of 17.

Dan Terrell was born in Mitchell, Indiana, and has remained there his entire life. He has never lost the small town conservative spirit that growing up in the Heartland of America gave him.

Following his retirement from the Canadian Pacific Railroad, Dan Terrell was ready to concentrate fully on helping his hometown overcome challenges that so many small cities and towns have faced: lost businesses, sidewalks that were unsafe or non-existent, infrastructure in total disrepair, drinking water barely able to pass State regulations. During Mayor Terrell's four years in office these, and many other concerns, have not only been addressed but have been corrected. That is leadership.

Besides the tangible accomplishments, his representation of the City as he traveled throughout Indiana offered his constituents a Mayor they could be proud of. A great example of this is the fact that he chaired the Southern Indiana Mayors Roundtable, a convention of all the mayors in Indiana.

His leadership and vision will be truly missed as he leaves the Mayor's office. His love and his devotion for his hometown will continue. Mr. Speaker, it has been a true honor to stand in tribute and offer my thanks to the civic service of Mayor Dan Terrell, one of Indiana's best mayors and my close friend.

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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**SENATE—Friday, December 30, 2011**

The Senate met at 11 and 2 seconds a.m., and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, December 30, 2011.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. REED thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY,  
JANUARY 3, 2012, AT 12 NOON

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Tuesday, January 3, 2012, and will reconvene for the Second Session of the 112th Congress at 12 noon.

Thereupon, the Senate, at 11 and 34 seconds a.m., adjourned until Tuesday, January 3, 2012, at 12 noon.

## HOUSE OF REPRESENTATIVES—Friday, December 30, 2011

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. ROONEY).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 30, 2011.

I hereby appoint the Honorable THOMAS J. ROONEY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Andy Walton, Capitol Hill Presbyterian Church, Washington, D.C., offered the following prayer:

God of time and space, known by many names and sought through many traditions, another calendar draws to a close, yet we are reminded of Your eternal presence.

As this representative body convenes, we remember that Your justice, Your love, Your grace, and Your presence transcend the measure of time and place. You fill these Chambers and the hearts and minds of those who work here, as well as the hopes of the countless people each one represents. Beyond this moment and this place, Your spirit bonds all creation in a tapestry of interdependence, transcending vested interests and personal privilege.

Standing on the threshold of a new year, may we forgive the discord, mistrust, and disappointment of our past, as You have forgiven; and may we receive Your grace-filled future of promise and potential that awaits nothing more or less than our open minds, our loving hearts, and our open arms stretched out to one another and, thus, to You. Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 493, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 493, the House stands adjourned until 11 a.m. on Tuesday, January 3, 2012.

Accordingly (at 1 o'clock and 2 minutes p.m.), the House adjourned until Tuesday, January 3, 2012, at 11 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4417. A communication from the President of the United States, transmitting a letter regarding the designation of Overseas and Contingency Operations/Global War on Terrorism funding; (H. Doc. No. 112—75); to the Committee on Appropriations and ordered to be printed.

4418. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of two officers to wear the authorized insignia of the grade rear admiral (lower half); to the Committee on Armed Services.

4419. A letter from the Deputy Secretary, Department of Defense, transmitting the Department of Defense Inspector General Semiannual Report, April 1, 2011 — September 30, 2011; to the Committee on Armed Services.

4420. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4421. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4422. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Homeless Emergency Assistance and Rapid Transition to Housing: Emergency Solutions Grants Program and Consolidated Plan Conforming Amendments [Docket No.: FR-5474-I-01] (RIN: 2506-AC29) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4423. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4424. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, "Merger De-

cisions 2010", in accordance with Section 18(c)(9) of the Federal Deposit Insurance Act; to the Committee on Financial Services.

4425. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's seventh annual report on Ethanol Market Concentration, pursuant to Section 1501(a)(2) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

4426. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Switzerland (Transmittal No. 01-12) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4427. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 15-11 informing of an intent to sign a Project Agreement with the State of Israel; to the Committee on Foreign Affairs.

4428. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of the Public Service Commission Agency Fund for Fiscal Years 2006, 2007, 2008", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4429. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period April 1, 2011 through September 30, 2011; and the semiannual Management Report on the Status of Audits for the same period; to the Committee on Oversight and Government Reform.

4430. A letter from the Chairman, Federal Communications Commission, transmitting Commission's Fiscal Year 2011 Agency Financial Report; to the Committee on Oversight and Government Reform.

4431. A letter from the Administrator, General Services Administration, transmitting the Administration's Fiscal Year 2011 Agency Financial Report; to the Committee on Oversight and Government Reform.

4432. A letter from the Board Member, Merit Systems Protection Board, transmitting a report entitled: "Blowing the Whistle: Barriers to Federal Employees Making Disclosures"; to the Committee on Oversight and Government Reform.

4433. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Board's semiannual report from the office of the Inspector General for the period April 1, 2011 through September 30, 2011; to the Committee on Oversight and Government Reform.

4434. A letter from the General Counsel, Department of Justice, transmitting the Department's final rule — Civil Monetary Penalties Inflation Adjustment [EOIR Docket No.: 172; AG Order No.: 3309-2011] (RIN: 1125-AA69) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4435. A letter from the Chair, Sentencing Commission, transmitting a letter in response to the directive in Section 107 of the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Comprehensive Iran Sanctions Accountability and Divestment Act of 2010, pursuant to Public Law 111-195, section 107; to the Committee on the Judiciary.

4436. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. arriel 2B Turboshaft Engines [Docket No.: FAA-2011-1031; Directorate Identifier 2011-NE-27-AD; Amendment 39-16871; AD 2011-24-07] (RIN: 2120-AA64) received December 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4437. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30815; Amdt. No. 3454] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4438. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Evansville, IN [Docket No.: FAA-2011-0429; Airspace Docket No. 11-AGL-9] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4439. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30816; Amdt. No. 3455] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4440. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30812; Amdt. No. 3452] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4441. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30813; Amdt. No. 3453] received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4442. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Certification of Part 23 Turbofan- and Turbojet-Powered Airplanes and Miscellaneous Amendments [Docket No.: FAA-2009-0738; Amendment No. 23-62] (RIN: 2120-AJ22) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4443. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Harmonization of Various Airworthiness Standards for Transport Category-Flight Rules [Docket No.: FAA-2010-0310; Amdt. No.:25-135] (RIN: 2120-AJ72) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4444. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Damage Tolerance and Fatigue Evaluation of Composite Rotorcraft Structures [Docket No.: FAA-2009-0660; Amdt. Nos. 27-47, 29-54] (RIN: 2120-AJ52) received December 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4445. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Recurring item exception to the economic performance requirement (Rev. Rul. 2012-1) received December 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4446. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012 Standard Mileage Rates [Notice 2012-1] received December 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4447. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Evaluation of the Quality Improvement Organization Program for Medicare Beneficiaries for Fiscal Year 2008"; jointly to the Committees on Ways and Means and Energy and Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[The following report was filed on December 28, 2011]*

Mr. KING of New York: Committee on Homeland Security. Second Semiannual Report on Legislative and Oversight Activities of the Committee on Homeland Security (Rept. 112-351). Referred to the Committee of the Whole House on the state of the Union.

*[The following report was filed on December 29, 2011]*

Mr. SMITH of Texas: Committee on the Judiciary. Second Semiannual Activity Report of the Committee on the Judiciary of the United States House of Representatives for the Period January 5, 2011 through November 30, 2011 (Rept. 112-352). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Michigan: Permanent Select Committee on Intelligence. Second Semiannual Report of the Activity of the House Permanent Select Committee on Intelligence for the One Hundred and Twelfth Congress (Rept. 112-353). Referred to the Committee of the Whole House on the state of the Union.

*[Submitted December 30, 2011]*

Mr. ROGERS of Kentucky: Committee on Appropriations. Second Semiannual Report on Activities of the Committee on Appropriations During the 112th Congress, First Session (Rept. 112-354). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHUS: Committee on Financial Services. Second Semiannual Report on the Activities of the Committee on Financial Services During the 112th Congress (Rept. 112-355). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. Second Semiannual Report on the Legislative and Oversight Activities of the Committee on Ways and Means During the 112th Congress (Rept. 112-356). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. Second Semiannual Survey of Activities of the House Committee on Rules for the First Session of the 112th Congress (Rept. 112-357). Referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN of Wisconsin: Committee on the Budget. Second Semiannual Activities and Summary Report of the Committee on the Budget Second Quarter 112th Congress (Rept. 112-358). Referred to the Committee of the Whole House on the state of the Union.

Mr. McKEON: Committee on Armed Services. Second Semiannual Report on the Activities of the Committee on Armed Services for the One Hundred Twelfth Congress (Rept. 112-359). Referred to the Committee of the Whole House on the state of the Union.

Mr. DANIEL E. LUNGREN of California: Committee on House Administration. Second Semiannual Report on the Activities of the Committee on House Administration During the One Hundred Twelfth Congress. (Rept. 112-360). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. KELLY introduced a bill (H.R. 3768) to amend the Internal Revenue Code of 1986 to repeal the credit for plug-in electric drive vehicles; which was referred to the Committee on Ways and Means.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Mr. KELLY:  
H.R. 3768.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8—Powers of Congress

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 835: Mr. ADERHOLT.

H.R. 1063: Mr. RANGEL and Mr. DANIEL E. LUNGREN of California.

H.R. 3042: Mr. SCHILLING.

## EXTENSIONS OF REMARKS

A TRIBUTE TO THE LIFE OF DOUG  
MADDOX

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 30, 2011*

Mr. COSTA. Mr. Speaker, today I rise with a heavy heart to pay tribute to the life of my dear friend and celebrated dairyman, Doug Maddox. One of our Nation's most principled and innovative farmers, Doug passed away on December 19, 2011, at the age of 75. Doug's immense impact on the San Joaquin Valley, California, and our Nation will ensure that his legacy lives on for years to come.

Doug was born in Hanford, California, under what he described as "dirt-poor" conditions. From the time he was six years old until he was in college he picked cotton by hand and was an integral part of his family's farm, which was located in Laton, California.

Doug was passionate in everything he did. Although his family did not operate a dairy farm, Doug's entrepreneurial spirit led him to enter the dairy industry after a neighbor gave him a bull calf. Doug's neighbor gave him this bull calf with the condition that Doug attend college. This gift changed Doug's life. By the time he graduated high school, he had two

calves and two heifers. Upon graduating from high school, Doug attended Cal Poly San Luis Obispo where he was an active and dedicated student. Doug left college with 14 cows and 14 heifers.

Doug went on to establish RuAnn and Maddox Dairies in Riverdale, California. The name RuAnn is a combination of his parents' names: Rufus and Annie. Over the years, Doug and his family grew their operation to one of the largest in the Nation. RuAnn and Maddox dairies have over 5,000 registered Holstein cows, with over 12,000 total animals. Doug also farmed 10,000 acres, 5,000 of which included almonds and vineyards, with the remainder used as cropland for the dairy herd.

Doug had an unwavering love for the San Joaquin Valley and was well aware of the issues it faced. Not only did he work tirelessly to ensure the success of his business, he also dedicated his time to ensuring the health of our Valley. He committed time to visit Washington, D.C., to discuss dairy legislation with members of Congress. In addition, Doug advised the Riverdale District School Board, the National Dairy Herd Information Association (DHIA), the California Department of Food and Agriculture State Board, the California Milk Marketing Producer Review Board, and Holstein Association USA. He was past president of both California DHIA and Holstein Associa-

tion USA. Doug also demonstrated his passion for agriculture by mentoring future farmers and leaders.

Doug's many accomplishments did not go unnoticed. He was honored by Cal Poly as an Outstanding Alum in the School of Agriculture. He was also honored by the National Dairy Shrine as the Distinguished Cattle Breeder, by Holstein USA as the Elite Breeder, and as Outstanding Dairy Producer by the World Agriculture Exposition in Tulare, California, one of the largest in the world.

Doug always placed the utmost importance on loyalty and friendship. Through times of adversity, Doug could always be counted on to provide advice and counsel. He is survived by his loving wife Matilda; his four children, Steve, Patrick, Julia, and Liz; and his beloved grandchildren, many of whom are active in the family business.

Doug's unique combination of knowledge, dedication, and resolve remains unmatched. Doug's jovial demeanor will forever be remembered. He was a first class gentleman who always aspired to help his industry, his State, and his country. As we reflect on the relationships Doug formed and the partnerships he made, let us aspire to lead a life like Doug's—one filled with determination, compassion, and love.

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## HOUSE OF REPRESENTATIVES—Tuesday, January 3, 2012

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

January 3, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another year.

We give You thanks, also, for the first session of the 112th Congress and Your sustaining us with Your presence, wisdom, patience, and love. May the positive work done for the benefit of so many millions of Americans be an offering to You and a fulfillment of Your will that all Your children would be loved and cared for.

We ask as well Your forgiveness for the smallness of actions on some occasions and the inability to work together when so many were adversely affected. We know that this is not what You wish for us, not what the American people wish for our Nation, and not what the Members of this people's House have been elected for.

We ask Your blessing now on each Member of Congress that they might be their best selves in representing not only their constituents but also the entire American citizenry. They have taken oaths to do so. Give them the strength and the wisdom to succeed.

We thank You as well for this marvelous forum where the important business of this Nation has been done in the past and will be done in the upcoming second session. May the work being done be guided by Your Spirit.

May all that we do be done for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 493, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1155

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 11 o'clock and 55 minutes a.m.

### HOUSE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the following titles:

December 23, 2011:

H.R. 2055. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

H.R. 3672. An act making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes.

H.R. 3765. An act to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, and for other purposes.

December 31, 2011:

H.R. 1540. An act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

### SENATE BILL APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following date, he had approved and signed the bill of the Senate of the following title.

December 23, 2011:

S. 278. An act to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes.

### SINE DIE ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 493, the Chair declares the first session of the 112th Congress adjourned sine die.

Accordingly (at 11 o'clock and 56 minutes a.m.), the House adjourned.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4448. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Homeless Emergency Assistance and Rapid Transition to Housing: Defining "Homeless" [Docket No.: FR-5333-F-02] (RIN: 2506-AC26) received December 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4449. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Federal Housing Administration (FHA) Appraiser Roster: Appraiser Qualifications for Placement on the FHA Appraiser Roster [Docket No.: FR-5458-F-02] (RIN: 2502-AI96) received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4450. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Animal Food Labeling; Declaration of Certifiable Color Additives [Docket No.: FDA-2009-N-0025] received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4451. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 97 of the Commission's Rules to Facilitate Use by the Amateur Radio Service of the Allocation at 5 MHz [ET Docket No.: 10-98] received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4452. A letter from the Deputy Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule—Universal Service Reform—Mobility Fund [WT Docket No.: 10-208] received December 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4453. A letter from the Director, Defense Security Cooperation Agency, transmitting

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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Transmittal No. 11-43, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

4454. A letter from the Executive Analyst, Department of Health and Human Services, transmitting two reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4455. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2011, pursuant to 5 U.S.C. app.

(Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4456. A letter from the Inspector General, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4457. A letter from the Director, Peace Corps, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2011 through September 30, 2011, pursuant to 5 U.S.C. app.

(Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

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#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1876: Mr. CLARKE of Michigan.

H.R. 3676: Mr. RUSH.

H. Res. 505: Mr. SABLAN, Mr. FALEOMAVAEGA, Mr. BILBRAY, Ms. BORDALLO, Ms. RICHARDSON, Ms. SPEIER, Ms. HANABUSA, and Mr. FILNER.

**EXTENSIONS OF REMARKS**

HONORING DR. FELICIA MOSS  
MAYFIELD

**HON. HENRY C. "HANK" JOHNSON, JR.**  
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 3, 2012*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, Thirty-six years ago a virtuous woman of God accepted her calling to serve in the Educational System in DeKalb County, Georgia; and

Whereas, Dr. Felicia Moss Mayfield began her educational career in teaching, she rose to

the rank of Associate Superintendent for Student Support Services and has served the DeKalb County Public Schools System well and our community has been blessed through her service; and

Whereas, this phenomenal woman has shared her time and talents as a Teacher, Educator, Administrator and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader, a devoted scholar and a servant to all who wants to advance the lives of our youth; and

Whereas, Dr. Mayfield is formally retiring from her educational career today, she will continue to promote education because she is

a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Dr. Felicia Moss Mayfield on her retirement from the DeKalb County Public Schools System and to wish her well in her new endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim December 16, 2011 as Dr. Felicia Moss Mayfield Day in the 4th Congressional District of Georgia.

Proclaimed, this 16th day of December, 2011.

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